COMMUNICATING OFFENSE: THE SORDID LIFE OF LANGUAGE USE

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We encounter offense through various media: an intended facetious remark, a protester’s photographic image of an aborted fetus, an epithet, a stereotypical joke of a minority racial group. People say things that cause offense all of the time. And causing offense can have serious consequences, both personal and professional; the offending party is subject to termination, suspension, or social isolation and public opprobrium. Since the stakes are so high we should have a better understanding of the mechanisms of offense involved in these media and how they work.

In this dissertation I focus on two mechanisms for communicating offense—i.e. racial and ethnic slurs and racial humor. First, I lay out a few distinctions concerning the particular kind of offense being targeted, objective versus subjective offense, and when state involvement might be appropriate for penalizing offensive behavior. Next, I discuss racial slurs and the conditions of their offensiveness. I offer a non-content based view of slurs’ offense, which contradicts the consensus view held by most philosophers of language and linguists working on this issue. Also, I look more closely at a purportedly non-offensive use of slurring language, so-called linguistic appropriation, and determine that appropriated uses are permissible in certain settings only under certain conditions. And finally, I propose
a tri-partite analysis of racial jokes that provides conditions for when they are merely racial, racially insensitive, or racist.
# Table of Contents

**Abstract** .......................................................................................................................... ii  
**Acknowledgements** ......................................................................................................... iv  
**Introduction** ...................................................................................................................... 1  
**Chapter 1 Communicating Offense** ............................................................................... 8  
  1.1 Why Offense? ................................................................................................................. 8  
  1.2 What is Offense? ............................................................................................................. 16  
  1.3 Prohibiting Offense ....................................................................................................... 23  
  1.4 Penalizing Offense ......................................................................................................... 25  
**Chapter 2 Slurring Words** ............................................................................................... 35  
  2.1 Preliminaries .................................................................................................................. 37  
  2.2 Content .......................................................................................................................... 38  
  2.3 Slurs Under Embeddings .............................................................................................. 43  
  2.4 Presupposition .............................................................................................................. 47  
  2.5 Tone ............................................................................................................................... 50  
  2.6 Conventional Implicature Items .................................................................................... 52  
  2.7 Inert Content ............................................................................................................... 58  
  2.8 Slurs as Prohibited Words ............................................................................................ 62  
  2.9 Appropriation ................................................................................................................ 69  
**Chapter 3 Appropriation: Some Linguistic and Social Considerations** ....................... 75  
  3.1 Oppressive Speech ......................................................................................................... 76  
  3.2 Speech and Morality ...................................................................................................... 79  
  3.3 Defining Appropriation ................................................................................................. 82  
  3.4 Prohibitionism ............................................................................................................... 84  
  3.5 Appropriation: For and Against .................................................................................... 91  
    3.5.1 The Bill Cosby View ............................................................................................... 92  
    3.5.2 The Q-Tip View ..................................................................................................... 96  
    3.5.3 The Militant View ................................................................................................. 100
“The little dissatisfaction which every artist feels at the completion of a work forms the gem of a new work.” The sentiment expressed in Berthold Auerbach’s words would appear to extend to graduate students, who finish the sole work that has occupied their time for what seem like countless moments. At least it feels that way for me. Besides the “little dissatisfaction” though there is great satisfaction. Several people are to thank for this feeling of satisfaction. First, I am indebted to my committee for their guidance and advice throughout this journey: My chair and good friend Howard McGary has been a constant source of wisdom during my time at Rutgers. Howard took me in and mentored me from day one, even before I officially started as a graduate student, and for that I am forever grateful. I thank Ernie Lepore for showing me how to write like a professional instead of a graduate student. And also, for suggesting that we read some stuff together, which turned into two publications (and counting). Ishani Maitra, who tirelessly provided feedback on everything I wrote, and in the process made me a sharper thinker. Peter Kivy, who encouraged me and provided crucial support during the dark days of the job market. And finally, Anthony Appiah, who was gracious enough to share some of his precious time with me over the years talking about this and that.

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This dissertation contains a portion that has been published independently. Chapter 2, “Slurring Words” (co-authored with Ernie Lepore) is forthcoming in Nous.
Dr. Laura Schlesinger, popular radio personality and advice guru, got into hot water over the word ‘nigger.’ During a broadcast of her radio show a black woman called in to express anguish and seek advice on how to handle her husband’s lack of support when his friends and family make racist comments around her. Instead of showing sympathy for someone who was obviously distraught, Dr. Laura instead launched into a diatribe about oversensitivity concerning issues of race. In the midst of her tirade, Dr. Laura repeated the word ‘nigger’ at least 10 times, several of them coming after the caller expressed dismay over hearing her use it. Schlesinger justified her use of the word by linking offense to context; she said that it depends on the context and the way in which the word is used to determine if the word, in this case ‘nigger,’ is offensive.

Fox Business host Eric Bolling found himself the target of reproach for a couple of racially insensitive statements of his own. On one occasion Bolling criticized President Obama by tweet, claiming he was “chugging 40s in IRE while tornadoes ravage MO.” Of course the “40s” reference is to 40 oz. malt liquor, which were advertised by and closely associated with rappers. On another occasion Bolling led into a story about Gabon President Ali Bongo Odimba’s visit to the White House—Odimba is regarded by many to be a cruel dictator guilty of human rights violations and corruption—by saying the following: “Guess who’s coming to dinner?

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A dictator.” He then continued with a jab of President Obama, “It’s not the first time he’s had a hoodlum in the hizzouse.” Bolling, who is white, was panned for making what many considered racist remarks. Bolling’s response was a familiar refrain, “We got a little fast and loose with the language and we know it’s been interpreted as being disrespectful and for that, I’m sorry.”

These are just two instances among many where a speaker is charged with saying something inappropriate and offensive. In the first case, Dr. Laura resigned from her show. She felt that her First Amendment rights were being undermined and she wanted to “reclaim” them in a different medium. Others accused of making offensive remarks on air have been suspended or fired. The stakes are high, especially for media personalities; but also for people who work in any position of power. Being charged with making offensive comments, especially racial or gender ones, can bring about severe consequences. In addition to consequences for one’s professional life, there are also consequences for one’s personal life. Thus, it behooves us to understand offensive language, what makes it offensive and on some occasions, racist.

This dissertation is an attempt to do just that. Discussion of offense and offensive language is spread out over four chapters. In chapter 1 I lay out some initial distinctions and concepts that are employed throughout the rest of the work. Section 1 deals with the question, why focus on offense rather than harm? Some may think that using racially offensive language is not only impolite, but immoral. However, it is difficult to see how uses of such language are generally immoral. In

\[ ^3 \text{Ibid.} \]
this section I argue that, though it can be, racially offensive language is typically not harmful; or if it is, the harm doesn’t always amount to much. Further, virtue-theoretic and deontological attempts at characterizing immorality come up short as well. I conclude that although racially offensive language may not always be harmful, the offense it causes is widespread and serious enough to warrant our concern.

In section 2 I discuss what I mean by ‘offense.’ First, I embrace Graham Haydon’s definition of inherent offense as that which tends to offend normal human sensibilities. I then distinguish between two types of offense: offenses to the sense and offenses to the mind. The former tend to cause disgust or unpleasantness to one’s sight, hearing, smell, touch, etc. The latter offense, i.e. offenses to the mind, generally arises due to some transgression of a social or moral rule. Typically, some sort of judgment by the offended party is present. The distinction is not meant to be a definitive one—there certainly is overlap between the two types—but it provides a useful line of demarcation that allows us to continue with the discussion. The section is concluded by a discussion concerning the normativity of offense. There is a sense in which people should or should not be offended by something. I argue that a person should be offended by an act when it breeches a social norm that any reasonable person would adopt.

Section 3 distinguishes the kind of prohibition the chapter on racial slurs appeals to from legal or moral prohibition. Chapter 2 employs a notion of social prohibition whose violation can give rise to offense. Section 4 goes on to discuss the possibility of legal prohibition of offensive language. It is undeniable that certain
language use can cause great offense. Members of the infamous *WestBoro Baptist Church* undoubtedly caused tremendous pain and anguish while picketing the funerals of fallen U.S. soldiers with signs like “God hates fags.” What can/should be done about events like this?

There are basically two principles our liberal context will allow us to consider. The harm principle states that the only legitimate reason to interfere with another individual's activity is to prevent harm to others. According to the harm principle, the only legitimate reason for prohibiting offensive statements is to prevent harm to a potential target. But the arguments of section 1 deny that offensive speech is harmful, or at least harmful enough to justify prohibition. Thus, if offensive speech can ever be prohibited it would have to be because it meets the second principle, namely the offense principle. According to this principle, it is a good reason in support of criminal prohibition that it would likely be an effective way of preventing serious offense to others. I endorse an enhanced offense principle, one that adopts a reasonableness condition regarding the reactions of the offended. Only actions that are reasonably offensive and meet the conditions of the offense principle—i.e. a balancing of the seriousness of offense with the reasonableness of the actor's behavior—are subject to legal prohibition.

Chapter 2, “Slurring Words,” investigates the question, “what makes slurs offensive?” Any adequate theory of slurs has to account for two phenomena. First, slurs vary in offense. This variation occurs in two ways. Slurs for various groups differ in offense; that is, slurs for some groups are more offensive than slurs for other groups: e.g. ‘nigger’ is more offensive than ‘cracker’; ‘chink’ is more offensive
than ‘wop’; ‘spic’ is more offensive than ‘honkey’. Secondly, there is variation in offense among co-referring slurs: e.g. ‘nigger’ is more offensive than ‘darkie’ or ‘coon’.

The second phenomenon concerns non-offensive uses of slurs. Not all uses of slurs cause offense. Some instances of slur use actually manage to mollify the offense. These uses include certain uses in didactic contexts, perhaps some instances of direct quotation, and most commonly, camaraderie or solidarity uses by in-group members. An adequate view of slurs must explain how these uses are possible.

The consensus among philosophers (and linguists) is that slurs, as a matter of convention, convey negative attitudes. There are a variety of content-based proposals on offer, but they all share in common the idea that offense is located in the content of a slur. This chapter puts forward the argument that slurs’ offense is best explained, not in terms of content, but rather in terms of social prohibition. The claim is simple: use of slurs is prohibited by the relevant group or individuals and it is the violation of this prohibition that causes offense.

Among the many challenges facing a content-based view of slurs is the appropriated use. Returning to Dr. Laura, one of the things she mentions during that ill-fated call is her confusion over the apparently acceptable use of ‘nigger’ by blacks. Schlesinger is puzzled: "I don’t get it. If anybody without enough melanin says it, it’s a horrible thing; but when black people say it, it’s affectionate. It’s very
confusing.”4 Dr. Laura expresses dismay over the seeming double-standard. If black comedians and rappers can use the word with promiscuity, then why can’t she?

An answer to Dr. Laura’s query may not be very difficult to find at all. The good doctor, along with her white compatriots, do not have license to use ‘nigger’ freely because of the very recent history of its use by whites, one that is still all too vivid in the minds of its targets. But this only answers half of her question. The second half of Dr. Laura’s query is not so easily answerable. Chapter 3 takes on a version of her question, namely, when, if at all, is it appropriate for a target of a slur to make appropriated use of it?

The chapter examines three arguments—one against appropriation and two for it. The “Bill Cosby View” argues that because of the word’s history, it is virtually impossible to shed it of its pejoration and should, therefore, not be appropriated. The second view, i.e. the “Q-Tip View” denies the Cosby view’s claim and suggests the slur takes on a meaning of endearment when used by in-group members. This view denies that pejoration is inseparable from the slur. And finally, the “Militant View” agrees with the Cosby view that pejoration is inseparable, but argues that this is a good thing that can be used to challenge the assumptions of abnormality or inferiority associated with the slur. This provides good reason to appropriate slurs. I conclude that all three arguments fall short and in their place offer what I call “Socially Conscious Appropriation.” The view basically states that appropriation is an appropriate response to slurring when it is aimed at subverting the oppressive

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structures associated with it and there is a reasonable expectation for successful subversion.

Finally, chapter 4 deals with cases like the Bolling example mentioned at the beginning of this introduction. Racial humor is used often, both interpersonally as well as in professional settings. And there is no shortage of people who have been spurned by a racial statement interpreted wrongly, badly delivered, or ill-conceived. But judgments about the racial status of a joke have not been based on solid reasoning. Part of the problem is that people usually view racial jokes as being either innocent or racist. I argue in chapter 4 that there is a middle position, i.e. racially insensitive. Not every racially problematic joke should be viewed as racist. This becomes clearer when we realize that a joke’s racial status is not necessarily determined by its content. The context, intentions of the joke-teller and the joke’s potential effect on the audience all play a part in its evaluation. When we take all of this into consideration we end up with a tri-partite distinction: racial jokes are either “merely racial,” “racially insensitive,” or “racist.”

This dissertation addresses some of the issues raised by the two lead examples. It examines the offense of a class of expressions and statements whose aim is to be humorous. I focus mainly on racial offense in particular, but am confident that the views and distinctions made have wider application.
Chapter 1

Communicating Offense

1.1 Why Offense?

On September 15, 2000 radio talk show host Leighton Smith made the following statement concerning boxing legend Muhammad Ali:

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\text{But when you think about it, you know, if you were around at the time and you remember this cocky, this cocky nigger—because that's what he was, at the time—who had a mouth that could utter things like Robin Williams can and defy everybody, that you couldn't dislike him, you know.}^{5}
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Prince Harry was caught in a video referring to a Pakistani cadet as “our little Paki friend.”\(^6\) Radio personality Don Imus called members of the Rutgers Women’s Basketball team “nappy headed hoes.”\(^7\) The use of racist expressions is prevalent in our societies. Racist language shows up in media as well as in the casual conversations of our everyday lives. Kristen Myers (2005) records the following account of a personal conversation between two college-aged people:

\[
\text{Ashley (white) and Stef (white) were driving through a parking lot after finishing their shopping at a Super Wal-Mart. When two Mexicans walked out in front of their car, Stef yelled, “Stop! Don’t hit those Mexicans: it will take weeks to get the grease off the car.”}^{8}
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These examples, only a few among many, demonstrate the ubiquity of racist language in our society. Is this a problem we should devote attention to diminishing?

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5 http://www.bsa.govt.nz/decisions/show/1208
6 http://news.bbc.co.uk/2/hi/uk_news/7822574.stm
or eliminating? I suspect many agree such language is not good and merits some attention. But why should we be concerned with racist language? There are two responses one might have to this question.

First, one might believe we should be concerned with racist language for moral reasons. A good and moral person should want to avoid racist language. This is because there is a strong impulse by many to characterize it as harmful and immoral. As Michael Philips (1984) says, “‘racist’ is a moral pejorative.” Since the language in question is considered racist, it follows from Philips statement that it would be immoral. But what makes it immoral, if it in fact is?

A good place to start is by suggesting it is harmful. There are plenty of people who have described racist language as harmful. One example is found in Richard Delgado (1993),

> Immediate mental or emotional distress is the most obvious direct harm caused by a racial insult. Without question, mere words, whether racial or otherwise, can cause mental, emotional, or even physical harm to their target, especially if delivered in front of others or by a person in a position of authority (93 – 4).

It is probably the case that under certain specified conditions racist language is in fact harmful. Surely, there are situations where such language can bring about harm. John Stuart Mill recognizes the ability of speech to cause harm:

> An opinion that corn dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn dealer, or when handed about among the same mob in the form of a placard. Acts, of whatever kind, which without justifiable cause do harm to others may be...controlled by the unfavorable sentiments, and, when needful, by the active interference of mankind.9

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Mill notes that in certain circumstances some speech can incite harmful actions. Undoubtedly, racist language in these types of situations can be equally explosive. However, such situations are not the norm. I contend that many uses of racist language are either harmless or minimally harmful. If it is harmful, the kind of damage racist language will bring about will have to be psychological, perhaps emotional distress or mental anguish. But it is not obvious being called a ‘chink’ or ‘cunt’ usually causes severe emotional distress in their targets, even though they are probably irritated or annoyed, and definitely offended.\(^\text{10}\) This is an empirical question that has to be addressed by psychologists. And as it currently stands, we have no clear evidence that shows being the victim of a slur causes psychological trauma, at least systematically. Because it is not ordinarily harmful, or at least only minimally so, explaining the immorality of racist language in terms of harm effected will not be a particularly fruitful way to proceed.

Perhaps another way of trying to show that racist language is harmful is to appeal to arguments employed by feminist writers against pornography. According to Feinberg (1985), feminists have given two types of arguments for how violent pornography is harmful. First, it is harmful because it is defamatory towards women. Violent pornography produces harmful beliefs that lower the view of women in its audience. Applying this in the case of racist language, the claim would be that such language produces harmful, demeaning beliefs that lower the view of its target in listeners.

\(^{10}\) I am not denying that racist language \textit{can} cause psychological harm, trauma, distress, and the like (e.g. see Abdullah, 1998; Carter et. Al, 2005; Carter, 2007). I am only suggesting that it is unclear how prevalent these effects are and so cannot be an adequate basis for our inquiry.
In response, one can point out that it is not clear the direction of explanation is correct. Instead of producing low opinions in male viewers, it may be the case that the likely customer of pornography already carries low opinions of women. They are drawn to pornography because it affirms what they already believe. This is certainly true in the case of racist language. If an individual is drawn to racist jokes, for example, then he likely already has some kind of affinity for the racist ideas expressed by them. In fact, it is virtually impossible for him to enjoy the jokes without already sharing certain background knowledge with the joke teller.\footnote{For perspectives on the conditions needed for enjoying a joke, see Cohen (1999) and Kivy (2003).} As a result, it is very unlikely partakers of racist jokes (and racist language in general) develop low opinions of the targets by listening to them.

The second type of argument for pornography being harmful is that it promotes rape and sexual violence, or at least an atmosphere that is conducive to them. Perhaps the argument can be characterized in the following way. Macho values, i.e. overly aggressive, misguided ideals of manliness, are the main source of sexual violence. Pornography’s function is to initiate and reinforce those macho values. Because of this pornography is in effect an indirect cause of sexual violence. Thus, it should be prohibited.\footnote{Feinberg makes a distinction between violent pornography and other types. The former type is meant to be the target of arguments for prohibition.} In the case of racist language, the idea would be that it produces certain attitudes in its audience, thereby creating an environment in which certain racial groups are more susceptible to unjust discrimination and other racist behavior.\footnote{Another feminist argument put forward by people like Catherine MacKinnon (1993), Rae Langton (1993), Jennifer Hornsby (1993), and Ishani Maitra (2009) is that pornography silences and subordinates...} The upshot is that racist language promotes an atmosphere that...
unjustly subjects its target to diminished chances for a good life because of discrimination and possibly violence.

This argument appears to be susceptible to a similar worry presented above concerning the first argument. It may very well be the case that violent pornography is a reflection of macho values instead of a cause of them. Feinberg plausibly argues that potential partakers of violent pornography must already have an appetite for it; otherwise, they would not have the stomach for it. And an appetite is cultivated by the macho values already present in the individual. If this is right, then the pornography in view would be a reflection of macho values rather than a cause of them. Likewise, racist language might appear to be a reflection of already existing racist attitudes and not producers of them. So this argument cannot establish the harmfulness of racist language.

Given the shortcomings of a harm-based approach for answering our query, a different approach involves an appeal to the character of a good or virtuous person, a violation of a moral rule, or failure to render what is owed. According to Rosalind Hursthouse (1991) a rough skeletal framework of virtue theory (VT) takes the following shape:14

(P1) An action is right if it is what a virtuous agent would do in the circumstances.
(P1a) A virtuous agent is one who acts virtuously, that is, one who has and exercises the virtues.
(P2) A virtue is a character trait a human being needs to flourish or live well.

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A virtuous person possesses and exercises the virtues (e.g. charity, courage, honesty, etc.). Presumably, VT says using racist language is to act from a vice rather than a virtue, and as such it is a morally wrong action.

I believe there are at least two reasons to reject this view as an adequate story for why racist language is immoral. First, one could wonder whether VT adequately captures the moral wrongness of a user of such language. Imagine a person who makes a habit of telling crude racist jokes and referring to others by using various racial slurs (perhaps, similar to Walt Kowalski in *Gran Torino*).

Imagine also that this person does not harbor any racist attitudes or beliefs about others; he is just a rather crude person with no patience for social niceties. Surely we might call this person indecent or disrespectful, but would we really want to say his actions are immoral? It is true that making racist references and jokes about others is disrespectful, but there are plenty of ways to show disrespect toward others. And we don’t count as immoral many of these other ways of being disrespectful. For instance, someone who makes a habit of belching or passing gas at the dinner table isn’t acting *immorally* is she? Purposefully failing to shake someone’s hand upon meeting him or her may be disrespectful but it isn’t immoral, is it? Referring to a head of state by her or his first name displays a lack of respect for that person and their office but it is not immoral. I propose that, similarly, making racist jokes and racist references are not, in themselves, immoral, albeit disrespectful. Further, the dispositions in all of these examples may be

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15 One might be inclined to make a distinction between non-moral and moral types of disrespect. Perhaps there are certain types of respect that morality requires. If one were inclined to adopt this kind of story one would still need to provide an explanation of the distinction between the two types. Thanks to Anthony Appiah for this suggestion.
characterized as vices. But acting from these vices cannot be adequately described as immoral. A more accurate description characterizes them as offensive actions (I’ll have more to say about this below).

In addition to the previous problem, VT also faces a different challenge. Although I am inclined to agree that a good and virtuous person is not the type of person who goes around slurring and making racist jokes, we are still left with the question of why that is so. VT does not answer this question, but rather pushes it down the line. It is not a very explanatorily helpful response to say that slurring is immoral because it is not what a virtuous person would do. Even if we add that doing so is to act from a vice, and in doing so one is failing to exhibit the excellences of the species, it is still open for one to ask, “Ok, fine. But why is that immoral?” or “Why should we accept that as being what immorality amounts to?” It seems that VT just isn’t the right sort of view to provide an answer to our initial question.

Another reason people might think of uses of racist language as immoral is because they tend to associate hateful attitudes with them. The concept racism was initially introduced to refer to the hatred the Nazis had towards Jewish people in particular, and non-Aryans generally.16 Racist language, then, comes to be understood as a vehicle for the hateful verbal expressions of bigoted people. Further, people seem to generally think hating other people, especially when it is done for morally irrelevant reasons such as race, is something good and moral people should not do. Thus, racist language, as an expression of hate, is something moral people should not do.

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There are a couple things to say in response. First, it is not entirely clear how we should understand the claim that racist language expresses hate. A familiar refrain from expressivists about evaluative terms, for instance, is that such terms have a hateful attitude associated with them so that uses of them express hatred, even if the speaker does not possess that attitude. But how can a word express a hateful attitude even if the speaker does not possess it? Clearly, certain expressions have come to be associated with hateful uses, and it is also true that we are constrained, in certain ways, in what we can use particular words to express. But why think words semantically express non-cognitive attitudes? Words can surely be used to display contempt for someone, but so can silence. However, no one should be ready to adopt the view that silence, in certain contexts, (semantically) expresses contempt.

There is still another way of trying to show that racist statements are immoral. Instead of appealing to virtues, this view appeals to moral rules. One might characterize racist utterances as instances of treating people as objects rather than as persons. Treating people in this way violates a pretty intuitive moral rule, namely, to treat people as an end rather than as a mere means, which basically amounts to a call to respect individuals as persons. Actions that violate this rule are immoral. Since racist utterances violate this rule, it would follow that those

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17 The idea seems to be that expressive terms semantically express non-cognitive attitudes. Statements containing these expressions are not truth-apt, i.e. neither true nor false. There are well known objections to this view of evaluative expressions but I will not engage them here. For more on criticisms see Jackson and Pettit (1998), Smith and Stoljar (2003), and van Roojen (1996).

18 There are of course several conceptions of the person. For our purposes here, I will assume ‘person’ just means someone who is in some sense autonomous and a full and equal member of the moral community.
utterances are immoral. In essence, slurring constitutes an act of disrespect because it objectifies its target and fails to respect her personhood.

If this characterization is correct, then this view hardly does better than VT since, as already noted not every display of disrespect amounts to immorality. What is needed is a characterization of the purported difference between moral and non-moral disrespectful acts. But this characterization will not be in the form of a moral rule and so will not explain the immorality of these acts in terms of transgressions of a rule.

Since attempts to show that racist language is generally immoral fail, a different reason to be concerned with it is because of its implications for society. Racist language is offensive, and only sometimes grows to the level of the immoral, namely when it is harmful. But even though many instances of it pose no clear moral concerns we still have incentive to address this offensive activity. We are offended by various things for various reasons but there are certain kinds of offense that are extremely annoying, irritating, and even hurtful. These sorts of offenses are widely unwanted, and thus pose a question as to how we deal with them. However, before broaching this subject, something should first be said about how we should conceive of offense.

1.2 What is Offense?

How are we to think of offense? Is it a purely psychological notion that explains the affected person’s mental state? Or is there a more objective sense that allows a person’s reaction to be subject to criticism? In his (2005) Robin Barrow raises the question: “can one give sense to the idea of something being offensive in
itself (269)?” Barrow argues that just as sense can be made of moral objectivity, so too can the notion of objective offense. Just as there are things that are immoral regardless of people’s attitudes, there are also things that are offensive whether people find them offensive or not. The example Barrow uses is a public beheading of an innocent non-combatant. This act is what he calls *quintessentially offensive*, by which I understand him to mean that the act is offensive, by its very nature. That is, the act is not offensive because someone finds it offensive, but its offense is independent of any person’s reaction to it. Barrow claims that if you don’t see the beheading as quintessentially offensive then the term ‘offensive’ just reduces to “the emotivist shriek of distaste.”19 And if that is the case, then he claims debate about the objectivity of offensiveness is meaningless and futile.

I agree with Barrow that simply reducing offense to the personal tastes of the offended creates serious problems for an objective notion of offense. But Barrow’s notion of inherent offense is rather mysterious and unhelpful. Perhaps a more useful characterization is found in Graham Haydon (2006) where he defines *inherent offensiveness* as “what tends to offend normal human sensibilities (21).” The upshot of Haydon’s view is that there are some actions whose offense is not relative to individuals or cultures. But at the same time, offense is not *mind-independent*; it is determined by what a human with normal sensibilities would find offensive.

Haydon’s move to an explanation of inherent offensiveness in terms of normal human sensibilities is not free of its own problems. Defining *normality* is

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19 Barrow (2005), p. 269.
guaranteed to be a contentious project in its own right. Robert Wachbroit (1994) outlines three concepts of normality: statistical, biological, and evaluative. Statistical normality is defined as an average. The normal height, for instance, of a particular population is just the average—mean, median, or mode—of the heights of the members of that population. Clearly, this notion of normality has no application for our discussion.

Biological normality is illustrated, according to Wachbroit, by the statement, “The function of the heart is to circulate the blood.” That is, the biologically normal heart circulates blood. Normality in this sense appears to hue closely to something like biological function, which is a teleological notion. It seems clear though that the biological sense of normality is not the appropriate sense for understanding Haydon’s claim either. The notion of normality that Haydon appeals to carries a suggestion of judgment with it. People with normal human sensibilities will judge actions in a certain way. “Normal human sensibilities” conjures up notions of right thinking, or something along those lines, so the third conception Wachbroit mentions, i.e. evaluative normality, is most appropriate.

Evaluative normality is exemplified by conventional, ethical, institutional, and cultural norms. Wachbroit is content to characterize this notion via ostensive means, but a more descriptive characterization might proceed as follows. Something is evaluatively normal when it is judged to be among an acceptable range of behaviors, practices, attitudes, etc. How that range is determined is a deep question and one I do not look to settle here. But this characterization very clearly

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sets it apart from both the statistical and biological conceptions of normality. As previously mentioned, this conception carries a prescriptive connotation that differs from the other two, and this is the sense that best captures Haydon’s claim.

I am sympathetic to Haydon’s characterization of inherent offense, since it appears to capture the intuitive sense of normality underlying offense. As a result, it will be the sense I employ in uses of the phrase. Is racist language inherently offensive? I believe there are two ways to answer this question. First, Haydon argues that racist language is not inherently offensive. According to him, “the meaning of words is a matter of conventions governing their use (28).” Because conventions are flexible and tend to change over time, what is offensive in one sociocultural setting or time period can cease to be in another. For example, the word ‘bitch’ may be offensive in our current context, but it could come to be inoffensive 10 years from now. Haydon’s main claim is that no word can be inherently offensive.

But there is another aspect of racial slurs that make them candidates for inherent offense. Slurs are used to perform a certain speech act, i.e. an illocutionary act of derogation, which presumably anyone with normal human sensibilities will find offensive. It may be the case that the illocutionary act becomes disassociated with a specific expression over time, but the act itself does not cease to be offensive. Perhaps racist language is, in part, defined in terms of this illocutionary function and is inherently offensive as a class rather than any particular expression. If so, then this class would be inherently offensive. I register my skepticism about this claim.
but whether that is the case or not, Haydon is correct in saying that the words themselves cannot be inherently offensive.

In addition to this distinction, another one is needed to clarify the kind of offense I intend to target in this work. Some things offend by causing disgust or being unpleasant to the eyes, ears, smell, and taste. For example, suppose you are commuting by public transit and happen to share a seat with a person who has not bathed in months. You would likely be disgusted by this person’s odor. The odor is an offense due to an assault on your nostrils, giving rise to an unpleasant and unwanted mental state. We might call offenses of this type offense to the senses.

A different type of offense is illustrated in the following example from Joel Feinberg (1985). You are again traveling by public transit and a man and woman sit down directly across from you. They begin kissing, hugging, petting, and fondling one another, finally culminating in acts of mutual masturbation, coupled with loud moans and explicit instructions. Offenses of this kind are caused by a transgression of some social or moral rule. We can refer to offenses of this type as offenses to the mind. Unlike offenses to the sense which are more widely shared, offenses to the mind give rise to differing phenomenologies. Some things that are offensive to some may not be offensive to others. One way to characterize the difference between the two is to note that offenses to the sense are more descriptive in nature while offenses to the mind are more prescriptive. Explanations of offenses to the sense tend to reflect more the physiological effects of certain stimuli on human beings. In contrast, offenses to the mind reflect evaluative judgments about what should and should not be. These types of offenses are more dependent on the beliefs, attitudes,
principles, etc of the affected individual. My aim in this work is to explore offenses of the mind. I will have nothing to say about offense to the senses.

An important question that arises with discussions about offense—and one whose answer will play a role in the subsequent characterization of offense—has to do with its normative aspects. If something is offensive and an individual fails to find it offensive, then she is failing to see something that is the case. She should find that action offensive. But what does this claim rest on? Well, one way to answer this question is to analyze it in terms of reasons. The fact that something tends to offend persons with normal human sensibilities gives one a reason to find it offensive. Something is offensive if there is a reason that favors having a negative attitude toward it. If you find yourself without the requisite attitude, then you know either you have ill-formed or corrupted sensibilities, or you have failed to recognize the appropriate reason.

This explanation of the normativity of offense is problematic for the simple reason that we still do not have a good answer for why we should regard these judgments from normal human sensibilities as authoritative. Why should anyone find racist statements offensive or not be offended by an interracial couple walking down the street simply because those are (purportedly) the judgments of individuals with normal human sensibilities? It feels as if we are still left with the question, “When should and shouldn’t people be offended by something?”

We should be careful to sort out two different things this question could mean. This question could be understood as a question about what a particular person with particular sensibilities should find offensive. For instance, an individual
who believes interracial relationships are unnatural, immoral, etc. should find two people of different races walking hand in hand down the street offensive. Given this person’s sensibilities, it would be rational, in some sense, to find actions that transgress them odious or unpleasant, that is, if the transgression is perceived as a sufficiently serious one. Offensive, in this sense, is relativized to individuals and their personal sensibilities, beliefs, attitudes, etc. But there is another sense of offense that comes apart from what a particular person, given a particular set of sensibilities finds offensive. On this version, something is objectively offensive in a way that is not relativized to individuals, but is or should be offensive to all. It is this sense that I primarily have in mind in what follows.

There is a further clarification that should also be addressed. In posing the question, “Why should anyone find something offensive because that is the judgment of those with normal human sensibilities?” there are two ways of understanding what is being asked. The question might be about what further reason there is to respect the authority of these judgments. This seems to presuppose that explanations about normativity must ultimately be given in non-normative terms or with appeal to non-normative facts. People like Parfit (2006) and Scanlon (2003) object to this demand, claiming that normativity is sui generis, i.e. normativity is just normativity and cannot be reduced to non-normative facts/properties. They say that people incorrectly conjoin normativity with motivation, which leads to the second way of reading our question, namely, “Why should people be motivated to find offense in some particular act?” You might see the question of motivation as distinct from whether persons have reasons for
finding something offensive. Clearly, an individual can recognize she has a reason to
do $x$ and yet fail to be motivated by that fact. Failing to be motivated by that fact in
no way diminishes the ‘ought-ness’ of what she should do. Given this, we should not
expect issues about motivation to be included in an explanation of normativity.

With these distinctions in mind we can start with a first attempt at a
response to our question. One should objectively be offended by an act when it
breeches a social norm that any reasonable person would adopt. I am using ‘social
norm’ to refer to an implicit rule or standard of behavior that members of a
community recognize and expect to be followed and whose violations often incur a
range of reactions, from displays of disapproval to shunning. The norms a
reasonable person would adopt are ultimately ones that help to protect or secure
desirable social goods. Among those social goods a reasonable person wants
protected is respect. Of course, an explication of ‘reasonable person’ is needed and
for present purposes I simply adopt the characterization outlined in Rawls (1993),
i.e. that the reasonable is associated with “the willingness to propose and honor fair
terms of cooperation” and “the willingness to recognize the burdens of judgment
and to accept their consequences (fn. 1, p 49).”

Reasonableness makes another appearance in what follows with respect to
the possibility of legally prohibiting racist language. But before addressing this
issue it is important to distinguish legal prohibition from the use of ‘prohibition’ in
chapter two. Let us turn our attention to this now.

1.3 Prohibiting Offense
In chapter two the concept of ‘prohibition’ is a central concept. Racist language is taboed or prohibited language. Because of the centrality of the concept it is important to clarify how I intend to make use of it here. By ‘prohibition’ I do not mean legal or moral prohibition. Obviously, racist language isn’t legally proscribed, at least not in the United States, so it is clear that I do not have a legal prohibition in mind. But I also do not mean to signify any moral prohibition either. We certainly do learn prohibitions against referring to people by certain names or saying certain things in ways similar to how we learn not to steal or lie. We learn from our parents and teachers that such language is unacceptable. But unlike moral prohibitions like ‘Do not lie’ or ‘Do not steal’, the grounding prohibitions on racist language aren’t typically moral, but social in nature.

One reason for thinking this is that whereas moral imperatives like “Do not murder” are universally prohibitive, uses of racist language are not. One example may be the use of racist language in fictional contexts. When a novel contains a bigoted character, the author is permitted to put the language of a bigot in his mouth. Or perhaps another example is in a comedic context where the comedian makes use of racist slurs and stereotypes for the sake of humor. Unlike with moral imperatives, both of these examples seem to admit of uses of racist language for non-moral considerations, which means that the prohibitions governing them can be overridden in specific conditions.

Thus, I believe the best way to think of these prohibitions is as social in nature, that is, as politeness norms concerning interaction among community

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21 See chapter 4 for constraints on these types of uses.
members that have arisen over time and have been internalized. Infractions of these norms typically carry non-legal sanctions ranging from mild displays of disapproval to ostracization.

What is the relationship between prohibition and offense? In chapter 2 it is argued that prohibition actually plays a central role in explaining the offense of some types of actions. For instance, certain expressions, i.e. racial slurs, are offensive because prohibited. This may seem like an odd claim since prohibitions generally come about as a response to some disliked behavior. But there really should not be much dismay about this claim. There certainly are examples where the offense of an action is due to prohibition violation. Consider objects set apart for sacred use. There need be nothing special about the object being sanctified for some holy purpose. In fact, these objects are typically quotidian artifacts. However, when they are sanctified, their uses, other than the ones for which they are specially marked, become prohibited. Anyone who breaks this prohibition offends those with the relevant religious sensibilities. Prohibitions on the use of sacred names may also be another example. The point being made here is that offense need not precede prohibition; quite the opposite is possible. Sometimes offense is explained by a failure to respect the relevant prohibition.

1.4 Penalizing Offense

Now that we’ve explored various facets of offense and the nature of the prohibitions involved with racist language we can ask what should, if anything, be done about offensive language. Is there a place for coercive activity on the part of the state? Given liberal assumptions about the importance of liberty and
individuality undergirding this discussion, it makes sense to begin with John Stuart Mill’s harm principle as a guide for justified government interference.

Of course it is not enough that something causes offense to show that it should be regulated. As we have seen, all sorts of things cause offense to different people at different times. For instance, racist bigots were offended by the sight of Freedom Riders frequenting “Whites Only” buses and waiting areas. But this offense was hardly a justifiable basis for outlawing the riders’ activity. In fact, that these people were offended says more about them than the riders’ actions.

No, only certain kinds of offenses warrant any regulatory attention. In his classic On Liberty, Mill argues that “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”22 There is debate about what Mill means by ‘harm’, so for our purposes it is sufficient to adopt the sense that Joel Feinberg attaches to it, namely, that a harm is a wrongful setback of interests.23 Thus it appears, in this statement at least, that Mill is committed to a very strong thesis, namely, that the prevention of harm to others is the only justifiable reason for interfering with another’s activity.24 Mill also favored a very strong presumption in favor of free speech. He states emphatically, “If the arguments of the present chapter are of any validity, there ought to exist the fullest liberty of professing and discussing, as a matter of ethical conviction, any doctrine, however immoral it may be considered.”25

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24 We will see claims by others, in particular Joel Feinberg that question this strong reading.
25 Mill (2005), fn 9, ch. 2.
Given what we’ve encountered from Mill so far, racist speech must be shown to be harmful before it can meet the condition for government interference.

Mill didn’t specifically address racist speech, but he did provide an example of when speech could be prohibited, i.e. the example of the inflammatory speech against the corn dealer presented in section 1. Explosive situations like this one can easily lead to harm at the verbal instigation of an insensitive or malicious speaker. Taking this as the paradigm, are there situations where racist speech can similarly cause harm? I’m quite sure there are but it seems unlikely that these situations are numerous. It seems more likely that racist utterances rarely reach the level of the “powder keg” situation and turn out to be merely offensive. Joel Feinberg sees room in Mill for an additional principle that allows for coercive interference but before discussing it let us look at other proposals.

Some might argue for legal proscriptions on offensive behavior on the basis of a preferred morality. The idea is that sometimes it is morally legitimate to interfere with the actions of others if that behavior is inherently immoral. Now as Feinberg (1988) points out there are various ways of understanding this claim. Pure legal moralism grounds the basis for criminalization of certain actions on their being inherently immoral or evil. For example, so-called ‘harmless immorality’, e.g. an act that does not harm anyone and is done in private so as not to offend, can be the target of legal prohibition on this view. Impure legal moralism, on the other hand, says inherent immoralities can be prohibited because they bring about indirect harm.
I think there are reasons to reject both versions of legal moralism. First, if legal moralism is correct, this gives the state license to prohibit harmless evils. An obvious objection to this view concerns the impracticality of enforcing those prohibitions. The amount of resources that would be needed to enforce laws that prohibit, for example, use of slurs in private conversation would be tremendous. Secondly, attempts to enforce such laws would surely be extremely intrusive and would trample on certain goods we find significantly valuable. And finally, not all purported immoralities are regarded as proper objects of legal prohibition by legal moralists. For example, moralists of a particularly religious stripe would object to outlawing gluttony. But there is no straightforward way of demarcating the line between harmless immoralities that are subject to legal prohibition and others that are not. Thus, the legal moralist does not provide us with a convincing way of justifying legal prohibition of offensive acts.

Instead of basing legal prohibition on claims of immorality, Joel Feinberg (1985) presents a view which appeals to the offensiveness of racist language. Feinberg notes that common practice in U.S. law prohibits offensive acts that fall outside the scope of the harm principle. For example, public nudity isn't discernibly harmful to anyone but it is legally prohibited. To remain consistent with this practice a supplementary principle is needed. Feinberg proposes the following:

*It is always a good reason in support of a proposed criminal prohibition that it would probably be an effective way of preventing serious offense (as opposed to injury or harm) to persons other than the actor, and that it is probably a necessary means to that end.*

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There are things that are so offensive, so unpleasant that it seems reasonable to devise a mechanism to alleviate our anxiety over them. Feinberg’s offense principle purports to offer such a mechanism.

In order to apply the offense principle we must have a way of identifying serious offense. Feinberg proposes two groups of factors that must be weighed against each other in order to justify legal prohibition. One set of factors concerns the seriousness of offense to the offended party—i.e. the extent and duration of offense, how easily people can avoid the offensive act, and whether the risk of being offended was willfully assumed. For example, a private place used for selling sexually explicit materials is easily avoidable and so, less of a candidate for prohibition. Another set concerns the reasonableness of the actor’s behavior—i.e. the value of the act to the actor and its social value in general, the availability of alternate times and places where the act could be performed while causing less offense, and whether the act is performed with spiteful motives. The seriousness of offense is to be weighed against the reasonableness of the actor’s behavior.

I think Feinberg’s offense principle provides a good start for thinking about when the state may be warranted in prohibiting racist language, though it needs a crucial emendation. As stated, Feinberg’s offense principle doesn’t have a mechanism for distinguishing between good and bad sources of offense. What I mean by this is that on his account virtually any offense-causing activity is subject to the weighing process, while in fact there are some actions that, even if they cause offense to some, should not be a part of any balancing at all. Take his example of the interracial couple walking hand-in-hand in the American Deep South. Feinberg
insists that the reasonableness of the activity, when weighed against the scope and intensity of the offense (which in this case isn’t very widespread) would not yield a situation where prohibition is justified. But, in principle, something like interracial dating could be prohibited given the proper weighting, and that just seems wrong.

Feinberg recognizes this worry and addresses it by pointing to the strength of his interest-balancing mechanism. He gives two reasons for not including a reasonableness criterion. One is that it would be “redundant and unnecessary.”

Given the extent of offense standard, it is unlikely an unreasonable disposition to be offended by a particular act would be widespread so as to justify legal interference. Therefore, appealing to a reasonableness standard to insure reasonable acts won’t be legally prohibited is unnecessary.

Feinberg’s response appears plausible, as long as we are dealing strictly with our contemporary attitudes and sensibilities. But it is not difficult to imagine a different social reality where, for instance, a disposition to find interracial dating offensive is widespread. Which dispositions will be widespread or not at a given time is a contingent matter; there is no guarantee things we find perfectly agreeable or good would not be legally prohibited, given the right circumstances. In fact, circumstances in the not-so-distant past were such that being offended by interracial dating was widespread. So Feinberg’s first worry misses the mark.

The second reason Feinberg mentions is a very compelling one. By using the extent of offense standard instead of a reasonableness standard legislators are not put in the position of determining the reasonableness of emotional reactions, which

Feinberg suggests is very dangerous for democracies. He says that a reasonableness standard would “require agencies of the state to make official judgments of the reasonableness and unreasonableness of emotional states and sensibilities, in effect closing these questions to dissent and putting the stamp of state approval on answers to questions which, like issues of ideology and belief, should be left open to unimpeded discussion and practice.” Feinberg is concerned that this type of activity by legislators would be “contrary to liberal principals (37).”

David Shoemaker (2000) offers an interesting response to Feinberg’s claim. He says before answering Feinberg’s charge of illiberalism of the reasonableness standard, an ambiguity must be cleared up first. There are four ways of understanding the target of the state’s evaluation of reasonableness: (a) the reasonableness/unreasonableness of the offended person’s reaction, understood from within a particular worldview; (b) the reasonableness/unreasonableness of the person’s justifications for holding the worldview; (c) the reasonableness/unreasonableness of the worldview itself, i.e. whether it is a logically coherent and consistent way of viewing the world; (d) the reasonableness/unreasonableness of the person’s reasons for legal prohibition of the offending behavior. Shoemaker says that Feinberg is right that the state would be violating liberal principles by engaging in judgments about (a) and (b). However, evaluations of (c) and (d) do not violate those principles, and are therefore permissible for the state.

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Shoemaker argues for the permissibility of evaluations of (c) and (d) on mainly Rawlsian grounds. He notes that for Rawls, “the basic structure of the liberal state is supported through the possibility of agreement among its citizens,” and that it is “constructed through a (hypothetical) overlapping consensus of certain types of comprehensive doctrines.” From these considerations, Shoemaker says, results the acceptability of the basic principles of the state “from the perspective of every (admissible) private comprehensive doctrine (556).” Shoemaker says reasonableness enters at two different points. First, a comprehensive doctrine must itself be reasonable in order to be admissible to the “general agreement situation.” And second, reasonableness arises with respect to public reason. Presentations of justifications for liberty-limiting action by the state must be reasonable. Both of these, Shoemaker claims, allow the state to evaluate reasonableness in the senses of (c) and (d) without violating liberal principles, and therefore posing no danger to democracies as Feinberg claims.

Shoemaker’s argument is plausible and so I will adopt it, adding to Feinberg’s offense principle what Shoemaker refers to as Reasonableness Condition*:

* Arguments for state legislation against offensive actions/events that are unreasonable according to the demands of public reason are to carry no weight in the application of a legislative Offense Principle.30

In order for some offense to be subject to legal prohibition, the seriousness of the offense must outweigh the reasonableness of the offending party’s actions and the
emotional reaction on the part of the offended must meet *Reasonableness Condition*. Thus, racist language that meets these conditions will also be subject to legal prohibition.

Feinberg presents a case that is a potential challenge to the revised view presented above. He provides a case where offense is widespread and intense, there is little to no social or personal value, yet the offensive reaction is unreasonable. In his case, there is a widespread superstitious belief, and because of that belief almost everyone in that community suffers physical damage when confronted by an otherwise innocent action. Feinberg claims that these people have a reasonable claim to legislative prohibition. Feinberg says, “[t]he claim of superstitious people to protection from foreseeable harm is in no way weakened by the objective unreasonableness of their response to the offending conduct.”

Although Feinberg seems to think the harm involved with this example provides a reasonable basis for prohibiting the behavior in question, I do not think it qualifies as harm in his favored sense. According to Feinberg *harm*, as it pertains to the harm principle is the wrongful setback of interests. And since the claim is that the offense actually causes harm to the offended, the action falls under the jurisdiction of the harm principle. But as far as I can tell, the action isn’t wrongful and, therefore, not a harm in the relevant sense. Further, examples like these might actually hew more closely to certain types of offenses to the sense, like his bus cases that involve imbibing sex organs, vomit, and feces. These types of offenses involve certain judgments, like what counts as proper food, yet they result in strong feelings

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of disgust and physical discomfort. Thus, Feinberg’s alleged counterexample appears not to be one in the end.

**Conclusion**

To summarize, we saw that racist language should be discussed generally in terms of offense rather than harm, that it falls under the category of *offenses to the mind*, that prohibition can explain offense, and that racist language should be subject to legal prohibition when it constitutes a serious offense and the offensive reaction meets a reasonableness condition. In the chapters that follow, two specific uses of racist language are investigated, namely racial slurs and racist jokes. The issues discussed in this chapter are assumed in the background throughout the subsequent chapters.
Chapter 2

Slurring Words

Increasingly philosophers (and linguists) are turning their attention to slurs – a lexical category not much explored in the past. These are expressions that target groups on the basis of race (‘nigger’), nationality (‘kraut’), religion (‘kike’), gender (‘bitch’), sexual orientation (‘fag’), immigrant status (‘wetback’) and sundry other demographics. Slurs of a racial and ethnic variety have become particularly important not only for the sake of theorizing about their linguistic distribution adequately but also for the implications their usage has on other well-worn areas of interest. In “Reference, Inference, and The Semantics of Pejoratives,” Timothy Williamson discusses the merits of Inferentialism by looking at Dummett’s treatment of the slur ‘boche.’ Mark Richard attempts to show that, contrary to a commitment to minimalism about truth, one is not conceptually confused in holding that slurring statements are not truth-apt discursive discourses, i.e. statements that are neither true nor false, but still represent the world to be a certain way. Others, like David Kaplan, argue that slurs force us to expand our very conception of meaning. Slurs also rub up against various other issues like descriptivism versus expressivism as well as the semantic/pragmatic divide (cf. Potts). Slurs’ effects on these issues make it difficult to ignore them and still give an adequate theory of

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33 Earlier drafts of this chapter were presented at Oxford University, Universities of Siena, St Petersburg, London, Paris, and Oslo, Washington University, Northwestern and Yale. We thank these audiences. Special thanks go to Jeff King, Karen Lewis, Ofra Magidor, Howard McGary, Jason Stanley, Mathew Stone, and especially John Hawthorne and an anonymous referee for this journal.
language. In this chapter, we will be particularly interested in the potential slurs carry to offend.

Though xenophobes are not offended by slurs, others are – with some slurs more offensive than others.\(^{34}\) Calling an Asian businessman ‘suit’ will not rouse the same reaction as calling him ‘chink’. Even co-extensive slurs vary in intensity of contempt. Christopher Darden once branded ‘nigger’ the “filthiest, dirtiest, nastiest word in the English language” (Kennedy, p.23); we doubt anyone reacts as such to ‘negro,’ yet it too has become a slur. How can words fluctuate both in their status as slurs and in their power to offend? Targeted members themselves are not always offended by confrontations with slurs, for example, so-called appropriated or reclaimed uses (the camaraderie use of ‘nigger’ among African-Americans and ‘queer’ among homosexuals). These various data focus our investigation around three questions:

Why are some confrontations with slurs offensive?

Why do some impact audiences more forcefully than others?

How do targeted members sometimes succeed in mollifying them?

The consensus answer to the first question is that slurs, as a matter of convention, carry negative attitudes towards targeted groups. Since we know so much about how words communicate content, a brief canvass and evaluation of available

\(^{34}\) Slurs normally function as nouns or adjectives, but also as adverbs, in ‘Don’t go postal on me’; grammatical subjects, in ‘Niggers are bad’; parts of determiner phrases, in ‘the wop’ and ‘every spic’, and verbs, in ‘Don’t Jew me’. Given how easy it is to turn nouns into verbs – it’s surprising more aren’t slurs.
explanatory alternatives is appropriate; in particular, do slurs offend audiences because of what they semantically express, presuppose, linguistically display (but not describe), or conventionally implicate? Or are their effects determined by negative tone – i.e. the subjective images they summon? These strategies – whether semantic and not – are committed to the view that slurs (or their uses) get across offensive content; they disagree only over the mechanism of implementation.

The overarching aim in this chapter is to deflate all content-strategies: each, no matter how it is conceived, we will argue, is irrelevant to an understanding of how slurs function and why they offend. The positive proposal, in brief, is that slurs are prohibited words not on account of any content they get across, but rather because of relevant edicts surrounding their prohibition. This raises more than a few pertinent questions we will address below, including how words become prohibited, what’s the relationship between their prohibition and their offense potential, and why is it sometimes appropriate to flout such prohibitions?

2.1 Preliminaries

A relatively wide-spread (though not universal; see Williamson) assumption about slurs is that each has a neutral co-extensive partner.35 For “each such word, there is, or at least perfectly well could be, another that applies to the same person but whose uses do not convey these things” (Hornsby, p.128).

35 People sometimes use a slur to pick out individuals not in the extension of its neutral ‘counter-part’. But this need not be a problem. Shakespeare used ‘lion’ to pick out Richard and ‘the sun’ to pick out Juliet. These are non-literal uses. (More interestingly, some speakers use slurs to target only a subclass of the extension of a neutral ‘counter-part’; Chris Rock tells us he “love[s] black people but...hate[s] niggers” (HBO Special).)
In identifying an intended target, we would never re-use the slur – we would never assert ‘‘kike’ refers to kikes’ – but instead one of its ‘neutral counter-parts,’ perhaps, ‘‘kike’ is a slur that anti-Semites use to refer to Jewish people.’ This datum excludes most derogatory or pejorative expressions from our purview here. Calling someone a ‘thief’ or a ‘prostitute’ can be offensive and even pejorative, but it is not slurring.

Slurs target classes; pejoratives can be more individualized. ‘nigger’ slurs a group; ‘moron’ does not – even though both are pejorative. The apparent presumption is that anyone who uses the N-word slurs all black people, but one who uses ‘moron’ needn’t be slurring every mentally disabled person.

2.2 Content

The distinction between slurs and their neutral counter-parts already selects for investigative purposes the question of whether these co-extensive terms are synonymous. Does ‘nigger’ mean something different from its neutral counter-part ‘African-American’ or the less intense ‘negro’? Usually, when two expressions agree in extension but differ in consequences they are said to differ in meaning. And indeed the consensus is that slurring sentences correspond to bad thoughts whereas neutral sentences do not.

Williamson notes, “xenophobes use sentences in which [a slur] occurs to express complete thoughts, however bad those thoughts are” (Williamson, p.7). Boghossian says, “it would be highly implausible to deny that the word ‘boche’ [a slur for Germans] expresses a concept” (2003, pp.242-43; our emphasis). The
concept corresponding to ‘boche’ is distinct from that for ‘German’, since, Williamson claims, it’s possible to understand ‘boche’ without understanding ‘German’ (2007, p.11). Richard concurs:

...Imagine standing next to someone who uses S as a slur... the racist mutters that building is full of Ss. Many of us are going to resist allowing that what the racist said was true. After all, if we admit its truth, we must believe that it is true that the building is full of Ss. And if we think that, we think that the building is full of Ss. We think, that is, what and as the racist thinks (Richard, pp.3-4).

Blackburn says of slurring sentences that a speaker knows what he is “being asked to think, and it is because [he] know[s] this that [he] find[s] the remark offensive” (Blackburn, p. 148). And, according to Brandom, “the problem with ‘Boche’ and ‘nigger’ is not that once we explicitly confront the material inferential commitment that gives them their content it turns out to be novel, but that it can then be seen to be indefensible and inappropriate” (Brandom, pp.71-72).

In short: the message in these passages is that slurs identify targets via concepts with contents distinct from those expressed by their neutral counter-parts. Is (2) therefore derogatory in a way that (1) is not because the words ‘nigger’ and ‘African-American’ express different concepts?

(1) John is an African-American.

(2) John is a nigger.

Does (2) caste its aspersion because of what it conventionally predicates of its subject?
The literature reveals little about the contents of slurs other than that their uses derogate, demean, insult, belittle, disparage, or diminish.\textsuperscript{36} The generally reliable O.E.D, a catalogue of senses, says no more than that a slur is pejorative, derogatory, debasing, denigrating, disparaging, or that it belittles its target group. This information fails to distinguish ‘nigger’ from ‘spook.’ Still, it does permit us to cull that slurs supplement the meanings of their neutral counter-parts with something pejorative, derogatory, debasing, offensive, or disparaging about their extensions; this requires that ‘nigger’ and ‘African-American’ be co-extensive, with the former predicating more of its target than the latter. This information, however meager, suffices to isolate a flaw in trying to pin the offensiveness of slurring on its predicative content.

Two standard tests for determining whether terms agree in predicative content examine their behavior under denial and negation. Anyone who wants to disagree with what (3) ascribes to Binyamin can do so with a denial, say, by affirming (4).

(3) Binyamin is a Jewish person.

(4) No, he’s not.

\textsuperscript{36} The occasional attribution of derogatory content to slurs leaves unexplained why some are worse than others; why should uses of ‘nigger’ be more offensive than those of ‘kraut’ if both mean their target ‘is despicable’ (Saka, p.121); or ‘is a fit object for derision’ (Blackburn, 1984, p 148)? And why should uses of ‘nigger’ be more offensive than those of ‘spook’ if both mean something along the lines of African-Americans are inferior?
(4), in this context, denies that Binyamin is Jewish, which is what (3) predicates of its subject. If (5) is offensive because of what it predicates of Binyamin, shouldn't we be able to reject its offense by denying it with (4)?

(5) Binyamin is a kike.

But a denial of (5) is no less inflammatory than (5) itself. This critical point about denial obviously extends to negation.

Anyone offended by (5) will also be (modulo the discussion below of metalinguistic negation) be offended by its negation (6).

(6) Binyamin is not a kike.

We conclude that however a slur offends it is not through what it predicates of its subject. Indeed, most informants contend that (6) denies exactly what (3) affirms, which implies that 'Jewish person' and 'kike' agree in predicative content!

Not all theorists agree that the negation of a slurring sentence is derogatory (e.g. Blackburn, p.148; Dummett 2007, p.527; Hornsby, p. 129, Hom, p.31), invoking an alleged non-derogatory use of (7) in their favor.

(7) There are no niggers.

Careful examination of this datum is supposed to establish it as a case of metalinguistic negation (Horn, Ch. 6), as in (8).

(8) John is not good; he's great.
(8), under a meta-linguistic reading, does not ascribe greatness while denying goodness. It registers that, for one reason or another, its speaker refuses to use ‘good’ for John. By analogy, should we conclude that what (9) (and by extension (7)) expresses is a meta-linguistic claim, namely, a refusal to apply the slur ‘nigger’ to anyone?

(9) There are no niggers; there are only African-Americans.

Blackburn says of such sentences they are a way of “disowning the attitude”; Hornsby says they can be used to “convey that ‘nigger’ is not something one calls anyone” (Hornsby p.129); and Dummett, that it’s a way of “repudiating the use of the term” (Dummett 2007, p.527). Properly construed, then, (7) means (10):

(10) The word ‘nigger’ applies to no one.

(Or, “The word ‘nigger’ shouldn’t be used in talking about African-Americans.”)

As a defense of the view that slurs and their neutral counter-parts differ in what they predicate this diagnosis is dubious. First, it doesn’t explain why bona fide denials of pejorative predications are offensive, as in (11).

(11) Tino is no nigger; he’s a spic.

Secondly, it’s not obvious (9) succeeds in withdrawing its slur (cf. Saka, p.124). (12) doesn’t deny John is well-known, so, why assume (4) and (6) withhold their slurs?

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37 Hom (p. 31) endorses the view that “one can correctly discuss important aspects of racism towards Chinese people in uttering sentences like...[a] and [b]”:

(a) There are no chinks; racists are wrong.
(b) Yao Ming is Chinese, but he’s not a chink.
John is not well-known; he’s famous.

If the intent is to reject the use of slurs, (6) and (7) are not recommended. The risk of offense runs high. (That too requires an explanation, one we will proffer below.)

2.3 Slurs under embeddings

A fascinating aspect of slurs tracks their behavior in indirect speech (and other) ascriptions. Normally, utterances can be correctly indirectly reported disquotationally. A use of (13) can be correctly indirectly reported by (14) by merely disquoting (13):

(13) Jacques Chirac visited Norway.

(14) Aaron said that Jacques Chirac visited Norway.

The general principle is: re-use expressions in reporting their first uses. What better insurance for accuracy can someone have in reporting another than to use his words?

By parity, Eric’s offensive use of (15) should be correctly reportable with (16).

(15) A bitch ran for President of the United States in 2008.

(16) Eric said that a bitch ran for President of the United States in 2008.

But (16), as a report of Eric, does not automatically capture his offense, though, interestingly, it guarantees an offense by whoever is reporting him. It’s compatible

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38 As we will see below, it’s not clear (10) is inoffensive.
with all that (16) reveals that, although whoever uses it slurs women with his use of ‘bitch’, Eric never would. That is, the truth of (16) is compatible with Eric having uttered (17).

(17) A woman ran for President of the United States in 2008.

Accordingly, employing slurs in indirect report complements is an ineffective means to capturing an original slur by whoever is being reported: *whatever offense the report commits is endorsed only by the reporter*. What’s gone wrong? We expect our indirect reports of others to be of others, not of ourselves.

Schlenker (2003, p.43) disagrees with our assessment, locating a reading in (18) under which what’s being reported is John’s offense.

(18) I am not prejudiced against Caucasians. But John, who is, thinks/claims that you are the worst honky he knows.

We deny that (18) succeeds in attributing any particular slur to John; It certainly doesn’t require John to have used the word ‘honky.’ We credit any appearance of a transfer of its slur from the reporter to John to a conversational implicature: an inclination to pin the offense of the indirect report in (18) on John is due to the unlikelihood someone would use (18) as a correct report of John’s utterance of (19).

(19) You are the worst of all the useless Caucasians I know.

39 *Contra* Richard (p. 49), who agrees that (16) fails to capture what (15) says, but only because he holds that (16) needn’t slur at all. Neither we nor any of our informants can retrieve his inoffensive reading without the addition of some special marking.
(18) alone doesn’t guarantee John slurred; it is compatible with his having uttered
(19) and his reporter, a xenophobe, insisting on using ‘honky.’

Even (20), with its explicit attribution of an offense, doesn’t semantically
require (but merely conversationally encourages us to infer) that John slurred. (20)
is compatible with John having uttered (21), which a xenophobe might opt to report
with (20).\footnote{One might find it difficult to attribute such a report to a xenophobe. However, this may be due to an ambiguity in the use of ‘offensively.’ On one reading, the offense turns on the subjective state of the speaker, i.e. she experiences a disliked mental state. On another reading, however, the speaker merely recognizes some course of action would likely bring about the occurrence of a disliked mental state in someone else. It is perfectly reasonable to think a xenophobe, though not personally offended, could recognize an act as causing offense in others.}

(20) John rather offensively said that Jim is a spic.

(21) Jim is one of those inferior Latinos.

(21), though offensive in virtue of its content, doesn’t slur Latinos.

This result about the limits of indirect reporting is significant: even if a slur
does carry offensive content conventionally, we cannot capture it in reporting
another’s use of one!\footnote{We can ascribe the use of a particular slur to another with direct quotation of course, as in:
\begin{itemize}
  \item[(d)] John shockingly said the word ‘nigger’.
  \item[(e)] John shockingly said the N-word.
\end{itemize} Note, though, that even in directly quoting a slur we risk being offensive; reporters preferably replace mentioned slurs with descriptions, as in:}

Does this mean the offense of others’ slurring uses is
ineluctable? Does it mean that though we can recognize their offenses, we cannot
re-express them? That is a surprising result.

Along the same lines, note that slurring is non-displaceable: a current use of a
slur cannot be employed to discuss a past or future use without incurring a current
infraction (cf. Cruse, Ch.12). Someone who once used 'kike' in discussing Jewish people cannot use the slur to try to discuss prior offenses without incurring a current one, as in (22):

(22) I used to think kikes were bad.

No reading of (22) conveys only a past offense. Its offense cannot be interpreted as within the scope of their tenses. Slurs are paradigms of non-displaceability. The contribution of 'bitch' in (16) is attributable to its user, not to Eric.

(16) Eric said that a bitch ran for President of the United States in 2008.

The speaker, in uttering (16), affirms not only that Eric said a woman ran for President in 2008, but does so in such a manner that the speaker, then and there, offends women.

It is too hasty to conclude on the basis of these data that no content-based strategy can explain the offensive nature of slurring. After all, content can be communicated in conversational contexts not just through what gets expressed or said. We must consider the possibility that somehow or other the offense of a slurring sentence like (5) is communicated – as a matter of convention – or encoded alternatively. But before moving on to this suggestion, we want to register a vital caution.

Likewise, for the future, “If you call me [by my first name] one more time...I’ll call you ‘nigger’” (Kennedy, p. 72).

We see the same effect within the scope of adverbial quantification. The offense of “Whenever Bob goes to the movies, some spic sits in front of him” is localized to its time and place of utterance; not to occasions when Bob goes to the movies.
In academic discussions and in the quiet of a study, it’s easy to convince oneself that particular uses of slurs are inoffensive. This chapter couldn’t have been written if that were not the case. As a safeguard against such inurnment, we strongly urge you always to ask yourself how a targeted member, perhaps accidentally overhearing you, would react to your usage. You’ll find, as we have, that much of what seems suitable is definitely not.

2.4 Presupposition

Is the offensive content of a slur presupposed? Do felicitous uses of (5), (6), or (23) presuppose potentially offensive content about Jewish people (Schlenker, 2007)?

(5) Binyamin is a kike.

(6) Binyamin is not a kike.

(23) Is Binyamin a kike?

Were an anti-Semite causally to toss one of these sentences into a conversation, is he, in normal circumstances, presuming his audience will go along with him about Jewish people? If so, it would account for the troublesome behavior of slurs within the scope of negation and inside interrogatives (and modals and conditionals). It would also explain the silent treatment slurs receive, that is, why most of us refuse

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44 Whether presupposition is best construed semantically or pragmatically doesn’t matter for our discussion; what does matter is whether a notion of content is in play that accounts for the offensive nature of slurs. And so we will try to remain as neutral as we can on the debate over whether presupposition is a semantic or pragmatic phenomenon. However, regardless of how that debate plays out, our criticisms stick.
to ascribe truth-values to slurring sentences\textsuperscript{45,46} – as if evaluating them straightforwardly automatically commits us to some presuppositional content we reject. Maybe this is why assertions of sentences like (5) and (6), and queries like (23), leave us feeling entrapped. The situation is even more pernicious; silence in the face of a slur runs the risk of endorsement.

Whatever its attractions, the thesis that slurs presuppose offensive content is vulnerable to a number of objections, the main one of which springs from the fact that, unlike with presupposition, the offense of a slur automatically projects to the \textit{entire} sentence in which it occurs. But not \textit{all} types of complex sentences invariably inherit presuppositions of their components. A conditional does not automatically inherit the presuppositions of its consequent: whereas (24) presupposes (25),

\begin{itemize}
  \item[(24)] He has stopped beating his wife.
  \item[(25)] He once beat his wife,
\end{itemize}

the conditional ‘If he once beat his wife, he has stopped beating her’ does not. But, as both Williamson and Potts observe, “it is less clear that ‘If Germans are cruel, then he is a Boche’ fails to inherit” the offense of ‘Boche’ (Williamson, p.30; cf. also Potts, Ch.5).

\textsuperscript{45} For slurring sentence S, most of us “will not say that S is true: [we] will simply say, ‘I should never say that’ or ‘No one should ever say that’” (Dummett 2002, p.527).

\textsuperscript{46} Many authors insist slurring sentences are false or without truth value (cf., Saka, p.124; Richard, pp.45-46). We are not so sure; nor are we sure why these authors believe that withholding truth-values from slurring sentences would explain their offensive nature. Richard, in denying that sentences like (5) and (6) lack truth-value, insists “we should reject both of these claims” (p.26). But their “outright rejection” (p.61) is no less offensive than their affirmation. See §6.
Though we agree with them about the data, it fails to establish that the pernicious content of a slur is *not* encoded presuppositionally: by and large, the assertibility conditions on indicative conditionals require their antecedents to be possible. If, for example, the presuppositional content of the N-word includes that blacks are inferior on account of being black, then the conditional ‘If blacks are inferior on account of being black, then John is a nigger’ is assertible only if whoever asserts it is committed to its antecedent being possible – and *it’s offensive to presuppose the possibility of this antecedent*. Thus, the presuppositional account is not off the table yet.

A better argument against a presupposition account of slurs is that ‘say’ filters out the presuppositions of its complement clauses (Karttunen). (26) does *not* presuppose (25).

(26)   Frank said that John stopped beating his wife, but John has never beaten his wife.

Whoever utters (26) is not trying to get his audience to go along with the proposition that *John used to beat his wife*. But suppose ‘bitch’ presupposes the proposition *that women are inferior on account of being women*. Were its offensive content encoded presuppositionally, (27) should be inoffensive.

(27)   Eric said that a bitch ran for President of the United States in 2008

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47 Thanks to Jeff King and Karen Lewis for pointing this out.
But women are not offensive or inferior on account of being women.48

Any utterance of (27) risks offending its audience. The point is that slurs manifest a very strong projection behavior, which makes them awfully different from the presuppositions triggered by ‘stop’, ‘the’, ‘also’ and the others. The presuppositions that these expressions create are dischargeable in indirect reports (and elsewhere).

2.5 Tone

Given the failures thus far of content-based strategies, one might wonder whether there isn’t someplace else we should look? Frege distinguished content from tone – the former determines which concept a word expresses, while the latter corresponds only to ‘ideas’ (mental images) associated with a word; “such conversational suggestions make no difference to thought” (Frege 1918-19, p.331).

Unlike conventionalized content, tone is entirely subjective. Two words that disagree in tone can share content, and so, extension; anyone who understands both must “realize that the contributions they make to the truth of the sentences in which they occur are the same” (Picardi, p.509). Might individualized tones distinguish slurs from neutral counter-parts?

No one can deny ‘nigger’ can arouse certain subjective images and feelings in, and suggest other negative evaluations for, us that ‘African-American’ need not. Is this what accounts for the difference in offensive punch slurs carry and neutral counter-parts lack? It can’t be the whole story.

48 One must resist the temptation to read this sentence meta-linguistically; particularly, if we can accurately report on another slurring who speaks a different language. Of course, see §3, we believe that slurs are speaker oriented so that the slurring in (32’) attached to the reporter and not Frank.
Consider a xenophobe who only has a slur for picking out a target group. He may harbor no negative opinions towards its members; he may even use this slur only when intending to compliment or to announce affection, as in (28)-(30); his audience may even take his uses as such, but still they are pertinently offensive.  

(28) Chinks are so much smarter than the rest of us.
(29) He played like a nigger. (Kennedy, p.30)
(30) I love wops; they are my favorite people on earth.

And in the other direction, even if a speaker and his audience attach negative associations to neutral counter-parts like ‘African-American’ (we are sure most racists do!) this cannot establish its uses are offensive.

Tone, by definition, is supposed to function subjectively for speakers and audiences but the difference between ‘nigger’ and ‘African-American’ is not. (“A difference in tone need not, and often cannot, be spelled out by means of a specific description or by adverting to specific pieces of collateral information...” (Dummett 1973, Ch 5).) To square this opposition, discussions of tone and slurs tend to sink into treatments of subjective associations as shared. However, shared associations are on their way to becoming conventionalized, and once conventionalized, they

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49 Ch. 1 of Kennedy is full of illustrations of painful confrontations with racial slurs issued by speakers nonchalantly or in contexts where the intent was to be generous or helpful.
50 “...coloring and shading [i.e. tone] are not objective, and must be evoked by each hearer or reader according to the hints of the poet or the speaker” (Frege 1892, p. 61).
become objective, and then, by definition, they are a part of meaning (and so, no longer are a matter of tone!).\textsuperscript{51}

Note, however, transforming tone into something objective doesn’t require that a slur’s offensive content is asserted, queried, commanded, or presupposed by its uses. To see why, we turn to conventional implicatures (and indirectly expressives\textsuperscript{52}).

\textbf{2.6 Conventional Implicature Items}

Williamson and Potts each attempt to account for the various distributional reflexes of slurs we have been discussing by assimilating them to conventional implicature (CI) items. According to Grice (1961, 1989), (31) and (32), though they differ in meaning, are truth-conditionally equivalent.

(31) John is British \textit{but} brave.

\textsuperscript{51} Frege himself, though he defines tone as subjective, only ever employs examples conventional in nature; he speaks of ‘cur’ as \textit{carrying a negative association} that ‘dog’ does not – suggesting a generally recognized feature of the uses of these two words (Frege 1979, p.140).

\textsuperscript{52} Several authors look to expressive words like ‘Ouch’ and ‘Wow’ for an account of slurs. Expressives don’t so much describe “something which either is or is not the case” (Kaplan, p.8) but rather “display” (Kaplan, p. 9) it; (“slurs are devices used to display contempt” (Richard, p.13)). Expressive words, unlike, say, an expressive hand or facial gesture (Hornsby, p.140), carry objective meaning; they are not mere grunts or groans. Competent speakers must know appropriate uses. Upon bumping into a long lost friend a woman exclaims “Wow!” and thereby, displays her state of wonder. She isn’t asserting or describing her wonder, nor does her use presuppose or pragmatically convey it. Her exclamation is linguistically appropriate only if she is in a state of wonder. The rules of appropriate use are conventionalized; they concern objective meaning, but, still, these meanings contribute along a dimension separate from regular descriptive content; they don’t contribute to truth-conditions. According to Kaplan and Richard, slurs conventionally display attitudes towards their targets:

...the word “honky” is a derogatory term for a Caucasian. Anyone who claims to be using it in a non-derogatory sense is also making a linguistic error (Kaplan, p. 7).

...a word is a slur when it is a conventional means to express strong negative attitudes towards members of a group (Richard, p. 1).

Space limitations preempt elaboration on an expressivist account of slurs; however, since, as we will argue, it suffers the same critical flaws as the conventional implicature account we are about to discuss, we reserve criticism until completing discussion of the latter.
(32) John is British and brave.

(31) draws a contrast between being British and being brave that (32) does not; it is only “implied, as distinct from being stated” (Grice (1961), p. 127; cf. Grice (1989), p.25 and Frege (1918), p.522). The contrast is deemed conventional because anyone who understands 'but' must grasp it. Grice calls the contrast a *Conventional Implicature*.

Since the truth-value of a CI does not affect the truth-value of the entire sentence, the falsity of the contrast in (31) is alleged to be compatible with its truth. The contrast with slurring should be obvious. As Williamson and Potts note, the truth-value of a perpetrated offense does not impact on the truth-value of a slurring sentence. Regardless of your sentiments about the truth of the offense, if John is not African-American, (2) is false.

(2) John is a nigger.

(Opinion varies about whether (2) can be true, but this is irrelevant to the truth or falsity of its offense.)

Further, conventional (unlike conversational) implicatures are, by definition, *detachable*. Even though (31) and (32) are truth conditionally equivalent (according

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53 *An Englishman in Italy who thinks that ‘ma’ is synonymous with ‘and’ and ‘e’ with ‘but’ is mistaken, for ‘e’ is synonymous with ‘and’, not with ‘but’, and ‘ma’ is synonymous with ‘but’, not with ‘and’. Fully to understand a word, one must have some awareness, however explicit, of the conventional implicatures that it generates*” (Williamson, p. 24).

Hom insists upon treating conventional implicatures as pragmatic and not semantic. We suppose he thinks this since if the contrast fails, then (37) is only inappropriate to affirm but not false or without truth value. However, since, according to Grice, the contrast involves aspects of conventional meaning rather than general principles of rational communication, it is semantic.
to Grice), they differ in what they imply. So too, whatever offense (2) potentially carries is not carried by its neutral counter-part (1), even though the evidence supports their truth conditional equivalence.

(1) John is an African-American.

As we saw above, what (1) and (2) assert is not easily teased apart (as evidenced by their behavior under denial and negation).

CI items characteristically generate inferences unchallengeable with objections like 'No, that's not true!' The contrast generated by (31) cannot be rebuked by this sort of objection. Likewise, whatever offense an utterance of (2) generates cannot be challenged by this sort of objection either.

The inferences CI items generate are never cancellable. They cannot be felicitously retracted. Just as an assertion of (31) followed by a denial of the contrast is inappropriate or unacceptable, slurring is likewise never cancellable by denial. An assertion of (2) followed by (33) is unacceptable.

(33) But there is nothing offensive in saying so.

As Williamson emphasizes, to do so “adds hypocrisy to xenophobia” (Williamson, p.20).54

The inferences CI items generate invariably project out: no matter how deeply embedded a CI item is within a sentence, its inference always scopes out.

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54 Potts’ characterization of CI items excludes slurs automatically since they compositionally contribute to what’s asserted. The slur ‘nigger’ cannot be removed from (2) without rendering it ungrammatical.
The felicity of each of (34)-(36) requires a contrast between being British and being brave.

(34) It is false that John is British but brave.
(35) If John is British, but brave, then we are safe.
(36) John might be British, but brave.

Likewise, no matter how deeply embedded a slur is, its offense invariably projects outwards, as in the indirect report (16), the conditional (37), the disjunction (38) and the modal (39):

(16) Eric said that a bitch ran for President of the United States in 2008.
(37) If John is a nigger, then so is Ted.
(38) Either Fred is a spic, or he is not.
(39) Tom might be a chink.

Lastly, just as CIs are, as Grice insists, not ‘calculable’ neither are slurs; the inferences that both underwrite do not depend on what's said, in context, being sufficiently implausible, uninformative, irrelevant or otherwise inappropriate; to understand them is to know immediately what they imply.

These commonalities certainly support Williamson’s and Potts’ conventional implicature proposals. One problem confronting them, however, is that some critics doubt CI items exist. Bach (pp. 339-40; cf. also Carston 2002, 2004), among others, argues that (40) suffices as a complete and accurate indirect report of Frank’s utterance of (31), but (41) does not.
(31) John is British but brave.

(40) Frank said that John is British but brave.

(41) Frank said that John is British and brave.

Bach concludes that if ‘and’ cannot be used in accurately reporting Frank’s utterance of (31), then the contrast is not merely implied, but actually a part of what Frank says, contrary to Grice (pp. 25-26). (He argues the same for other standard candidate CI items, including ‘still’ and ‘even’.) Thus, though ‘but’ projects in many cases, according to Bach, it doesn’t within the scope of ‘say’ (and other attitudinal verbs).

Hom (p. 13) extends Bach’s criticism directly to a CI treatment of slurs. Eric’s utterance of (15), he would say, is incorrectly reported by (48) (but not by (16)).

(15) A bitch ran for President of the United States in 2008.

(16) Eric said that a bitch ran for President of the United States in 2008.

(42) Eric said that a woman ran for President of the United States in 2008.

Though we remain neutral here about Bach’s objection to CI, Hom’s extension of it to slurs is mistaken. Though (42) is inoffensive, while (16) is, its offense, as we emphasized above, is not being attributed to Eric, but rather attaches to whoever is reporting him, and so, its offense is not being ascribed to Eric as part of what he said. Since Hom treats (16) as a correct report of what Eric said with (15), he unwittingly
winds up agreeing with the CI account that its items project out of attitude complement clauses.\textsuperscript{55}

Even if this general skepticism about Grice’s paradigm CI items is justified, however, still there are, undeniably, constructions whose (a) falsity does \textit{not} impact on the truth value of what is said, that (b) \textit{are} perspectival (speaker oriented), (c) scopeless and, (d) whose content is \textit{not} cancellable much like CI items are alleged to be. Among them are non-restrictive relative clauses (“John, whom I like, is Irish”), appositives (“JFK, the president, was assassinated in the 1960’s”) and epithets (“My damn knee is acting up again”). There may be no consensus on their semantics, but it’s obvious they contribute content (cf. Potts 2005 for a semantic proposal of their behavior)). And it is \textit{these} constructions that Potts wants to assimilate slurring to.\textsuperscript{56}

So, is the offense of a slur contributed to a discussion in the same manner as, e.g., a non-restrictive relative clause? When someone slurs is his offense something of an aside? Were this so, though, how can we explain why not every occurrence of a

\textsuperscript{55} Though intuitions here are subtle, we are not sure the point doesn’t extend to ‘but’ as well. Is the reporter or the reportee drawing the contrast according to (46)?

\textsuperscript{56} One problem with this assimilation derives from Potts himself, who argues (Potts et al) that expressive words contribute a dimension of meaning separable from what descriptive words do. One argument for the separation is based on distributional differences, e.g., the distinct behaviors of descriptive vs. expressive words in balanced constructions such as, ‘NP or no NP’, and ‘X and X alone’, as in, “Water or no water – I am not hiking in this heat” and “I’ll talk to the president and the president alone”. These constructions demand strict identity, so strict that even synonymous substitutions induce imbalance, as in, **“Water or no H\textsubscript{2}O – I’m not hiking in this heat” and “I’ll talk to the president and the chief executive alone”. Expressive words, however, are exempt from this restriction, as in, “Water or no fucking water – I’m not hiking in this heat”, or “I’ll talk to the damn president and the president alone.”

On these bases (and others), Potts et al impose an identity requirement on the realization of descriptive contents alone. But if they are right, then the contribution that slurs make is more descriptive than expressive, since the following constructions reflect an imbalance: **“Nigger or no African-American – we are not hiring him” and **“I’ll talk to the wop and the Italian alone.” This critical point extends to every construction Potts et al invoke to separate expressive from descriptive words (e.g., pluractional constructions, ellipsis), suggesting that whatever contribution slurs make it is unlike an expressive.
slur slurs. After all, if its offense is part of its meaning, how can its non-slurring uses exist? We believe this worry about non-slurring uses of slurs extends to any account that pins the offensive potential of a slur on content. If we are right, a CI treatment of slurs cannot be right. Indeed, we go further. We are right, so no content based account can be correct.

2.7 Inert Content

A significant problem for all content-based strategies for accommodating slurs derives from an observation made by, among others, Hornsby, Williamson, and Saka, namely, a general exhortation against the use of slurs *rules out* the possibility of innocent semantic investigation. Obvious semantic disquotational truths like (49) turn out to be offensive (or ‘hostile’ Saka (p.122)).

(43) ‘nigger’ means nigger.

“We have no truck with either the left- or right-hand side” (Hornsby p.130).

Williamson tells us “if one says ‘‘Boche’ means Boche’...one is in danger of using the word ‘Boche’ in its italicized occurrence, not just mentioning it, and thereby of committing oneself to the xenophobic abuse” (Williamson, p.9). He is surely right. But how can a content-based strategy account for its offensiveness?

The fact is that many content properties are simply *inert* inside meaning attributions:

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57 We take as linguistic data occurrences of slurs in certain didactic contexts and so-called appropriations that are non-slurring. For example, the use of ‘fag’ among some members of the gay community or the use of ‘nigga’ and all of its variations among members of the African-American community are appropriated uses that are not received as offensive, at least among its users. We are not claiming, however, that such uses are unequivocally inoffensive. In fact, among the African-American community there is a vocal contingent who opposes any appropriated use of ‘nigga,’ not as a slurring use but for what they consider indirect participation in proliferating racist ideas about Blacks among out-groups.
“but’ means but’ draws no contrast.

“the man’ means the man’ does not presuppose uniqueness.

“ouch’ means ouch’ does not express a state of mind.

The reason for this inertness is not because the words on their right hand sides are (implicitly) mentioned (and not used); we can, after all, substitute synonyms inside meaning attributions.

‘bachelor’ means unmarried man.

How is a content-based strategist going to explain how slurs inside these attributions (ever) have the power to offend if their content properties in such contexts are inert?

This critical point extends even to quotational uses of slurs. Such uses are sometimes as off-putting as regular ones. But quotation famously renders content inert: replacing synonyms inside quotation marks can easily change truth value, as in (50)-(51), even though the quoted expressions are synonymous:

(44) ‘bachelor’ has eight letters.

(45) ‘unmarried man’ has eight letters.

Yet the occurrence of ‘nigger’ in (46) can easily cause alarm and offense.

(46) ‘nigger’ is a term for blacks.

Not all authors endorse our assessment. Potts writes, "to report the racist’s use of ‘nigger’, we have to either resort of paraphrase or quotation—indicated with quote marks when written or with heavy intonation when spoken” (Potts, pp.161-62); and Hornsby (p.129) claims quotation permits non-offensive use of slurs ("quotation has
some sealing off effect” (Hornsby, p.130));\textsuperscript{58} and Williamson proclaims “mere quotation marks...isolate us from [a slur's] derogatory implications” (Williamson, p. 6).\textsuperscript{59}

We disagree; witness the widespread preference for ‘the N-word’ (and its ilk), which describes or names a slur without using or mentioning it. Why should this widespread practice persist if the offense of a slur is a matter of content?

Someone may respond that the reason some speakers use “the N-word” instead of mentioning the slur is because they are sensitive to the fact that others might not recognize they are making a quotational use of the word, and not using it. That is a possible explanation for its usage in some contexts, but it doesn’t seem to fit those contexts where it is clear that a quotational use is what is in view. News telecasts, for instance, are paradigmatic reporting contexts. It is less likely that substitution of the description for the slur is motivated by fear of being understood as using the term rather than to merely reporting it.

We caution those who would charge anyone offended by a quotative use of a slur with use-mention confusion. An explanation of the phenomenon that doesn’t describe its participants as confused or ignorant is obviously preferable.\textsuperscript{60,61}

\textsuperscript{58} In a footnote (p. 130), Hornsby acknowledges that “even quotation of derogatory words can cause affront.” But later (p.139) she imagines (without encouraging) a semanticist who “should be man enough to get past the fastidiousness that leads to denying [slurs] a role in theory.”

\textsuperscript{59} Cf., also, Williamson (p.24), where he suggests that mentioning a slur isn’t slurring. Hom (p.16) speaks of “appropriate uses” of slurs including “explicit quotation in the courtroom”. We do not concede these cases; even sensitive non-members wince when someone quotes another’s use of ‘nigger’.

\textsuperscript{60} We also caution those who tell us that it is possible create an atmosphere where all the participants in a discussion feel sufficiently comfortable with each other to discuss slurs without provoking insults. We’ll try to explain what we think is going on in these cases in the last section of our paper.

\textsuperscript{61} A more controversial challenge is raised by the offensive potential of some incidental uses of slurs, as witnessed by the Washington D.C. official who wound up resigning his job over the outcry his use of
Moreover, those who would challenge these cases cannot be challenging the data – people are sometimes offended by these uses. It only makes sense to charge those offended with confusion in the context of a theoretical stance about what (should) render slurs offensive.

In short, though Richard tells us “slurs are conventional means of expressing derogatory attitudes towards their targets” (Richard, p.12); and Kaplan says that what makes slurs derogatory “is their meaning” (Kaplan, p.38), our investigations have resulted in skepticism over content-based accounts of slurs. Whereas Richard claims that “what makes a word a slur is that it is used to do certain things, that it has...a certain illocutionary potential” (p.1), Hornsby grants that no systematic correlation between their semantics and the speech acts they perform is possible; she still clings, however, to the view that slurs carry offensive content – albeit, content that resists paraphrase into other words. Why, though, can’t these meanings be re-expressed? What accounts for this sentiment in the literature of ineffability (Potts 2007)? Why, if “there is arguably a relatively small number of things normally conveyed by a slur’s use, from which anyone who understands the slur will tend to

‘niggardly’ provoked. In 1999, David Howard (head of the Office of Public Advocate in Washington, DC) used it during a discussion with a black colleague in describing a budget allocation he considered inadequate. He was reported as saying, “I will have to be niggardly with this fund because it’s not going to be a lot of money.” Despite a similarity in spelling, his word has no semantic or etymological tie to ‘nigger’; but the mere phonetic and orthographic overlap caused as much a stir as more standard offensive language. This case is not one of an accidental use of an ambiguous or an unknown slur, but rather one of an incidental one. (One might be tempted to invoke conversational implicature here to explain the case. Some seem to think Howard should have known his use of the word would cause a stir, if for no other reason than that it is not a word frequently used anymore. Even if true, it won’t be true generally. Former White House Press Secretary Tony Snow once used the expression “hug the tar baby” to express his desire to avoid a sticky situation. The context of Snow’s statement made it clear what he intended to convey, yet his use of ‘tar baby’ still offended.) This datum, however peculiar, should not be ignored (cf. Kennedy, pp. 94-95). But a content-based strategy is obviously useless in this regard.
draw its interpretation” (Richard, p.7), can’t we introduce expressions with these exact same contents?

The conclusion we extract from this critical journey is that no special contents need\(^\text{62}\) attach to a slur or its uses to accommodate its potential to offend; it’s a mistake to seek them. We turn to our alternative explanation.

### 2.8 Slurs as Prohibited Words

When a word is prohibited, then whoever violates its prohibition risks offending those who respect it. Presumably, prohibitions include deeply embedded occurrences of the word: embedding, we know, sometimes renders semantic properties of an expression inert, but it cannot nullify its occurrence and the prohibition is against \textit{that}. Our proposal is this: slurs are prohibited words.

Adopting it explains:

(a) why we cannot “unilaterally detach the affect, hatred and negative connotations tied to most slurs and use them interchangeably with their neutral counterparts” (Richard, p.62).

(b) why occurrences of slurs inside semantic attributions or within quotations can still inflict an offense.\(^\text{63}\) Prohibited words are usually prohibited

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\(^{62}\) ‘need’ because we don’t want to exclude someone introducing a word that offends because of its meaning.

\(^{63}\) Hom correctly (pp.26-27) observes that every occurrence of a slur can provoke “feelings of squeamishness...not only embedded under negation, conditional antecedents, questions, intensional and fictional contexts, but also...under quotation, in contexts of appropriation, and even to mere phonological variants...” but he discounts these intuitions as counter-evidence for content-based accounts of slurs, saying, “these words are so highly charged, our intuitions have limited value from the outset, and it would be hardly surprisingly if, at least in some cases, our intuitions were even misleading” (p.27). He is comfortable ignoring these data since he’s convinced his own semantic proposal better accommodates the linguistic behavior of slurs than every other semantic and pragmatic proposal. We concur with him
(c) our reluctance to evaluate slurring sentences, even when they are semantically vacuous (as with (47)) or quotative (as with (48)); and why bystanders (even when silent) are uncomfortable, often embarrassed, when confronted by a slur.

(47) ‘nigger’ means nigger.

(48) ‘nigger’ is a derogatory word.

Whatever offenses these confrontations exact, the audience risks complicity, as if the offense were thrust upon them – not because of any content it or its uses communicate, or because of surrounding beliefs and intents, but because of a responsibility we all have in ensuring certain violations are prevented; when they are not, they must be reported and possibly punished. Their occurrences taint us all.

This view explains why slurring people by using another’s term is ineluctable (except through direct quotation). Indirect reports and other attitudinal ascriptions fail to attribute slurring to whomever they report since the offense of the reporter

about the bankruptcy of semantic and pragmatic proposals, but, unlike Hom, we deny that these sorts of proposals exhaust the realm of explanation. Slurs are offensive not because of what they mean or convey, but rather because their uses are prohibited, and so, they offend those for whom these prohibitions matter.

It might even explain incidental occurrences. Though the word ‘nigger’ does not occur in ‘niggardly’ (they bear no etymological relation to each other), utterances of the latter can still offend. The prohibition on some words is so severe speakers are well advised to steer clear even of phonologically and orthographically similar words. Obviously, in these cases an audience makes a determination whether an incident is accidental or not. Kennedy documents numerous opinions on the ‘niggardly’ incident according to which the speaker, knowing full well he was addressing an African-American audience, should have chosen any of numerous other synonymous words, words much less infrequently used.

Slurs in this regard are like the swastika – a symbol with a benign history long before the Nazis, but whose appropriation so contaminated it that even historically incidental tokenings are charged and offensive to many. Thanks to Ofra Magidor for the analogy.
“screens off,” so to speak, the offense of whoever is being reported. Going further than Hornsby’s declaration that slurs are “absolutely useless (p. 130)”, we insist upon silentism as policy. A use, mention, or interaction with a slur, ceteris paribus (more below), constitutes an infraction. Its unusability is not due to “clusters of beliefs or attitudes...and tendencies to favour certain inferences” (Blackburn, p.149) nor to an “attitude of contempt” (Saka, p.128) that its perpetrators harbor. We cringe when confronted by slurs because they usually admit of no tolerable uses.

But what is the etiology of its status as a slur if not through content it communicates?

Words become prohibited for all sorts of reasons, e.g., by a directive or edict of an authoritative figure. It might even be coined to signify something abusive or offensive about a particular group, and so, prohibited because of its explicit meaning (though our arguments establish that whatever content a slur carries cannot explain all its distributional features, e.g., its behavior under all of its embeddings). Or, it might become prohibited because of a tainted history of associations; perhaps, it conjures up past pernicious or injurious events. The history of its uses, combined with reasons of self-determination, is exactly how the word ‘colored’, once used by African-Americans self-referentially, became prohibited, and thereby, offensive."66 It may have become prohibited because of who introduced or used it. This is the

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sentiment of a high school student who objected to W.E.B. Du Bois’ use of ‘Negro’: he wrote, “The word, “Negro,” or “nigger,” is a white man’s word...”

What’s clear is that no matter what its history, no matter what it means or communicates, no matter who introduces it, regardless of its past associations, *once relevant individuals declare a word a slur, it becomes one.* By and large, those relevant individuals are targeted members, but they needn’t be. And who counts as relevant is tricky as well. When the Reverend Jesse Jackson proclaimed at the 1988 Democratic National Convention that from then on the word ‘black’ should not be used, his effort failed. Many African-Americans carried positive associations with the term (‘Black Panthers’, ‘Black Power’, ‘I’m black and I’m proud’) and so Jackson’s attempted prohibition did not stick; people resisted treating it as a slur.

One might wonder whether a prohibition over time doesn’t by itself endow a slur with conventionalized content. Though dictating or even legislating use can obviously provoke meaning change, it needn’t. When a king banishes the language of his vanquished foes, his decree will certainly modify behavior but it won’t change what the banished words mean or what they reference. Likewise, a word needn’t change designation or meaning once deemed a slur. Its associations might change,

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67 Du Bois (1928).
68 This is equivalent to coining a new usage of a word. The new use only becomes established if a sufficient number of people accept it as such. Thanks to the anonymous referee for this point.
69 We can imagine slurs for infants or the severely mentally disabled.
70 Thanks to Jason Stanley.
but to infer they are responsible for its high offense potential is to put the cart before the horse.\textsuperscript{71}

If our proposal is correct, anything \textit{said} with ‘nigger’ is better served by ‘black’ or ‘African-American’. Even negative attitudes are better served by insult than by slurring, since slurs needn’t \textit{express} insults. Their linguistic role is exhausted in picking out the same group as a neutral counter-part.\textsuperscript{72}

What about the objection that (49) and (50) are not equally trivial?

(49) African-Americans are African-Americans.

(50) African-Americans are niggers.

According to Hom, “Competent speakers are rationally compelled to accept [49] as trivial, while most would reject [50] as non-trivial, racist and false” (p.8). To accept (50) as false is to accept its negation as true and we doubt informants who reject (50) are any more inclined to accept its negation. As regards its racism, we couldn’t agree more; it’s racist, in most contexts, to use ‘nigger’. African-Americans are clear that they consider this term offensive, and so, anyone who uses it offends them, by using a word that they have banished. Its uses are racist, because the only feature that holds the target group together is race (or at least presumed race). As regards

\textsuperscript{71} Further, a word’s meaning needn’t change because it ceases to be a slur either. When the Black Panthers and others during the 1960’s were reclaiming ‘black’ as a positive designation for black people, it was less about a meaning-change and more about a change in psychology. Thus, Eldridge Cleaver writes, “I think the slogan of Black Power was a recognition of the change in the psychology of black people, that in fact they have \textit{seized upon their blackness} [emphasis added] and rallied around the elements or the points at which they were oppressed. They have turned the focal point of the oppression into the focal point of the struggle for national liberation (1968).”

\textsuperscript{72} Note that the non-detachability of a slur can now be explained since slurring is not a function of content but rather of the word itself. The slur is not detachable from its linguistic form.
its non-triviality, we wonder whether it is any less trivial than any other identity between synonymous words or co-referring names (cf. the *locus classicus* Kripke (1979) for further discussion).

We agree with Hornsby, who declares that “[a] unified account of a [slur] cannot be achieved by identifying a pragmatic ingredient to be added to a semantic one given by the word’s neutral counterpart, because *only the word itself provides the outlook from which one can make sense of the variety of associated speech acts*” (Hornsby, p. 135; our emphasis). We part ways when she attempts to anchor this variety in potential to the meanings of slurs. She says a slur has the “potential for making speech acts because of what it means” (*ibid*, p.135). Insults are almost invariably inappropriate or wrong because of what they mean and convey; but when a slur is prohibited, no assertion, query, command, presupposition, or conventional implicature is lost or altered.

We concur with Feinberg, who says offensive words are generated by word-taboos. These taboos have “inhibiting force” that constrains their usage. Lenny Bruce got it right when he proclaimed, “the suppression of the word gives it the power, the violence, the viciousness.” This is why it is impossible to reform a slur until it has been removed from common use. However, Feinberg cautions against trying to compile a list of offensive words into a single cohesive category. This

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73 Elimination may be preferable to rehabilitation or amelioration. There are, for example, what Kennedy (p.36) calls ‘eradicationists’ who “seek to drive ‘nigger’ out of rap, comedy, and all other categories of entertainment even when (perhaps especially when) blacks themselves are the ones using the N-word.” However, in some cases words began their lives as slurs, but have since become ‘neutral’, as with ‘Quaker’, ‘Yankee’, ‘Tory’, and ‘Whig’.
would mislead us into “embracing simplistic half-truths” by “extend[ing] a point that applies to one subgroup to cover all the others” (Feinberg, p. 192). What makes a word offensive varies with its different sources and functions. Words like ‘thief’ and ‘prostitute’ are offensive because of what they mean; not slurs.


Chevy Chase, while interviewing Richard Pryor for a janitorial position, runs a word association test. He begins with ordinary words like ‘tree’ and ‘bean’, and then shifts to a series of slurs for African-Americans beginning with ‘tar baby’. As he runs through this series, Pryor becomes more and more irate. When Chase finally blurts out ‘nigger’, Pryor responds with ‘dead honkey’. His response reflects a recognized asymmetry in offensiveness among co-extensive slurs.

Why is it worse to slur African-Americans with ‘nigger’ than with other slurs or Irishmen with ‘mick’? Has silentism served its function in these cases? Do sufficiently long campaigns against the uses of certain slurs eventually ameliorate them? Targets with investments in seeing a word removed from circulation, those for whom the slur conjures painful memories or histories of discrimination, are

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74 The skit is recounted in Kennedy, pp.24-25.
more affronted by confrontations with some slurs than others are. In contrast, as fewer individuals acknowledge offense, it comes to pass, contingent on authority, station, or relevance, that offensive intensity is lost or diminished – the campaign to prohibit the word thereby effectively ends.

How this diminution is achieved, we doubt, admits of a simple or single answer. We doubt the phenomena constitute a homogenous front, but the practice of appropriation illuminates the process in one sort of case.

2.9 Appropriation

How is it possible that sometimes “slurs can be used without displaying contempt or causing hurt” (Richard, p.13)? Why is it that when an African-American reports another’s slur with (51), his use need not be offensive?

(51) He said that I was a nigger.

Richard goes further, denying “racism in a [slur’s] use by comedians to make fun of or criticize various attitudes and behaviors of both he who slurs and he who is slurred” (Richard, p. 14); and that a slur “can be sometimes used non-offensively in indirect discourse or narrative to portray someone else’s racist remark or attitude.” Hom says (52) “makes meaningful uses of racial [slurs] that are true, non-derogatory and non-appropriated” (p. 18) and that it is “true, meaningful and felicitous” (Hom, p.19).

(52) Institutions that treat Chinese people as chinks are racist.
Hornsby tells us “He is not a nigger’ can be said in order to reject the derogatory nigger” (Hornsby, p.129). And, of course, the most common alleged inoffensive uses of slurs are so-called appropriated or reclaimed uses commandeered by their targets.

Frankly, we are more than a little skeptical about some of these data: first and perhaps foremost, as already indicated, slurs in indirect discourse are often offensive. Reporters do not usually get a pass. Secondly, the universal condemnation of Michael Richards’ explosion of racial slurs as he performed his comedy routine at an L.A. comedy club establishes that comedians do not always get a pass. A case could be made that Richard’s tirade was not integral to his comedic routine but rather a reflection of racism. What then do we say about the case of comedian Andy Dick, who onstage dropped the N-word on a room full of stunned patrons? He intended his use to be a comedic commentary on Richard’s use, yet no one laughed.

Despite these (and other) reservations about some cases cited as inoffensive uses of slurs, no one can deny that such uses exist. There are legitimate cases of reclamation where targeted members consciously employ a slur on each other,

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75 Richard (p. 28) is compelled to say otherwise about indirect discourse because he claims that slurring sentences lack truth-values altogether but he also doesn’t want to deny we can correctly indirectly report another's slur. He allows for a true attribution to Eric with (16):

(16) Eric said that a bitch ran for President of the United States in 2008.
We as a matter of fact cannot retrieve Richard’s intuition that whoever utters (16) need not slur. Nor do we believe that sentences like (16) succeed in ascribing slurs to others. See §3 above.

76 Incidentally, finding a joke containing a slur funny doesn’t mean its use is automatically sanctioned. A distinction can be made between an emotion being fitting (in this case, laughter) and it being appropriate. For further discussion of this point, see D’Arms and Jacobson (2000).
often in a positive and defiant way. How is that possible? How do these uses differ from their slurring uses?

Richard, a content-based strategist, tells us “there is a case to be made that in appropriation there [is] a change in meaning” (Richard, p.9). Likewise, Hom (p.17) writes that an appropriated use of slurs “alters its meaning for use with the group”; and Saka speaks of the felt ‘camaraderie’ as part of the meaning of ‘nigger’ (Saka, p.145); appropriation is when “…some victim group attempts to change the conventional meaning of some term” (Saka, p.146). With appropriation “the homosexual use of ‘queer’ inhibits the straight public from using ‘queer’ to express contempt” (Saka, p. 146). Most contemporary dictionaries, indeed, include separate entries for appropriated slurs, e.g. under ‘nigger’ we find an entry that specifies a meaning as acknowledging kinship or closeness in contrast to its ordinary use which is often marked derogatory.77

We reject any ambiguity thesis to account for these data. Ambiguity fails to explain why non-members cannot utilize a second sense. If it were just a matter of distinct meanings, why can’t any speaker opt to use a slur non-offensively? And what about those inoffensive uses where a targeted member reports on a racist’s slur, as with (51)? Ambiguity is useless here; we want these uses to carry their alleged first meaning: otherwise, their use would belie the point of the report.

What is happening in these cases? Could it be that when in-group members use ‘nigger’ with each other that by flouting a Gricean maxim, they thereby convey

77 Smitherman (pp.210-211) identifies seven appropriated meanings for ‘nigga’, including ‘close friend’, ‘someone culturally Black’, someone ‘cool, hip’.
something non-derogatory – something along the lines of ‘friend’ or ‘buddy’?\textsuperscript{78} Since members of the target group are, \textit{prima facie}, unlikely to derogate their own group (though see Kennedy, pp.vx-vxi), can we infer such uses flout the maxim of quality – saying what is believed false – and thereby a conversational implicature (along the lines of irony) is created? And when a non-black delivers the same slur, he fails to ground an implicature because it is \textit{not} obvious he is flouting a maxim? So construed, individuals who slur with uses of ‘nigger’ and those who do not say the same thing but create different conversational implicatures. Notice a speaker can cancel this implicature. Nothing in principle precludes a target member from slurring his own group.\textsuperscript{79}

Whatever its attractions we are doubtful this explanation can be made to work since we see no argument why non-targeted members cannot set up the same implicatures targeted members do. Our own explanation is that in cases of appropriation, a target group member can opt to use a slur \textit{without} violating its prohibition because \textit{his} membership provides a defeasible escape clause; most prohibitions invariably include such clauses. Oil embargos permit exportation, just not importation. Sanctions against nations invariably exclude medical supplies. Why shouldn’t prohibitions against slurs exempt certain individuals under certain

\textsuperscript{78} Some distinguish ‘nigger’ from ‘nigga’, with the former carrying its usual racist sense and the latter an appropriated sense. We reject this claim and suggest it is merely a stylistic variant. ‘Nigga’, in the mouth of a white person, for instance, is unacceptable, as evidenced in the case of Valley Traditional High School (Kentucky) teacher Paul Dawson, a Caucasian, who received the longest suspension in the history of the school system for using this stylistic version of the N-word in a miscalculated effort to project camaraderie with his African-American students.

\textsuperscript{79} We are not saying nothing can be said save what your mother advised about not using ‘bad’ words. We want to allow for a pragmatic account about what happens to a word use-wise before and after it is banned.
conditions for appropriating a banned word? African-Americans are permitted under certain circumstances to call each other ‘nigger’; gays can call each other ‘queer’, women ‘bitches’, and so it goes through most target groups.

Once appropriation is sufficiently widespread, it might even come to pass that the prohibition on a slur eases, permitting – under highly regulated circumstances – designated outside members access to an appropriated use. (Cf. Kennedy’s discussion of van Vechten’s use of the N-word in correspondence with his friend Langston Hughes (pp. 42-43).) Once this practice becomes sufficiently widespread, the slur, as in the case of ‘suit’ ‘Tory’, and ‘limey’, loses its offensive intensity. How such escape clauses are fashioned and what sustains them is a complex matter – one we cannot take up here.

Conclusion

We began by saying we would propose a deflationary account of slurs and we have. Every other discussion of slurs resorts either to semantics or pragmatics in explaining slurring behavior: slurs offend because of information they somehow communicate. Differences are over implementation. We have railed against all

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80 The literature on reclamation certainly doesn’t make it seem easy to specify what these escape clauses are. “‘queer’ is a way of reminding us how we are perceived by the rest of the world” (Kaplan 1992, p. 36); “to take up ‘queer’ is at once to recognize and revolt against homophobia” (Bronstema, p. 4), and queer serves “to mark distance from the alleged exclusionary and assimilationist ‘gay’ and ‘lesbian’” (ibid, p. 4).

81 “We have to take the q-word back in order for it not to cause pain” (Thomas, p. 79).

82 One referee claimed our proposal that slurs are banished words fails to account for ‘positive epithets,’ which obviously are not banished words. Two examples from Potts are polite 2nd person pronouns in Russian, German and French and honorifics in Japanese. A further example is “Sabra,” generally used as a term of endearment to refer to Israelis born in the country, though apparently derogatory in its original use. This is either confusion or a change of topic. Our interest is in the offense potential of certain expressions; if they have none, we are interested in how they lost it; if they never had any, we are not interested in them. Slurs slur!
content-based strategies. Though the data temptingly encourage various exotic semantic and logical proposals, though they strongly suggest slurs are linguistically “marked to display...disrespect” (Kaplan, p. 34), none of these proposals we have argued stands up to scrutiny. We have replaced them with a simple proposal: slurs are prohibited words; and as such, their uses are offensive to whomever these prohibitions matter.
Chapter 3

Linguistic Appropriation: some linguistic and social considerations

Introduction

Comedian Chris Rock asked a question in his movie *Don’t Kill the Messenger*, “Can white people say nigger?” Rather than focus on that question, I propose a different one, why can black people say it? And further, is it ok for them to say it?

Terms like ‘nigger’, ‘fag’, ‘dyke’, and ‘cunt’ are normally understood to be offensive, hurtful words. They are used to denigrate and demoralize people because of their race, gender, or sexual orientation. So, obviously we tend not to think of their uses in positive ways. However, a linguistic phenomenon occurs where members of a targeted group manage to use one of these expressions in a positive manner, mollifying the slur of its pejorative sting. These uses are referred to as linguistic appropriation or linguistic reclamation. Of course, not everybody believes appropriated uses are free of pejoration. Within the targeted group, there are members who don’t believe any use of a slur is permissible, even when target members themselves intend to use it in a positive sense.

Appropriation can be adopted for multiple reasons, perhaps not all of them good. In this chapter, I want to investigate the conditions under which appropriation is a socially permissible activity. In order to do this we must first ask the question: what is wrong with slurring? Is it immoral? Unjust? One thing that may be bad about
slurring speech is that some instances of it are oppressive. If so, then this will have important implications for the permissibility of appropriation. In this chapter, I intend restrict my focus to this group of oppressive utterances. This has the consequence that only slurs for certain groups will be covered. Also, I intend to focus solely on appropriated uses of a slur in situations of ordinary conversation, leaving aside considerations of uses in literature, comedy clubs, movies, and the like. The view I will ultimately present claims that appropriation is only permissible when it does not contribute to oppression.

3.1 Oppressive Speech

The first thing I want to address is the capacity of speech to oppress. Speech can be used to cause oppression. For example, sexist speech can create an oppressive atmosphere for women in the workplace. There are a number of things people have meant by “oppression” so it is incumbent upon me to say exactly how I am conceiving of the concept.

Sally Haslanger (2004), Iris Marion Young (1992), and Mary Kate McGowan (2009), among others, have referred to oppression as a structural phenomenon. Young describes two broad views for understanding the concept. The traditional view characterizes oppression as “the exercise of tyranny by a ruling group (75).” She notes that the expression reflects connotations of conquest and colonial domination. This view emphasizes the need for an agent actively and intentionally tyrannizing others.

In contrast, usage of the term ‘oppression’ by leftist groups in the 60s and 70s focused more on systematic disadvantage and injustice suffered by people in
virtue of ordinary practices rather than the intentional actions of a tyrannical actor. The shift in meaning by these groups broadened the concept by including unintentional structural oppression. I agree with the impulse to de-emphasize intentional action by an oppressor and to draw more attention to structural oppression. Sally Haslanger (2004) provides plausible examples of the latter:

- **Under “Jim Crow,”** poll taxes and (often rigged) literacy tests prevented nearly all African Americans from voting; although such practices did not explicitly target Blacks, they were oppressive. In 1971, the U.S. Supreme Court considered a case in which Blacks were systematically disqualified for certain jobs due to mandated tests that could not be shown to correlate with successful job performance. The Court found that “practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to freeze the status quo of prior discriminatory practices” (Griggs vs. Duke Power Co. 401 U.S. 424) (101).

- **Cultural norms and informal practices** that impose unfair burdens on or create disproportionate opportunities for members of one group as opposed to another are oppressive. Gender norms concerning child care, elder care, housework, appearance, dress, education, careers, and so forth oppress women (101).

- **Cultural practices and products** that foster negative stereotypes of particular groups are oppressive, not simply because they are insulting to members of those groups or foster contempt or hatred toward them, but also because they
can have a distorting effect on the judgment of those who are asked to apply discretionary policies (101).

In all of these examples there seems to be an imbalance or abuse of power involved. That imbalance or abuse unjustly advantages some and disadvantages others. And, as at least one of the examples mentioned above purports to show, not every oppressive practice is established with the intention of oppressing a particular group. Haslanger characterizes oppression in the following way:

\[
x \text{ is oppressed as an } F \text{ by an institution } I \text{ in context } C \iff x \text{ is an } F \text{ in } C \text{ and in } C (\exists R) (\text{being an } F \text{ nonaccidentally correlates with being disadvantaged by standing in an unjust relation } R \text{ to others}) \text{ and } I \text{ creates, perpetuates, or reinforces } R.
\]

I think Haslanger’s characterization is an attractive one. It allows for a change in the socioeconomic and cultural conditions to change a group’s status as an oppressed group. Further, her view is compatible with individuals in an oppressed group experiencing that oppression in differing degrees. Admittedly, it is not entirely clear what Haslanger means by nonaccidental correlation, and she doesn’t say much about what it means. The extent of her explanation is as follows: “In general, a correlation counts as nonaccidental because it supports certain kinds of counterfactuals; the idea is that the group’s being a group of Fs is causally relevant to the injustice (114 – 15).” I can only gesture at what she might mean by this notion, which I am taking to mean the injustice does not explicitly target a group, yet that group’s identity plays some role in making them the target of the injustice.
Using Haslanger’s definition we can begin to see how a story about oppressive speech might go. In fact, she offers one possible way of describing it in the last example mentioned above. The example claims that cultural practices that foster negative stereotypes of a particular group oppress due to distorting effects they have on the judgment of people in powerful positions. One such cultural practice is slurring. Many associate negative stereotypes with slurs and so utterances of slurring statements would, on her view, create, perpetuate, or reinforce whatever unjust relation it is thought slurring produces among the subordinate group and the dominant group.

If this is correct, slurring fosters negative stereotypes that have a disturbing effect on how various goods are distributed by those in power. And that in turn has unjust consequences for the life prospects of the targets of these slurs. Given these consequences, one can see why uses of these expressions garner such scrutiny. Thus, in what follows I will assume Haslanger’s account of oppression. Slurring speech disadvantages socially marked groups by perpetuating an unjust relation between them and others.

3.2 Speech and Morality

Of course, not every instance of slurring is oppressive, i.e. systematically disadvantages people in virtue of their membership in a socially marked group. Some occurrences of slurs fail to disadvantage anyone. For instance, slurs directed at white American elites do not systematically disadvantage them in any way. Yet, we might still think there is something wrong about slurring them, regardless of their social status.
Is slurring immoral? Or is it more accurately described as offensive but not immoral? Might it be a harmless immorality? At first glance, it appears slurring can be all of these things at various times. There certainly appear to be times, for instance, where slurring presents no clear harm to anyone. For instance, there doesn’t appear to be anything harmful about a bigot who delivers a racist soliloquy in the privacy of his own home. Even though this example may not be harmful, one might wonder whether it is still immoral. If so, what is it that makes it so?

One approach I do not think is capable of explaining the supposed immorality of slurring is consequentialism. According to this approach, slurring is morally wrong because it produces negative consequences for its target. Some have claimed that slurs harm their targets by inflicting severe emotional distress. For instance, Richard Delgado writes,

*Immediate mental or emotional distress is the most obvious direct harm caused by a racial insult. Without question, mere words, whether racial or otherwise, can cause mental, emotional, or even physical harm to their target, especially if delivered in front of others or by a person in a position of authority* (Delgado 1993, 93–4).

The situation Delgado describes can quite plausibly obtain for some instances of slurring, but emotional distress cannot be attributed to slurring utterances generally. Recall the example given above in which slurs are directed at White American elites. It is unlikely those speech acts cause much distress in their targets. Even more unlikely, it is virtually impossible for the bigot’s racist soliloquy mentioned above to cause distress in the target of that speech, since the speaker is the only one present. Further, it is not entirely clear slurring normally causes
distress in its target. I am sure, given the right circumstances, slurring can bring about emotional or mental distress. But evidence would have to be provided to show that this is the typical effect of slurring. We also need to ask what other factors beside speech are playing a role in instances of distress. We may find these other factors play a large role in explaining distress while the slur only intensifies or perhaps merely indicates the presence of those factors. It seems that if the targeted group’s social and economic status were different, being the object of a racial slur might be less of a concern for them.

Thus, it looks as if consequentialism cannot account for the supposed immorality of slurring. One may opt for a more deontological approach as an alternative explanation. On this type of account slurring would be immoral because it transgresses a moral imperative. The imperative could take the form, “Always treat others with dignity and respect,” with slurring being treatment that fails to satisfy this rule. This imperative is a general rule that would mark as morally wrong any action that failed to satisfy it.

Is this principle too broad? That is, are there acts that would be disrespectful but ones we don’t want to count as morally wrong? For example, in some cultures, failing to address certain persons in a particular way is a sign of disrespect. Is failing to address someone with the appropriate honorific an immoral act? It seems like it is not. At most, failing to address, for example, the Queen as “Your Highness” may be rude and disrespectful but certainly not immoral.

We seem to be at an impasse: explaining the alleged immorality of slurring statements via violation of a moral rule is too broad while explanations in terms of
consequences are too narrow. How do we strike a proper balance? We might start by first examining an assumption that seems to underlie the discussion so far, i.e. the notion that all slurring statements are immoral. Perhaps not all slurring instances are immoral. In fact, I suspect that not all slurring utterances are immoral. We might restrict our moral vocabulary to instances of oppressive utterances while thinking of non-oppressive slurring as belonging to a category of bad behavior that is not also morally bad. Suppose we encounter a boorish man who stands around cursing at passersby, referring to them as “stupid motherfu—ers”. Surely this individual is rude, but his name calling does not strike me as morally wrong. Still, we think decent individuals would want to avoid that type of behavior. Likewise, we might say that slurring fits in with this category of actions, namely, those that do not fall within the domain of morality but are still inappropriate things that good and decent people should avoid.

I propose that this suggestion becomes more attractive when we consider slurring against members of dominant groups. One's judgment becomes clouded in the face of certain examples, e.g. slurs against blacks, women, gays and lesbians, etc, often focusing on the oppressive nature of these utterances. But when we consider uses of slurs that aren't oppressive, it becomes easier to see how slurring might go along more with things like cursing and yelling at others without provocation than with things like stealing, or lying.

3.3 Defining Appropriation

Having considered normative issues with slurring, we can now turn our attention towards a response to slurring. Appropriated uses of slurs are often
attempts to mollify or change what ordinary derogatory uses attempt to accomplish.

A useful definition of appropriation is found in Melinda Yuen-Ching Chen (1998). Yuen-Ching Chen defines appropriation (also referred to as ‘linguistic reclamation’) in the following way:

*an array of theoretical and conventional interpretations of both linguistic and non-linguistic collective acts in which a derogatory sign or signifier is consciously employed by the ‘original’ target of the derogation, often in a positive or oppositional sense (130)*.

Chen conceives of appropriation as a collective act. A person can’t decide to use a slur appropriatively apart from what others are doing with the word. In order for that use to be recognized as an appropriated one it must take hold among a sufficient segment of the in-group community. She also notes that these uses must be “consciously employed.” The upshot appears to be that a user who employs a slur self-referentially and to refer to other in-group members doesn’t automatically appropriate the expression. An act will count as a case of appropriation if and only if it is a collective act in which a derogatory item is used to perform a non-derogatory action. And by ‘collective act’, all that is meant is that a sufficient number of the relevant community endorses the interpretation given to the act in question.

A nice feature of Chen’s definition is that it accounts for not only linguistic appropriation, but appropriation of non-linguistic items, such as images and
gestures as well. For instance, one can envision a campaign to appropriate and reconfigure the swastika in an attempt to rid it of its anti-Semitic aspects.\textsuperscript{83}

It is important to distinguish between this sense of appropriation and a much broader sense. One entry in the \textit{Oxford English Dictionary} defines appropriation as, “the making of a thing private property, whether another’s or (as now commonly) one’s own; taking as one’s own or to one’s own use.” According to this wider sense anyone can take something and appropriate it for one’s own purposes. An example of this wider sense might be using a plot of land for a purpose other than the one it currently serves. The one (or ones) who appropriates an item need not be a member of any particular group and the act is not required to be part of a collective activity. In this way, linguistic appropriation as defined here is a subset of the more general notion since there may be stricter conditions on such use.

A final thing to note about Yuen-Ching Chen’s definition is that it is evaluatively neutral. Her definition leaves open the question being raised in this article, namely, whether appropriation can be a permissible or appropriate response to derogation.

In what follows I wish to focus on a very specific type of appropriative use, mainly those camaraderie or solidarity uses among in-group members. The use in question exhibits very interesting features and raises interesting linguistic, moral, social, and political questions, only a few of which will be addressed here.

3.4 Prohibitionism

\textsuperscript{83} Another example is the attempt by a southern clothing company, i.e. NuSouth, to appropriate the confederate flag. Their revised version made the colors of the flag those of African-American liberation instead of red, white, and blue. I do not mean to suggest here that appropriation necessarily results in a change in meaning. I will discuss this issue further in a subsequent section.
Before we can begin to discuss whether in-group members should use slurring expressions in the aforementioned way we need to say something about their apparent ability to do so. Slurs generally provoke offense, so what is going on when in-group members manage to use them without doing so? And why can't out-group members generally use slurs in this manner without also provoking offense? In order to address these questions it would be appropriate to first give an account of what makes slurs offensive. Elsewhere (chapter 2; Anderson, Haslanger and Langton, forthcoming) I have offered such an account, which I will briefly summarize here for convenience.

Any adequate theory of slurs must account for two phenomena. The first phenomenon concerns variation in offense among slurring expressions. Slurs vary in offense in two ways. First, slurs for some groups are more offensive than slurs for other groups. For instance, 'kike' is more offensive than 'limey'; 'nigger' is more offensive than 'honkey'. Also, co-referring slurs vary in offense, e.g. 'nigger' is more offensive than 'jungle bunny' or 'spear chucker'. The second phenomenon is the topic of this article, i.e. appropriation. Any theory that does not satisfactorily explain these phenomena cannot be accepted as an adequate theory of slurs. That is, an adequate theory must explain what causes this variation in offense and why certain uses of slurs appear to mollify offense.

Various philosophers and linguists have offered competing accounts explaining slur's offense, but the one thing they all share in common is that slurs, as a matter of convention, convey negative attitudes. All of these thinkers locate the offense of slurs in negative content. I am more than a little skeptical about the success of these
content-based approaches. All of the semantic and pragmatic strategies employed fail to account for the relevant phenomena mentioned in the previous paragraph. For our purposes in this chapter we will focus on content-based strategies failure to account for appropriation.84

There are conceivably two options on the table for content-based views with respect to appropriation. The first is to posit an ambiguity in sense; the appropriated use of a slur produces a distinct, non-offensive sense in addition to the pejorative sense. The appropriated sense might be marked by a change in a letter and sound of the expression.85 (Witness the preference among African Americans, for instance, of ‘nigga’ over ‘nigger’ when the expression is being appropriated.)86 Thus, the difference between some uses of, e.g. ‘fag’ by in-group members and uses by outgroup members is that the former use accesses the appropriated sense while the latter accesses the pejorative one.

Whatever appeal the ambiguity strategy might have, it faces a serious problem. Ambiguity does not explain why out-group members have such a difficult time using slurs non-offensively. If the slurring expression was indeed ambiguous between a pejorative sense and a non-pejorative sense, then any language user, in principle, should be able to access the latter sense. But this is not the case. Kentucky teacher Paul Dawson, who is white, attempted to use the appropriated nigga (he even says

84 For objections to particular content-based views, see Anderson and Lepore (forthcoming).
85 Cf. Gates (1988), p. 46. He refers to this as agnominatio. Note that not all instances of appropriation are marked by agnominatio. The appropriated use of ‘queer’, for example, marks no difference in morpheme or phoneme.
86 This distinction is not universally endorsed, however. Jabari Asim (2007) points out that some think making a distinction between ‘nigger’ and ‘nigga’ will complicate matters like racial harassment complaints and court proceedings involving hate crimes (225).
he stressed the ‘a’ at the end!) but failed and was subsequently suspended. If the expression was truly ambiguous, there is no reason, in principle, why he couldn’t access the appropriated sense.

One might respond by suggesting that Dawson in particular, and perhaps outgroup members in general, have a hard time accessing the appropriated sense because it is usually unclear which sense outgroup members are attempting to access. So, it is not the case outgroup members cannot use slurs with their appropriated sense, rather, for some reason or another, it is hardly ever clear they are using the expression in the appropriated way. However, this seems like a dubious response. Examples of people whose motives appear to be transparent still fail to access the appropriated sense abound. One good illustration of this is from the movie *Rush Hour* with Chris Tucker and Jackie Chan. Lee (Chan) follows Carter (Tucker) into a black-owned bar and is told by Carter to “be cool” and follow his lead. After watching Carter greet the African American bartender, Lee walks up and greets him in the same way, “What’s up my nigga?” This resulted in a bar room brawl, forcing Lee to fight his way out of the place. Now, it seems pretty evident Lee was just mimicking Carter’s behavior (who is African American), and not intending to derogate anyone. It seems fairly reasonable to think the bartender could recognize Lee’s intent without too much trouble. Yet he still fails to access the appropriated sense.

So, positing an ambiguity appears to be a non-starter. Another option might be to appeal to some pragmatic effect to explain the difference between in-group and

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87 Anderson and Lepore, fn. 46.
outgroup use. When in-group members use a slur towards one another, a conversational implicature is created since it is assumed the speaker says something she believes is false (maybe she flouts the maxim of quality, i.e. (1) Do not say what you believe is false and (2) Do not say that for which you lack proper evidence).\textsuperscript{88} Her utterance conveys something like “friend” or “pal”. On the other hand, it is not obvious the outgroup member is flouting any maxims so his use does not give rise to the implicature.

I think this view is attractive but there is reason to worry about it. It may be true that in the case of strangers, or at least, mildly acquainted interlocutors the speaker’s intentions are less discernible, especially when it comes to racial matters. But there also appear to be situations where the speaker’s intentions are laid bare and her utterance can still cause offense.\textsuperscript{89} Thus, the transparency of the speaker’s intention is irrelevant to whether she causes offense by her attempted appropriation.

The view I endorse explains the offense of slurs, not in terms of content, but in terms of prohibitions on slurs’ occurrence. Offense occurs when a speaker violates prohibitions on the expression’s occurrence. Those who endorse and respect those prohibitions take offense at the violation. However, the prohibitions aren’t absolute; they admit of defeasible escape clauses. In-group members, for some reason or another, enjoy a special exemption status. In the case of this particular type of appropriative use outgroup members are typically barred from

\textsuperscript{88} Grice (1989).
\textsuperscript{89} For example, comedian Andy Dick attempted to parody comedian Michael Richard’s ‘nigger’-filled tirade without success. Cf. Anderson and Lepore, p. 19.
using the expression, though there are exceptions here as well. I can recount an example from my childhood of a White kid who would regularly refer to his Black friend using ‘nigga’. Rapper 50 Cent, during a radio interview with Howard Stern, also recounts examples of White people from his childhood neighborhood that were able to use ‘nigga’ without provoking offense.\(^9\) 50 Cent, quite correctly, suggests that it was because they grew up there and achieved a certain license from the in-group members. Note, without this license, their uses would likely have provoked offense. The in-group is still in control of who can and who cannot use the expression in the appropriated way. The group’s control may be analogous to the way the *tu/vous* distinction in French and similar constructions in other languages functions. As Ronald Wardhaugh (2002) points out, uses of *tu* have come to express solidarity among its users as opposed to the hierarchical distinctions and difference in power it once characterized. *Tu* once connoted familiarity while *vous* was used as a sign of politeness. Now, people use the *tu* form among each other with the sense of solidarity, but one must be initiated first; solidarity between speakers must be established. Presumably, a similar phenomenon is occurring in the example above. The white kid was permitted to use ‘nigga’ because he established solidarity. Thus, I conclude that prohibitionism best explains why appropriative uses by in-group members generally are not offensive. In contrast to content-based strategies that posit an ambiguity in a slurring expression or appeal to pragmatic devices, prohibitionism tracks offense via perceptions of rule-violations on use.

\(^9\) [http://www.youtube.com/watch?v=_4mu_ip2maw](http://www.youtube.com/watch?v=_4mu_ip2maw)
An important question left unresolved as of yet has to do with the nature of the rules governing slur use. What is meant by ‘prohibition’ and how do these prohibitive rules govern acceptable and unacceptable slur use? By ‘prohibition’ I only mean to suggest a normative social standard that is contextually based. We need not think of these as explicit rules whose violation carries stiff penalties or legal action. Rather, they are community standards whose violations come to be recognized as signs of disrespect. The rules are contextually determined in that they reflect the sensibilities—moral and/or other—of a group or various members of that group in a particular socio-cultural setting.

Finally, how do these prohibitive rules govern socially acceptable and unacceptable slur use? Joel Feinberg (1985) says that these linguistic norms belong to “an elaborate structure of norms of propriety, norms which prescribe what may be done or said, by whom, to whom, and in what situations (250).” These aren’t moral norms, but they do carry a force stronger than ordinary norms of etiquette. Characterizing the norms in this way allows us the flexibility to acknowledge that they are context specific, i.e. what norms are in effect depends on the socio-cultural context in which one is operating. One may find an act in a different cultural setting (e.g. a foreign country) offensive, picking up on a norm from one’s own cultural base, even though the act does not register as offensive within that particular context. This occurred with Harry Connick Jr. on an Australian variety show in which a group of performers dressed in blackface while performing a Michael Jackson tune. Connick was taken aback by this although everyone else found the performance amusing. If the routine is indeed inoffensive in that context, it is
partially explained by the lack of history with blackface that obtains in the U.S. context.

3.5 Appropriation: For and Against

Now that we’ve gotten clear on what causes offense in derogatory uses of slurs and what explains the non-offensive uses in appropriation we can advance to address whether in-group members should appropriate slurring expressions. At this point it is important to note that appropriation is a response to derogation. Henry Louis Gates’ notion of Signifyin(g) can be understood as appropriation (cf. Jacobs 2002), and he refers to it as a “political offensive (47).” Understood in this way, we can see why subordinated groups are the ones often in a position to even consider appropriating a slurring expression. Dominant groups hold most of the positions of power (i.e. political, social, economic) and aren’t generally hampered by derogatory expressions, that is, their interests aren’t threatened. As was argued earlier, some instances of slurring can be seen as oppressive. Given the earlier definition of oppression as a way of systematically disadvantaging members of socially marked groups in virtue of their membership in those groups, it is clear that certain groups do not qualify as oppressed. Dominant groups are not typically candidates for oppression since they’re the ones who hold the power. Thus, in what follows, the arguments and concerns raised aren’t meant to apply to the possibility of appropriation among these groups.

Against this background we can now ask whether this particular use of a slur by in-group members is an appropriate response to slurring. Robin Brontsema (2004) outlines three responses to this question: (i) no, because pejoration is inseparable
from the slur; (ii) yes, because pejoration is separable; and (iii) yes, because pejoration is inseparable. In the article Brontsema conducts a case study on the expression *queer* but notes her discussion is applicable to other cases too. In what follows I will borrow portions of her framework while expanding the discussion to cases beyond ‘queer’.

3.5.1 *The Bill Cosby View*

The first view says that appropriation is not an appropriate response to slurring because, it is claimed, the pejorative element cannot be separated from the slur. Since the pejoration is present even when in-group members use the term this defeats anything one might try to gain by appropriating it. Opposition to appropriating ‘nigga’, for example, has been voiced by several African Americans:

“For blacks to refer to themselves and each other as niggas is, at best, self-defeating (Nelson, 1998).”

“But make no mistake about it: [nigger] is a vile word, and it loses none of its objectionable quality when it is uttered by blacks rather than whites (Shipp, 1998).”

“The use of the N word should be made at least as odious as bad breath or body odor. Everyone should refrain from its use and provide negative sanctions on its use by others (Fairchild, 1987).”

In addition to these voices, the NAACP held a symbolic burial for the N-word with one participant naming it “the greatest child that racism ever birthed (Williams, 2007).” The reason for opposing appropriation of the N-word in particular, and by
extension, slurs in general may be exhibited in the sentiments of Bill Cosby who, according to Randall Kennedy (1999/2000), claims comedians who tell nigger jokes (and by extension, anyone who appropriates the expression) “evince a deplorable lack of self-regard or racial pride (90).” In his book *Come On People*, Cosby writes, “The N-word is a vile symbol of our oppression by slave masters (144).” Cosby and co-author Alvin Poussaint argue that because of *nigger’s* history with slavery, lynching, oppression, etc., it can never be made positive, at least in our cultural context. So, attempts to redeem the word are futile and even self-destructive, perhaps displaying a lack of self-respect.

If appropriated uses of ‘nigga’ display a lack of self-respect, in what way does it do so? It might first help to flush out what Cosby and Poussaint could mean by *self-respect*. Stephen Massey (1983) discusses two notions of self-respect: subjective and objective. The subjective notion is characterized as psychological; “it is both necessary and sufficient that a self-respecting person have a certain kind of favorable attitude toward himself, an attitude that can be adequately described in psychological terms (249).” The objective notion, on the other hand, points to an independent standard that persons must meet in order to be self-respecting. On this view, “we cannot give an affirmative answer to the question whether a person respects himself until we have determined that the basis of the person’s favorable attitude toward himself is appropriate (or morally good) (251).” The most frequent version of this view, according to Massey, requires a self-respecting person to believe she has equal basic rights and to value those rights properly (ibid).
Cosby and Poussaint seem to assume an objective notion of self-respect in their argument since it would be far more difficult for them to show that Blacks who use ‘nigga’ lack a favorable attitude towards themselves. According to the objectivist version, Black users must either fail to recognize their equal basic rights or fail to value them properly. Perhaps in this case, Cosby and Poussaint would maintain that Black users are failing to properly value their equal basic right not to be degraded, and this is what makes in-group uses of ‘nigga’ unacceptable.

Brontsema asserts that many who oppose appropriation (in her case for ‘queer’) of a slur “are those who have suffered directly from its infliction and still bear the scars that can never completely be healed (6).” This creates a generation gap between those who tend to oppose appropriation and the younger group members who espouse an expression’s use. Brontsema suggests the opposing group assumes a certain view about linguistic ownership and this view influences their opposition to reclaiming the slur. According to this group, the out-group has control over the significance of the slur since it is their weapon, their consciously chosen tool for derogating the chosen target. The idea is illustrated poignantly in a statement quoted in Brontsema, “You end up joining that same force of oppression you’re trying (question mark) to work against...Self love...isn’t going to be found by their words (6).” The upshot is that one’s quest for recognition and respect cannot be gained by re-using the slurs of one’s oppressor. We would do better, says the Cosby view proponent, to banish all uses of these words altogether.91

91 In the language of prohibitionism, those opposed to appropriation, in effect, wish to extend the prohibition to include camaraderie uses by the in-group. The conflict between those who oppose appropriation and those who favor it demonstrates that the terms of prohibition are not unanimously
Is the Cosby view correct? Are slurs hopelessly united to their pejoration in ways that preclude any reasonable chance for successful appropriation? In the case of ‘nigger’, is the word too mired in a horribly oppressive history to allow for appropriation while maintaining one’s self-respect? Though I do think the Cosby view points out something important, it is too strong. Cosby is right to point out the importance of social externalities (e.g. history, current prevalent attitudes, etc) and the role they play in carrying out a successful campaign of appropriation. However, he may give too much control to the linguistic oppressor. The senses and significances of expressions aren’t set in stone and are certainly amenable to change. As we will see later, it is conceivable to appropriate an expression in order to signal resistance on the part of the oppressed, especially in light of its tattered history.

Another worry about the view is that it fails to account for the defeasibility of linguistic ownership. It is uncontroversial to note that use plays an important role in determining the meaning of an expression. If enough of the relevant linguistic community goes along with a particular use, it enters the lexicon as a meaning of that expression. In order for the assumption underlying the Cosby view to succeed, it would have to be impossible, or at least extremely unlikely for an appropriated use to gain widespread recognition by a significant subset of the linguistic community. But of course there is no reason to think this claim is true, and in fact,
there appears to be evidence that demonstrates its falsity. Smitherman notes several senses of ‘nigga’ as used among African Americans:  

1. Close friend, backup.  
2. Someone who is culturally Black.  
3. Synonym for Blacks or African Americans.  
4. African American women’s term for Black men as lover/partner/significant other.  
5. Rebellious, unconventional, fearless, in-yo-face Black man.  
6. Derogatory, similar to pejorative use by out-group members.  
7. Any cool, down person who is deeply rooted in hip hop culture.  

In order to deny the legitimacy of these senses, the proponent of the Cosby view would have to choose the pejorative use of the out-group over the uses of the in-group. However, there is no clear reason to justify why that choice is legitimate. Finally, the Cosby view targets one word in particular, i.e. ‘nigger’, or at least any word that is defined by the same types of surrounding circumstances. It is unclear, though, whether such a view could be generalized to account for appropriation of slurs that don’t share this kind of history. It is less obvious that the Irish American community, for example, would be displaying a lack of self-respect in appropriating the expression ‘mick.’ For these reasons I don’t think the Cosby view offers an adequate general theory for the appropriation of slurs.

3.5.2 The Q-Tip View

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92 Smitherman (1977)
Having shown the Cosby view problematic, let us turn now to the second claim, namely, that appropriation is an appropriate response because pejoration is separable. Just like the view previously explored, this one has no shortage of proponents either.

Taking ‘nigga’ again as an example, several individuals have spoken in favor of its appropriation:

“I love the word “nigga.” It is my favorite word in the English language because no other word incites more controversy today. To me, hip hop has redefined the word... (Boyd 2003)”

“We’ve got to understand, nigga is a global phenomenon...I use the term with promiscuity. I understand that as a nigga in America there are niggas throughout the world (Michael Eric Dyson).”

“We took this word [nigga] and we made it into poetry (Chris Rock).”

The common sentiment among all of these individuals is that ‘nigga’ differs in an important respect from its derogatory counterpart. The main idea can be summed up by a line in a rap by hip hop group A Tribe Called Quest entitled, “Sucka Nigga,” “we use it as a term of endearment.” These individuals advocate embracing the term in a way that disarms the hatred intended by its original use. A similar idea is echoed in Brontsema concerning the appropriation of ‘queer’,

“Several people in the gay community on a quest to end the hate attached to the word took control of the word; they decided to embrace the word. By doing

93 http://www.youtube.com/watch?v=YHaoZQx-VnE
94 http://www.youtube.com/watch?v=vIsfj55KLCE&feature=related
so, they quelled yet another weapon from the homophobic’s arsenal of hate...Learn to love the word and the tools of hate are quashed (8).”

This approach would effectively call on the group to revise its attitude toward the expression, and refuse to view the word with the same significance that bigots invest in it. According to this view, appropriation serves to diffuse the slur of its pejorative nature, recharacterizing the expression in a more friendly tone. Let’s call this the Q-Tip View.

Brontsema notes two goals associated with the Q-Tip view. First, there is what she calls neutralization, which states that the goal of appropriation is to neutralize the offensive potency of the slur. Presumably, the use of a slur by members of the target group should take away most of the sting the term carries when uttered by out-groups intending to degrade them. An example of an attempt to achieve neutralization might be overweight persons who refer to themselves as fat, a strategy that beats the attacker to the punch and takes the weapon out of his hands. It might be described as a preemptory move of self-deprecation.

A second type of goal associated with this view, and the one largely assumed to be pursued, is what she refers to as value reversal. Value reversal is intended to transform a negative value into a positive one, as suggested in the Rock quote above. Appropriative uses are employed with the hope of garnering enough support from the relevant linguistic community to legitimize the new, non-derogatory use while toppling the former, derogatory one. An example of appropriation pursued for this purpose is found in Igna Muscio’s Cunt: A Declaration of Independence, “When viewed as a positive force in the language of women...the negative power of ‘cunt’
falls in on itself (2002, xxvi).” An accurate metaphor to describe the goal undertaken by this strategy is that users engage in *flipping* the original term to reflect a new, positive significance. A proponent of this view is free to take up one or the other of these goals. Presumably, the second goal includes the first since imbibing a new, positive value in the slur automatically neutralizes it.

The Q-Tip view possesses some improvements over the Bill Cosby view. First, it is amenable to the kind of dynamism we encounter in language. Expressions change meaning over time. Holding to a rigid conception of linguistic ownership, as does the latter view, misses out on this important feature. The Q-Tip view also refrains from unjustifiably attributing pitiable mental states to language users. But despite these virtues, the view also raises serious questions. The first has to do with the separableness of pejoration. One thing that is not clear is how proponents of the view think of the endearment quality of the appropriated version. If we understand them as undertaking appropriation with the goal of value reversal, does this mean appropriation invests in the expression a new, positive sense? Even if it does, that is insufficient since all of the individuals cited earlier would also object to casual use of ‘nigga’ by out-group members.\(^5\) As we witnessed in section V, the offensiveness of a slur is not explained by its sense. Given that fact, pejoration cannot be affected by simply changing the expression’s sense. Also, a move towards ambiguity in the slur will not work either, having already seen reasons to reject that explanation.

If value reversal doesn’t provide a slur with a new sense, then what else might be on offer? It will do no good to appeal to pragmatic effects either, as we

\(^5\) Chris Rock, in his stand-up routine *Don’t Kill the Messenger*, for instance, quips that white people can’t really use ‘nigga’, except for very carefully defined instances.
have already reviewed this approach earlier and found it lacking. I suppose sympathizers could suggest value reversal initially begins by attaching a positive presupposition or expressive element to the expression, but the proposal still runs into the ambiguity issue as well as restricted use problems (i.e. why only users of a particular demographic can use the expression with the favored sense). Further, there is a question about just what separation amounts to. What does it mean for the pejoration to be separated from the slur? Does this mean that subsequent uses of the term lose all connection to its pejorative past? Does the expression no longer arouse feelings of offense? The Q-Tip view faces serious problems that don’t admit of straightforwardly plausible solutions.

3.5.3 The Militant View

The final approach for justifying appropriation agrees with the Cosby view that pejoration is inseparable from the slur. However, it is this feature that supporters of the view say justifies appropriation. The idea behind this view is that the goal of appropriation should be to challenge the assumptions of abnormality and/or inferiority associated with a slur, and that the pejorative element or stigma of the expression is crucial for carrying out this goal. The resulting view is that appropriation is only justified when the aim of those appropriating the slur is to challenge or subvert those assumptions. I’ll refer to this account as the Militant View. The militant view has the virtue of bringing in social and/or political considerations, giving a certain sort of balance to the discussion.

Gates’ discussion of Signifyin(g) again appears to lend support to this view of appropriation. He writes,
It would be erroneous even to suggest that a concept can be erased from its relation to a signifier. A signifier is never, ultimately, able to escape its received meanings, or concepts, no matter how dramatically such concepts might change through time. In fact, homonymic puns, antanaclasis, turn precisely upon received meanings and their deferral by a vertical substitution. All homonyms depend on the absent presence of received concepts associated with a signifier (48).”

The main idea is that appropriated uses stand in a special relation to pejorative uses. The former are parasitic on the latter. In a way this is undeniable since appropriation is a response to pejoration. Thus, we should expect the “absent presence” of that pejoration to remain for a considerable time.

Although I find the idea of grounding the permissibility of camaraderie appropriation in the notion of subverting existing oppressive assumptions attractive, it is not enough. First, there is no guarantee that others will recognize the effort as such. Simply willing a word to be understood in a particular way doesn’t suffice to bring it about. This is illustrated in rapper Lil’ Kim’s efforts to refashion stereotypes of black women as hypersexual whores by embracing the monikers ‘bitch’ and ‘ho.’ Speaking about the unsuccessful effort Kathryn Gines writes,

Lil’ Kim is merely seeking to move men from the subject to the object position where she can manipulate them as sexual objects. But this attempted reversal of sexual status strengthens rather than undermines the prevailing distorted image of Black sexuality.96

Even though Kim possessed a clear and determinate intention to overturn existing assumptions about black women’s sexuality, or at least the negative evaluations of it, she needed more than just an act of will to succeed.

96 In Darby and Shelby (2005), p. 100.
In addition to this last point, the point about a slur retaining its stigma is also dubious. The reintroduction of black as a term of self-reference by Stokely Carmichael and the Black Panthers during the 1960s was meant to carry an “edge” with it. ‘Black’ was intended to evoke a “repudiation of whiteness and the rejection of assimilation (Brontsema, 11).” But through familiarization and the recognition by whites that ‘black’ was now inoffensive, the expression became commercialized and lost its confrontational edge. Presumably, this is possible for any attempted appropriation that relies on the associated stigma to achieve its goal of subverting existing assumptions. But where familiarization dilutes that stigma, the goal is frustrated and thus on this view appropriation fails.

Finally, this view suffers from maladies attributed to the Cosby view. Because of its insistence that pejoration is inseparable, the militant view, like the Cosby view, fails to appreciate both meaning change and the defeasibility of linguistic ownership. In this case, the mistaken view of ownership errs by assuming too much control on the part of the appropriators. This is because what the term comes to express is determined by what the larger linguistic community recognizes as its expression. The slur may keep the pejorative sense within the smaller appropriating community, but it seems the true goal is frustrated if no one else recognizes this since the appropriating community intends the term to evoke a tension in its hearers. Because of these considerations we have reason to look elsewhere for a justification of camaraderie/solidarity appropriation.

3.6 Socially Conscious Appropriation
I think the militant view offers a starting point that we can build on to get to an adequate view. As was stated earlier, it is traditionally subordinated groups for whom the question of appropriation arises. They are the ones subjugated by oppressive regimes and disadvantaged by negative social images. Thus, the idea of appropriating a slur as a way of challenging oppression seems useful and important. But in addition to this aim, one also needs to take account of the extant social conditions and possible consequences of appropriation. As witnessed in the Lil Kim example, an attempt at appropriation can not only fail, but serve to reinforce the oppressive structure. So I submit the following conditions for when appropriation is an appropriate response to derogation:

**Socially Conscious Appropriation (SCA):** Appropriation is an appropriate response to derogation when: (i) it is engaged with the aim of subverting the existing oppressive structure associated with it; and (ii) there is a reasonable expectation for success.

SCA takes account of language users’ ability to shape the discourse in deliberate ways while at the same time recognizing constraints placed on this activity. Contrary to the Cosby view, we are not helplessly bound by the words we find ourselves with. We have the ability to shape and reshape the tools of our discourse. But contrary to the Q-Tip view, we are not free to use words in any way we feel without taking the broader linguistic community into account.

Earlier I discussed ways in which derogatory speech contributes to oppression. In section II, I presented Haslanger’s definition of oppression. I represent it here, filling in the variable for “Oppressed group” with ‘African American’:
x is oppressed as an African American by slurring in context C iff x is an African American in C and in C (∃R)(being an African American nonaccidentally correlates with being disadvantaged by being unjustly subordinated to others) and slurring creates, perpetuates, or reinforces subordination.

SCA says that appropriation, at least in ordinary conversational contexts, must involve subversion of the oppressive structure. In this case, slurring “creates, perpetuates, or reinforces subordination.” So, if appropriation is to be acceptable it must subvert a slur's ability to do these things. Can appropriation do this? There are examples of particular occasions where it seems this order has been momentarily disrupted by a well-placed appropriated use. For instance, observe the effect of the following appropriation in Frederick Douglass’ “The Key To Uncle Tom’s Cabin,”

*It is noticeable, too, that the complaint of interference is never preferred against any of our sainted priesthood who bulwark the system with the gospel. These holy Doctors are held to be very properly employed. It is only your hot-headed men who think a “n——r” has rights as well as a white man—that a slave is as good as his master—who are supposed to need counsel to mind their own business.*

It is clear in this example that Douglass’ use is meant to ridicule the attitudes of the bigot, turning the intended derogation on its head. It is conceivable that pointed uses like this could very well subvert the link between derogation and subordination perpetrated by primary uses of slurs.

This brings us to the second clause of the account, namely, a reasonable expectation for success. *Success* amounts to fulfillment of the intended aim. In order for a campaign of appropriation to be considered successful, the slur, in the mouths of in-group members, must come to be widely recognized as a challenge to

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the oppressive subordination perpetrated by the primary function of that expression.

SCA has important implications for casual uses of slurs in ordinary, mixed conversation. By ‘mixed conversation’ I simply mean conversations that include members of both the in-group and out-groups. On this view casual non-subversive uses of slurs by in-group members are not appropriate because they contribute to, rather than subvert subordination. These casual uses don’t do anything to provoke or challenge out-group members and in many cases serve to numb them to the oppressive effects of the slur. Consider the following e-mail sent to a Chicago Tribune writer:

*I just came from a very aggravating dinner with some extended family members, where two members referred to a black person by using the N-word. Infuriated, other family members and I told them that using the word was unacceptable. We got into a heated argument. They tried to tell us it was OK to use the word because African Americans use it toward each other and that using it was just like using the word "stupid" to describe someone who’s stupid. No matter how much I protested and tried to explain the history of the word and why it should be obvious that it isn’t OK, they wouldn’t listen.*

It is clear from the note that the people involved are non-Blacks, so we have a case of out-group members referring to someone Black as a nigger. The justification for doing so was that “African Americans use it toward each other.” Now of course it doesn’t follow from the fact that some African Americans refer to each other as ‘nigga’ that it makes it ok for out-groups to refer to African Americans in the same way anymore than it follows from the fact that you make love to your spouse that it is ok for others to do so as well. The suggestion is just silly. However, the point

might be more difficult to see in the case of language, so perhaps we should exercise more caution in the way we use words.

Caution should be exercised not just in face-to-face conversations, but with utterances that are put out there for public consumption as well; I have in mind things like comedy routines and musical performances. I think appropriated uses of slurs in these contexts can and do contribute to rather than subvert the oppressiveness of slurring. The situation described in the e-mail above provides evidence of this. It might also give us reason to be cautious about didactic uses of slurring expressions. Not that they shouldn’t be employed in didactic settings, but we do have to give thought to how the expressions will be received and the best ways to insure that our conversations don’t reinforce or support oppression.

**Conclusion**

Slurs are derogatory expressions that in some cases constitute oppression of their targets. When they are oppressive, sometimes appropriating them is an appropriate response. But that response must be accompanied by an aim to subvert the oppression and a reasonable expectation of success. Socially conscious appropriation is a strategy that takes the surrounding social conditions into account. Casual, non-subversive appropriated uses do not take these social conditions into account, at least not in mixed conversational contexts. Thus, these uses are prone to contribute to oppression, and as a result are inappropriate.
Chapter 4

Why So Serious? An Inquiry into Racist Jokes

4.1 Ethics and Jokes

Joking is ubiquitous. We witness jokes on television shows and in movies. They appear in literature and art. We spend money to be entertained by comedians. And our normal everyday conversations are peppered with them. Jokes serve a variety of purposes, e.g. they can be cathartic, entertaining, used as social correctives, used for ice-breaking purposes, as well as carrying out insults.

Recently, there has been a growing interest among philosophers in the connection between ethics and humor. At one end of the spectrum is the Moralist, who thinks “our sense of humor is fully answerable to ethical considerations.” Concerning jokes, the moralist remarks, “The fact that a joke rests on ethically bad stereotypes or expresses a derogatory attitude shows that it isn't funny.” That is, ethically bad attitudes affect the aesthetic value of funniness. On the other end of the spectrum is the Anti-Moralist, who finds no interaction between ethical considerations and humor. As Oscar Wilde put it, “to art’s subject matter we should be more or less indifferent.” Wilde believed we should enjoy art for art’s sake and

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101 Wilde The Picture of Dorian Gray. This is, of course, a contentious matter of which many hold differing views. See Gaut (1998), Smuts (forthcoming), and Kieran (2006).
that morality should play no role in our aesthetic evaluations of art works.

Presumably, it would be argued, the same goes for jokes too.\textsuperscript{102}

One reason this debate is important has to do with the prevalence of humor in normal conversation. As Berys Gaut points out, “A great deal of our normal everyday, face-to-face interaction is woven through with humor, so the ethics of humor forms an important part of the ethics of interpersonal relations (52).” Given this fact, those of us who care about the ethics of interpersonal interaction have much to gain by determining whether ethical considerations interact with humor as the moralist says, or whether it is “unburdened by the restraints and repressions of everyday interactions” as the anti-moralist claims.\textsuperscript{103}

Jokes are a type of humor we use a great deal. Among the sorts of jokes we tell are racial jokes.Crudely speaking, these are jokes about various aspects concerning race or race-related issues. This might include jokes about physical features, cultural practices, speech patterns, immigration status, or even food. Often, racial jokes include race terms, such as ‘black’, ‘white’, ‘Asian’, ‘Hispanic’, etc, terms, as Ron Mallon points out, that are used “to classify people (including oneself) or differentially treat them.”\textsuperscript{104} But the inclusion of these terms is not sufficient to make a joke racial. Many racial jokes express stereotypes about groups. For example, the following joke is not racial though it contains a race term,

\textsuperscript{102} Some have expressed views that consider jokes to be artworks. But even if they are not, funniness is an aesthetic value. So arguably jokes, when evaluated aesthetically, would still be included within the scope of Wilde’s claim.

\textsuperscript{103} Gaut (51).

A black panhandler approached a man on the street outside a theater. The man declined to give anything, saying “Neither a borrower nor a lender be.”—William Shakespeare.

The black panhandler replied, “Fuck you!”—David Mamet.”

In this case the racial component of the joke is deletable; deleting the racial reference does not affect one’s ability to understand the joke. Thus, racial reference is not always sufficient for making a joke racial; either the joke must also express a racial stereotype or the racial reference must in some way be crucial to understanding the joke. A joke expresses a racial stereotype when “getting” the joke depends, at least in part, on recognizing the stereotype.

Some racial jokes appear to be morally innocuous or at least not racist. For example, comedian Paul Mooney, while doing an interview with Greta Van Susteren, told the following joke:

There was a white woman that was baking a chocolate cake for her little white son. She turned her back, he took the chocolate, rubbed it on his face and said “Look mommy, I’m black!” The mother slapped him and said, “Don’t you ever say that in this house. Now go tell your father what you said.” So he put the chocolate on his face and said to his father, “Look daddy, I’m black!” His daddy slapped him and said, “Don’t say this. Go to your Grandfather.” He went to his Grandfather. “I’m black grandpa.” The grandfather slapped him, “Go back to your mother.” The mother sat him down and asked, “Timmy, now what have you learned today?” Timmy said, “I’ve learned I’ve been black for five minutes and already I hate you white people!”

105 Adapted from a joke in Cohen (1999).

106 http://www.youtube.com/watch?v=9cuX2uYOi4g. There are those who find the use of race terms racist or morally problematic, e.g. Webster (1992) or Myers (2005). People like Webster and Myers think such talk only serves to reinforce division and social tension and perpetuate the racist order. Consequently, racetalk should be eliminated so as to eliminate the division and tension it causes. I do not take up this issue in what follows, but assume some uses of racial terms are unproblematic.
Intuitively, this is an example of a racial joke utterance that isn’t racist or morally problematic because of race; it is merely racial. Part of the purpose of this chapter is to give an account that predicts this result.

We also know there are racial jokes that don’t have such a clean bill of health. Some racial jokes are racist. Examples of these aren’t hard to imagine; the anti-Semite who unleashes a constant barrage of Jewish jokes, the anti-black racist who fills the air with “nigger” jokes, and the xenophobe who constantly tells Mexican jokes all provide paradigmatic instances of joking utterances that are intuitively racist. I also think there are racial jokes that, though not racist, don’t escape negative evaluation. Some racial jokes seem to be racially insensitive, which is a weaker notion than racist. One reason, though not the only one, for making this distinction is that not everything that is racially offensive is racist. A speaker may make a well-intentioned joke that is inappropriate given the context. Calling that utterance racist will likely have the effect of discouraging people of goodwill, thereby losing potential allies.

The aim of this chapter is to offer a view about the moral evaluation of jokes that maintains the tripartite distinction mentioned above. Doing so will allow us to identify those racial jokes that are the appropriate targets of our moral censure. The basic thesis is that merely racial jokes have a particular aim and reasonable expectation of audience uptake of that aim. Merely racial jokes are contrasted with racist and racially insensitive jokes, both of which involve a breakdown of one or both of the criteria just mentioned. Before elaborating the positive view, I will first survey alternative views and raise objections to each. I then discuss stereotypes
and their relation to racism. Finally, I present the positive view and answer possible objections.

4.2 Racial and Racist Jokes

4.2.1 Explaining Racist Jokes

So what makes a joke racist? Before delving into possible answers to this question I should state up front the exact object of inquiry. By my use of ‘joke’ I mean to pick out joke utterance-tokens or joke-tokens, as opposed to joke-types. As Aaron Smuts (2010) points out, “[w]e only ever encounter particular performances of jokes.” And presumably, we can encounter various different performances of some joke-type, each playing a different ethical role. Therefore, we will focus on determining when joke utterances are racist, racially insensitive, or merely racial.

One seemingly common view among “the folk” is that a joke is racist only if the person telling it only tells such jokes against certain groups. So, it seems to follow that a joke isn’t racist as long as the speaker tells such jokes about all races. Call this the All-In View. The idea must be that telling racial jokes about all groups, where those jokes rely on the specific stereotypes associated with each, is not racist. Obviously the conclusion does not follow from the premise. Presumably, proponents of this view acknowledge telling such jokes can be racist when one does not include all groups in one’s activity. But once that is accepted it is difficult to see how adding more instances of the act changes its moral character. It is not much of

\[^{107}\]Smuts (2010), p. 2, n. 2. I set aside questions about the moral evaluation of joke-types as well as more general questions about the type-token distinction. My focus on joke-utterance tokens shouldn’t be understood as determining a position one way or another on ontology. I am making a minimal assumption, that joke-utterance tokens can be distinguished from joke-utterance types.
a reply to say of a rapist, “Oh, his sexual encounters with women are not rape because he does the same thing to men and children too.” That just makes him an equal opportunity rapist. In the same way, telling these types of racial jokes just makes the speaker an equal opportunity teller of racist jokes. If an act is wrong when committed against a few, the mere addition of more targets doesn’t mitigate the wrongness of the act.

The previous view seems to rely on the assumption that we can decipher something about the speaker’s intentions from her joking utterances, namely, that they are innocent. Perhaps we should focus instead on the intentions or attitudes of the speaker as a guide for figuring out when a racial joke is bad. Let’s call this kind of view the *Attitudinal View*. Borrowing from a well-known theory of racism that explains the phenomenon in terms of attitudes (Jorge Garcia, 2001), we can state the view this way: ‘a racial joke is racist just in case the speaker has a vicious attitude, attitude of ill-will towards, or an attitude of careless disregard for members of the racial group targeted by the joke.’ Thus, a speaker tells a racist joke against, say, Asians if he hates them, wishes ill of them, or doesn’t care enough to treat them like fully human beings.

The popularity of this view is displayed in the response of many who are charged with making a racist joke or statement. People accused of telling a racist joke or making a racist statement often appeal to the “purity of their motives” as a defense. In an attempt to avoid the charge of racism they appeal to their lack of hatred or contempt toward any racial group, often backing it up with a resume of
accomplishments in the area of social interaction with members of other racial
groups. An example of this defense occurs in the statements of golfer Fuzzy Zoeller
after Tiger Woods won his first Masters. Zoeller first remarked:

That little boy is driving well and he's putting well. He's doing everything it
takes to win. So, you know what you guys do when he gets in here? You pat him
on the back and say congratulations and enjoy it and tell him not to serve fried
chicken next year. Got it?” He then added, “or collard greens or whatever the
hell they serve.”

After receiving unfavorable attention for his comments Zoeller responded, "My
comments were not intended to be racially derogatory, and I apologize for the fact
that they were misconstrued in that fashion.”

Besides the non-apology, we see in this response an appeal to the purity of his
motives by assuring his audience he lacks any racially derogatory attitudes or
intentions towards Blacks. If the current view on the table is correct, we should
acknowledge that Zoeller’s statements were in fact not racially problematic in any
way, provided he was sincere and correct in his introspective judgments.

However, this account of racist jokes is incorrect: first, it seems plausible that a
person could tell a racist joke even if he lacked any attitudes of ill-will or careless
disregard, which means a certain attitude is not necessary for doing something
racist. In the case of Zoeller, even if we took him at his word—that he did not intend
for his remarks to be racially derogatory—his uttering those statements could still
be viewed as racist (why this is so will become clear when the positive view is
presented below).

109 Ibid.
Although Zoeller’s remark was not what we normally consider a joke, it is still instructive for our purposes. Some may be tempted to see a significant difference between ordinary utterances like Zoeller’s and joking utterances of the kind we are investigating that affects our moral evaluation of both. Perhaps, unlike ordinary utterances, the presence or absence of ill-will or careless disregard really does determine joking utterances’ moral status. But what would ground this distinction? One might think of jokes as a special class that is shielded from moral censure, except, maybe, in some specially defined circumstances. Notice, this differs from the Anti-Moralist position mentioned in the introduction in that the claim is not that moral values do not affect the funniness of a joke, but that jokes are not candidates for moral evaluation. I doubt this is very plausible though. There are some aesthetic judgments that don’t appear to carry moral significance. For instance, painting a house a particular color normally does not carry any moral implications. This just isn’t the type of activity that is apt for moral evaluation. Telling jokes, however, doesn’t seem to be like deciding what color to paint a house in this respect. Telling jokes has implications for people in ways deciding paint colors often do not. And unless there is another serious contender for grounding a distinction between jokes and other types of utterances, the lesson learned from the Zoeller point presented above can be applied to jokes too.

Another rather striking objection concerns the objects of emotion. Garcia regards racial hatred as a central form of racism. But, as Charles Mills argues, hatred is an emotion and certain doxastic considerations must first be met in order
for something to be an object of a particular emotion.\textsuperscript{110,111} The idea is that in order to hate something you must see it, conceptually, as having a certain character. In the case of fear, John Deigh remarks, “a dangerous man would not be feared if he were not known or believed to be dangerous.”\textsuperscript{112} The same sentiment seems just as likely for hate. If this is correct it poses a severe problem for the non-doxastic account upon which the attitudinal view relies, namely, that non-doxastic attitudes are not sufficient for racism.\textsuperscript{113} This is because the admission of doxastic elements into the analysis contradicts the claim by the attitudinal account given here that attitudes are sufficient for determining racism.

Finally, it is not clear how the attitudinal view accounts for racially insensitive jokes. Recall that on the view we are considering a racial joke is racist if the speaker has a certain vicious attitude; otherwise it is not racist. There doesn’t appear to be room for a weaker option on this view. The presence of the right kind of ill-will or careless disregard implicates the joke teller as having said something racist. Even if this view was amended to match less virulent attitudes with racial insensitivity, it would still not be enough. Doing so would only capture some of the cases we want, namely, those in which insensitivity proceeds from an attitude. But not all cases of insensitivity need proceed from this source. The speaker may miscalculate the

\textsuperscript{110} It’s not clear that every emotion requires an object. For example, one can be sad without having something to direct that sadness towards. However, there are some emotions that do appear to require an object. Intuitively, hatred is among those emotions that do.


\textsuperscript{112} Deigh (1994), p. 834.

\textsuperscript{113} ‘Doxastic’ is used to refer to belief. So, a non-doxastic view of racism says having a certain belief is not necessary for something being racist.
extent to which her audience can understand her aim in telling the joke. The upshot is that insensitivity is determined by more than just the speaker’s attitudes. We must also appeal to effects on the audience, what it is reasonable to expect them to understand (this point is elaborated on in section 3).

If the attitudinal view cannot escape possessing doxastic elements, as one of the objections presented above alleges, then perhaps we would do better to construct a view of racist jokes in doxastic terms? Instead of attitudes, maybe we should focus on beliefs? This view, i.e. the Doxastic View, says a joke is racist when it expresses a racist belief.\textsuperscript{114} Thus, an utterance of the following is racist just in case it expresses a racist belief:

\textit{What do you call two Blacks on one bike? Organized crime.}\textsuperscript{115}

If this is correct, then we can ask whose belief is the relevant one. Is it the person telling the joke or the person who created the joke? If it is the beliefs of the joke’s creator, then it doesn’t matter what the beliefs of the person telling the joke are. She could believe the stereotypes in the joke and tell it because she thinks it’s true, or at least mostly true. If she doesn’t believe them, on the other hand, and the joke’s creator had racist beliefs, then she can’t seemingly use the joke to escape its racist meaning. This last point is important since we have reason to think not all racial joke utterances are racist. Indeed, you might think one can tell a joke sarcastically, thereby communicating something different from what the utterance

\textsuperscript{114} For a doxastic view of racism in general, see Appiah (1990).
\textsuperscript{115} www.Racist-Jokes.com
might be taken to literally mean. Making the joke creator’s beliefs the relevant ones seems to preclude this possibility where those beliefs are racist.

If the relevant beliefs expressed are taken to be those of the speaker, then we seem to meet with a different problem. Someone could tell a racial joke that is intuitively racist, yet lack all manner of racist beliefs, thus making the utterance non-racist. Suppose our speaker tells the following joke:

**Q: What do you call a fat Chinaman?**

**A: A chunk!**

Supposing the speaker doesn’t have any racist beliefs about Chinese people, the utterance is still intuitively racially problematic, even though she is telling the joke just to get a laugh. The joke turns on the interplay between ‘chunk’ and the implied racial slur ‘chink’. And it is the joke’s reliance on a racial slur that may make the utterance problematic for some speakers.

And finally, as with the attitudinal view the doxastic version does not appear to explain cases of insensitive but non-racist jokes. It is not clear how appeal to the possession of a particular belief or beliefs could adequately explain insensitivity.

As we have seen, neither beliefs nor attitudes provide a solid ground for a theory of racist jokes. Both views seem susceptible to charges that they overemphasize what is going on inside the agent and do not pay enough attention to

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117 See Anderson and Lepore (forthcoming) for further discussion. I suggest later that the utterance of a slur by an out-group member does not automatically make that utterance racist (see below).
what is going on in the world. A consequentialist view tries to remedy this by appealing to the joke’s effects. Michael Philips (1984) provides us with a version of this view. Philips remarks, “‘racist’ is used in its logically primary sense when it is used of Basic Racist Acts.”

He characterizes a basic racist act as the following:

P performs a Basic Racist Act by doing A when: (a) P does A in order to harm Q because Q is a member of a certain ethnic group; or (b) (regardless of P’s intentions or purposes) P’s doing A can reasonably be expected to mistreat Q as a consequence of Q’s being a member of a certain ethnic group (77).

Philips’ view points to the result, or expected result of harms suffered by the victim. We also see on this view that intentions, though relevant in some instances, are not a necessary feature of racism. This allows the account to capture unintentional racist instances.

Given his account of basic racist acts Philips has a pretty straightforward view about racist jokes. A racial joke is racist if: (1) it is a basic racist act, or (2) it can reasonably be expected to promote an atmosphere in which basic racist acts are more likely to occur, or (3) it is intended to promote such an atmosphere (87). On this view, a joke can be racist regardless of the speaker’s attitudes or beliefs. This feature of the view appears to capture something intuitively important. So does it work?

Unfortunately there are problems with Philips’ view. First, as with the attitudinal view, the consequentialist view fails to account for racially insensitive jokes. Certainly, telling a joke without the intent to harm (indicated in clause (a) of a

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basic racist act) or the expectation of mistreatment (as indicated in clause (b)) does not automatically put one in the clear. Again, it’s plausible that one can be insensitive in telling a joke even with the noblest of intentions and without there being any reasonable expectation of mistreatment.

Next, Philips’ view allows for racial jokes told among an isolated group of racists to escape being classified as racist. This makes joke utterances that are intuitively paradigmatic cases of racism turn out not to be racist if told in an isolated situation. For instance, the following joke would not be racist if told by a racist in an isolated situation,

(1) There is a nigger and a spic in a car. Who is driving?

A police officer.

It is true that (1) might not cause harm when told in isolation, but that does not make it a good reason to resist calling it racist. We might think there is a distinction between evaluating an act someone performs and determining the harm it might produce. For instance, the man who intends to give his wife poison but unknowingly gives her the sole remedy to her illness does something bad even though the act produces good results. Likewise, in the case of (1), the act of telling the joke (here, a speech act) is racist but there are no harmful consequences.

Another problem is raised by Reed Richter (1986). He describes a situation in which all of the racists are rounded up and banished to their own private island

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119 An ‘isolated situation’, as I am conceiving of it, is one that precludes the possibility of a racist joke having any meaningful influence on the actions of broader society.
where they can cause no more mischief in the world. As a result, there is no longer any reasonable expectation of mistreatment of a person in virtue of their racial identity. Given this, it is still coherent to describe, e.g. Mexican jokes, as told by an inhabitant of this island as racist. But Philips’ view does not count this as a coherent description, and that’s a bad feature of his view.\textsuperscript{120} Thus, we have good reason to doubt the consequentialist view of racist jokes.

4.3 Another Way

4.3.1 A Tri-Partite Distinction

We have seen that an attitudinal view is inadequate for telling us when a joke is racist since such a determination involves more than the speaker’s intention. We’ve also seen that the doxastic view doesn’t work because the speaker need not believe the joke’s content in order to tell a racist joke. And finally, consequentialist accounts have a difficult time explaining what is intuitively racist about jokes told in isolation, as well as jokes that carry no real possibility of causing harm.

I want to propose a hybrid view that takes account of both attitudes and effects. A racial joke is \textit{merely racial} if (i) the speaker has an aim to subvert the stereotype associated with the target group and (ii) the audience can be reasonably expected to recognize this aim. A racial joke is \textit{racially insensitive} if the speaker (i) lacks an aim to subvert the associated stereotype and is motivated by a non-

\textsuperscript{120} David Benatar (1999) offers a slightly different version of a consequentialist view. On his view, “[r]acist and sexist humor are those forms of humor which are intended to, or can reasonably be expected to, inflict harms on racial or gender grounds, where these harms are wrongful (196).” However, his version falls prey to similar objections.
malevolent attitude, e.g. attempting to be funny, or (ii) has a subverting aim but cannot reasonably expect audience uptake of that aim. And finally, a racial joke is racist if the speaker either (i) endorses the stereotype or (ii) is motivated by a malevolent attitude or one of disregard.

**Stereotypes, Ideology, and Implicatures**

This analysis makes essential use of the notion of a stereotype, so it is important to clarify how I am conceiving of it. As Daniel Schneider (2004) points out, there have been several attempts at defining what a stereotype is. For some, stereotypes are always false or misleading (Blum 2004), conform “very little to the facts [they] pretend to represent” (Katz and Braly, 1935), are an “exaggerated belief associated with a category” (Allport, 1954), are “inadequately grounded” (Harding et al., 1969), and so forth.

Lawrence Blum (2004) argues that we should view stereotypes as a kind of generalization; specifically, a false or misleading generalization, a characterization he believes adheres to the ordinary folk notion of stereotype (256). Blum writes, “to call something a ‘stereotype’, or to say that someone is engaging in ‘stereotyping,’ is to condemn what is so characterized (251).”

While it may be part of the ordinary folk notion that ‘stereotype’ is a pejorative expression, I concur with Schneider when he says “assumptions about whether stereotypes are good or bad do not seem to buy us much. There are times for moral outrage, and there are times when we need the courage to bully our way ahead toward our goal of understanding (8).” Now, the stereotypes that often find their way into a racial joke are invariably bad, so it isn’t crucial to come down one
way or the other on this issue. But for the purposes of this article I adopt a neutral
definition of stereotypes as “widely held associations between a given social group
and one or more attributes.”

Now I do not mean to imply by this definition that the teller of a racial joke is
necessarily the one who holds the stereotype, just that the generalization is widely
recognized in some particular sociocultural context. Stereotypes are “cultural
entities, widely held by persons in the culture or society in question, and widely
recognized by persons who may not themselves hold the stereotype (Blum, 252).”
Blum refers to these as cultural stereotypes. It’s as though they have become
conventionalized, much like hand signals and road signs.

Though I have adopted a neutral definition of stereotypes, there does appear
to be something funny about them when their subjects are human beings. But what
is it that underlies our suspicion and why do we find them morally bad? One
response is to say it’s because they are false or misleading. However, just pointing
out this feature isn’t sufficient for saying what’s morally bad about them. Holding
onto a false or misleading generalization may be epistemically bad, but this does not
yet enter into the moral dimension. As Blum points out, an individual may hold a
false generalization, but be willing to revise her beliefs when presented with
evidence that counters her original beliefs. The difference, according to Blum,
between holding an unwarranted generalization, and holding a generalization
stereotypically, is that the latter involves a tendency to resist counter-evidence. The

\footnote{Fricker (2007), p. 30.}
individual holds the stereotype in a fixed or rigid manner and has a tendency to either ignore or fail to see counterinstances.

Blum’s suggestion, though, is contradicted by evidence from the philosophy of language. Commonly, the content of a stereotype occurs in the form of a generic, such as ‘Women are intuitive,’ ‘Blacks are lazy,’ and ‘Muslims are terrorists’ rather than quantified statements like ‘All women are intuitive,’ ‘Some Blacks are lazy,’ or ‘Most Muslims are terrorists.’ In fact, the resilience of stereotypes among their holders makes it less plausible that they have quantificational content, since saying, e.g. “All Blacks are lazy” is too strong—not even the most ardent racist thinks every Black person is lazy—and “Some Blacks are lazy” is too weak—every racial group has some lazy members. Sarah-Jane Leslie (2008) observes that certain types of generics, striking property generics, are “extremely tolerant of exceptions (40).” For example, we judge ‘Mosquitoes carry the West Nile Virus’ as true even though approximately 99 percent of mosquitoes, in fact, don’t carry the disease (2). This is so because the property attributed to them is striking in a dangerous or appalling way; it is one we’d do well to avoid. Thus, people are inclined to resist counter-evidence, or perhaps more accurately, fail to view counterinstances as evidence at all.

Further, those mosquitoes that do not carry the disease are perceived as belonging to a kind whose members are disposed to carry it. Given the right circumstances, mosquitoes that don’t currently carry the disease would do so. It is considered a fact about their nature and this is what makes the generalization so intractable.
Applying Leslie’s insights to stereotypes demonstrates why Blum’s suggestion fails. Consider the statement ‘Muslims are terrorists.’ According to Blum, this statement is bad because the individuals who hold it have a tendency to resist counterevidence against it. But if this is correct then it seems Blum would also have to say seemingly innocent statements like ‘Mosquitoes carry the West Nile Virus’ or ‘Sharks attack bathers’ are bad. That is an unflattering consequence of his view, one that gives us reason to resist adopting it.

I think Leslie’s account of striking property generics shows us something important about stereotypes’ resilience, but it needs to be augmented a bit for instances that involve non-threatening properties. Statements like ‘Blacks are lazy’ and ‘Asians are smart’ behave like ‘Mosquitoes carry the West Nile Virus’ even though laziness and intelligence aren’t particularly dangerous or appalling. Whether these examples are striking property generics or majority generics (where ‘Ss are F’ is judged true just in case most Ss are F) depends on how people react to counterexamples. If those who judge them true continue to hold on to them after being given numerous counterexamples, then they must be conceiving of those stereotypes as striking property generics. If, however, they do revise their judgment about the statement’s truth, then the content is probably in the form of a majority generic.

Given that Blum’s account and any account that appeals to resistance toward counterexamples does not show what’s wrong with stereotypes, we need another explanation. I think a good place to start is with the idea noted above that the property predicated of the group is essentialized—that is, Blacks are seen as lazy by
nature, for example. Building on Leslie’s work, Sally Haslanger suggests striking property generics introduce a deleterious implicature into the common ground. Haslanger characterizes common ground as a background of shared beliefs, assumptions, presumptions, etc needed to make our conversations successful (Haslanger, 11 – 12). The idea is that certain assumptions are needed by participants in a conversation to make sense of what is explicitly uttered by a speaker. For example, if you ask me what the date is and I respond, ‘September 16, 2010’ it is part of the common ground that we both adhere to the Gregorian calendar.

Haslanger suggests that at least for some generics of the form Fs are G, an utterance of one implicates “that under “normal” circumstances it is something about being an F that makes an F a G, that F’s as such are disposed to be G (15).” And these implicatures, if left unchallenged, are introduced into the common ground. One problem with them is that they are false. Blacks are not disposed to be lazy; Arabs are not disposed to be terrorists, etc.

Another problem, Haslanger claims, arises because of a tendency for people to blur the distinction between the natural and the social. Crucial to this idea is the notion of ideology. Haslanger describes ideology as “the background cognitive and affective frame that gives actions and reactions meaning within a social system and contributes to its survival (3).” She remarks that ideologies are “representations of social life” and they “undergird social practices (2).” Ideologies are what we use to
make sense of our social world, which in effect influence our actions and inactions (2).

Haslanger notes that ideologies contain beliefs, but also other primitive dispositions and attitudes. Thus ideology can (and often does) take on a less belief-like form, referred to as ‘hegemony’. Quoting Susan Silbey, we are told that “the term ‘hegemony’ is used to refer to situations where meanings are so embedded that representational and institutionalized power is invisible (3).” Haslanger informs us that ideologies can be more or less hegemonic, and as a result are rendered less visible, i.e. less conscious, the more hegemonic they are. And this returns us to Haslanger’s claim with which we began, namely, “[w]hen ideologies become hegemonic, their effects blend into and, in an important sense, become part of, the natural world, so we no longer see them as social (4).”

Things like our social practices and conventions, social institutions, social roles, and social hierarchies are composed of schemas (i.e. “intersubjective patterns of perception, thought and behavior) and resources (i.e. the things that provide material existence to the schemas). Haslanger, borrowing from William Sewell’s insights, notes, “a social structure exists when there is a causal, and mutually sustaining, interdependence between a shared or collective schema and an organization of resources (21).” A factory and its features illustrate how the interaction of schemas and resources constitute a social structure. Quoting Sewell, Haslanger writes,

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122 Haslanger notes that her characterization of ‘ideology’ is non-pejorative. On her view, ideology “is necessary for there to be any social coordination, both just and unjust (4).”

123 Haslanger (20).
A factory is not an inert pile of bricks, wood, and metal. It incorporates or actualizes schemas…The factory gate, the punching-in station, the design of the assembly line: all of these features of the factory teach and validate the rules of the capitalist labor contract…In short, if resources are instantiations or embodiments of schemas, they therefore inculcate and justify the schemas as well…Sets of schemas and resources may properly be said to constitute structures only when they mutually imply and sustain each other over time.124

Given this picture, Haslanger says resources are formed in a way that they trigger certain dispositions (schemas) “that are manifested in ways that, in turn, utilize and shape the resources (25).”

Given all of this, we can now begin to tell a plausible story about the danger of racial generics. Schemas, which Haslanger claims are a form of ideology, are an important part of the common ground of conversation. Schemas are a major influence on the way we understand and interact with the social world. The less belief-like they are, the more hegemonic they become thus making them more difficult to detect. Among our schemas are stereotypes, often carrying generic content. Troublesome generics, like ‘Blacks are lazy’ or ‘Muslims are terrorists’ implicate that the truth of these claims are grounded in the nature of Blacks and Muslims. Since schemas shape resources, and the resources in turn reinforce the dispositions, the generalized information introduced into the common ground appears natural because triggered by some resource (in this case the social group identity), becoming entrenched and difficult to dislodge. If Haslanger is correct, this should give us ample reason to handle racial generics with caution. We also have incentive, that is, those of us who are invested in ridding the world of racial injustice, to engage in subversive activities towards those statements. In fact,

124 Quoted in Haslanger, p. 21.
assuming Haslanger is correct about the hegemonic tendencies of racial generics, we can begin to see why a subversive act rather than a lack of ill-will may be crucial when it comes to these types of utterances.

4.4 The View in Action

Now, as was mentioned in section 1, racial jokes often express racial stereotypes. And we saw in the previous section that what makes some racial stereotypes bad is that they introduce problematic implicatures into the common ground. Merely racial joke utterances escape introducing these implicatures by canceling them. On the other hand, racially insensitive and racist joke utterances do not cancel the implicature but introduce them into the common ground.

A consequence of my view is that virtually any racial joke can be merely racial, racially insensitive or racist. The aim of the speaker should factor into our evaluation of her utterance, but also how reasonable she is in expecting her audience to recognize that aim. This is an important point to keep in mind as we apply the view to various cases.

First, my view characterizes the Mooney joke (the joke about the chocolate-faced boy) as merely racial if Mooney had a subversive aim toward the implicit idea that white people are or are disposed to be cruel, and the audience could reasonably be expected to recognize that aim. It’s likely that Mooney did not have a subversive aim which would mean that the joke was racially insensitive. Someone might balk at that determination suggesting that the joke should be viewed as unproblematic, and so merely racial. However, I think this intuition can be explained by considering
who the targeted group of the joke is. Whites are often the butt of caustic racial jokes. Non-white comedians, for example, often joke about white cruelty, arrogance, and racism. But we rarely are bothered by such jokes, whites included. I suspect this is due in part to things like the socioeconomic status of whites, in general. Ted Cohen, in explaining why he is not often bothered by negative portrayals of whites but is bothered by negative portrayals of blacks and Jews, says Whites are not regarded as vulnerable whereas blacks and Jews are.\textsuperscript{125} Being white affords one certain advantages non-whites typically do not enjoy. Comedian Louis CK, explaining the advantages of being white, puts it this way:

\begin{quote}
I'm a white man. You can't even hurt my feelings. What can you call a white man that really digs deep? "Hey cracker!" Oh, ruined my day. Shouldn't have called me a cracker; bringing me back to owning land and people. What a drag.\textsuperscript{126}
\end{quote}

The idea is that being so advantaged can provide a kind of shield from insult, or at least significantly lessen the blow. Stealing $1000 from someone who is very poor hurts that person much more than stealing $1000 from a billionaire. Both are acts of theft but the impact on the victim differs depending on that person's circumstances. This makes it is easy to see why insensitive remarks can go unnoticed or be shrugged off as insignificant and irrelevant.

Next, what does this view say about Fuzzy Zoeller's remarks mentioned in section 2? Recall the attitudinal view characterizes Zoeller's comment as unproblematic if he was sincere in his declaration that he meant nothing.

\textsuperscript{125} Cohen (1999), p. 80.
\textsuperscript{126} http://www.youtube.com/watch?v=TG4f9zR5yZ
derogatory. And we said the attitudinal view’s judgment got that case wrong. Suppose for the sake of argument Zoeller did possess pure motives. On my view his joke was still racially insensitive. It seems clear that he did not possess a subverting aim but it is plausible that he lacked malicious motivation. That is enough to escape a charge of racism but not enough to exonerate him of blame completely.

Further, the view correctly tracks intuitions about the importance of attitudes for the moral evaluation of utterances. Like the attitudinal view, the hybrid view also considers a person’s aim in telling a joke but unlike the attitudinal view, this view does not take the aim to be the sole determining factor in our moral evaluations. That way we can get what’s good about the attitudinal view without also incurring its disadvantages. Requiring a positive aim to subvert along with audience uptake allows us to avoid having to say Zoeller’s remark was merely racial.

What does my view say about the fat Chinaman joke presented in section 2? Well, again it will depend on the aim of the speaker and the reasonableness of expecting audience uptake. Just as the case with the attitudinal view, the doxastic view relies solely on the speaker’s doxastic attitudes in order to make a determination about the joke’s racial status. But as we have seen this is inadequate. A speaker could fail to hold any racist beliefs and yet still tell a racist joke. Take a speaker who utters a joke whose stereotypes she does not endorse. Suppose the speaker tells a racial joke about Arabs because she wants them to make them worse off and she thinks telling racial jokes about them is a good way to do that. Intuitively, the speaker is doing something racist and the hybrid view’s judgment
gets the case right while the doxastic view does not. This feature is also helpful for explaining why jokes that don’t express racial stereotypes can be racist. Consider the following joke:\(^{127}\)

\[
Q: \text{How many Jews can you fit in a VW Beetle?}
\]

\[
A: 54. \text{Two in the front, two in the back, and fifty in the ashtray.}
\]

We can imagine an anti-Semite telling this joke with great fervor. The hybrid view counts this utterance as racist since the speaker is motivated by malevolent aims or careless disregard.

And finally, in contrast to the consequentialist view, this view makes the correct judgment about intuitively racist jokes told in isolated contexts. The private huddle of racists spewing “nigger jokes” among one another is telling racist jokes if they either endorse the stereotypes or have malicious motivations. The fact that their jokes are not expected to cause harm for anyone is inconsequential to the evaluation of their speech act.

One might worry that this view seems to be another version of the attitudinal view. This view differs importantly from the attitudinal view, however, in that it appeals to outcomes in addition to the speaker’s attitude. My view employs aspects of the attitudinal view, but ultimately says attitudes aren’t sufficient for distinguishing merely racial from racially problematic jokes.

\(^{127}\) This “joke” was recounted to me by Adam Sennet.
Another consequence of the view that some may consider an objection is that it counts as racially insensitive some joke utterances some will think are merely racial. One instance concerns racial jokes told among friends of different races. Suppose Lisa, who is white, and Ricardo, who is Mexican always kid each other with racial jokes—Lisa tells Mexican jokes and Ricardo white jokes. Further, suppose neither aims to subvert the stereotypes associated with each group by their telling of the joke, but obviously neither is motivated by a malevolent attitude. The view on offer characterizes these utterances as racially insensitive but some may think the fact that two friends are involved shows the utterances are merely racial. I believe this is mistaken. The impulse to characterize the jokes as merely racial appears to rest on the assumption that because the two are friends we can assume each has pure motives. But as was argued earlier, having pure motives is not sufficient for escaping blame.

A related case involves situations where the speaker is telling racial jokes about her own racial group. Just like in the case above, one might be tempted to think the speaker’s utterance is generally unproblematic in this case too, since people are less likely to be ill-motivated towards groups of which they are themselves members.

Certainly, there is an intuitive difference between the two cases presented above and cases where either the interlocutors are not intimately related or the speaker is not a member of the targeted group. There doesn’t appear to be the same level of offense (if any) in the former as in the latter case. Perhaps one reason
people do not take offense at racial jokes told among friends or by in-group members is that being offended by those utterances may suggest something untoward about the speaker’s motivations or intentions. And the perception is speakers in these situations typically have innocent motivations. Though we have seen innocent motivations (by themselves) do not make the jokes innocent, the perception that they do is enough to explain the intuitive difference presented above.

Although this essay focuses narrowly on racial jokes, the view offered here can be applied to racial speech in general. Don Imus’ comments about the Rutgers Women’s Basketball team being “nappy headed hoes” or ex Virginia Senator George Allen calling an Indian-American in the audience at a campaign speech ‘macaca’ were both racist utterances if Imus and Allen had malicious motivations or careless disregard, and racially insensitive if both lacked subverting aims but had non-malicious motivations.128 The view has explanatory power and is able to give clarity to our evaluations of often troublesome racial speech.

4.5 Jokes and Morality

We have been talking about the classification of joking utterances made by speakers, when they are merely racial, racially insensitive, or racist. Much of the discussion can be construed as focusing on the evaluation of acts rather than the moral character of the actor. However, the analysis offered does crucially appeal to features of the speaker in its evaluations of utterances. The tacit assumption is that

acts cannot be evaluated adequately apart from considerations of the attitudes and intentions of actors. So, the first thing to say here is that the objects of this inquiry are acts and actors.

I join those who are skeptical of attempts to judge an action’s racial status apart from the intentions, attitudes, and motivations of actors. For some, racism is best understood in terms of institutions’ effects on particular racial groups. On this view, racism occurs when an institution has a tendency to systematically disadvantage racial groups apart from any intentions of agents. Proponents of this view, however, recognize another domain of racism, namely individual racism that tracks the interpersonal interactions of individuals. One could give an account of individual racism in terms of consequences as well. Perhaps on this view an act is racist if it results in negative effects on or disutility for individuals qua members of a particular race. On this view a joke would be racist if it resulted in negative effects, say lower public esteem, for members of the joke’s targeted group. However, this fails to account for the historical understanding of racism as intimately tied with the attitudes and affections of the actor. Perhaps an adequate view of racism should take the consequences of the act into account, but it should retain the attitudinal component as well, lest we end up with a concept that no longer applies to intuitively paradigmatic cases.

Attributions of virtues (and vices) to acts are really shorthand for attributing them to actors. Utterances like ‘That was a brave thing to do’ or ‘That was a smart move’ are different ways of saying so-and-so acted bravely or intelligently in doing
what she did. These are really evaluations of agents rather than of acts.\textsuperscript{129} Thus, it is the motivations of the actor that are important for attributions of virtues (and vices). We tend to think people have to be responsible in a certain way in order to receive credit or blame. One cannot receive praise for being brave simply because of a lucky break. For example, one cannot do something haphazardly and be said to have acted wisely. There must be a certain aim involved in acting.

In addition to individuating acts, intentions and motivations are important for how we morally assess acts and the individuals that carry them out. Morality, on my view, has to do with the way people treat each other and the things they care about. We have norms that govern our interactions with one another and the violation of these norms opens us up to criticism, opprobrium, and sometimes even social and legal sanction. There are those who think intention has nothing to do with how we morally assess acts; that what matters is the goodness of outcomes. This disagreement is illustrated in discussions about the doctrine of double effect. According to some, there can be two scenarios with identical outcomes in which the actor is morally blameworthy in one situation and not blameworthy in the other. Consider the following two scenarios. Two countries, country Good and country Bad, are at war. Bad has wrongfully invaded Good and is threatening to wipe out the entire population. The only way to stop Bad is to blow up its munitions factory. A fighter pilot for Good spots the factory but notices that it is located right next to a children’s hospital. If she blows up the factory, the hospital will be blown up as well. According to proponents of the doctrine of double effect, there is a moral difference

\textsuperscript{129} In Jonathan Bennett’s (1995) terminology, these evaluations belong to ‘second-order morality’.
between the case where the pilot blows up the factory while foreseeing, but not intending, the hospital's demise and the case where the pilot blows up the factory while also intending for the hospital to go down too. The pilot in the second case is morally blameworthy; the pilot in the first case is not. On this view, intentions factor into our moral evaluations of others.

Some people, e.g. Judith Jarvis Thomson, have challenged the relevance of intentions for thinking about what it is permissible to do. Whether it is permissible for one to do a particular act has nothing to do with the intentions of the actor. Those who base permissibility on intention, says Thomson, fail "to take seriously enough...that the question whether it is morally permissible for a person to do a thing is just not the same as the question whether the person who does it is thereby shown to be a bad person." Thomson tries to give a case where an appeal to intention in order to determine moral permissibility of an act seems irrelevant or even ridiculous. For example, Alfred, who wants to kill his wife, unknowingly gives her the cure instead of poison. Thomson says it would be odd to say it is permissible for Alfred to give his wife the stuff, but impermissible for him to give her the stuff to kill her. It is permissible for him to give her the stuff, even though his giving her the stuff to kill her makes him a bad person.

While I remain neutral about whether she is right about the Alfred case (I am skeptical), her point doesn’t apply to jokes. A person's intent plays an important role in determining the permissibility of telling a racial joke and saying so doesn’t appear to be odd. For example, it isn’t odd to say that it is impermissible for Alfred

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130 Thomson (1999).
to tell a joke with the intent to harm or demean Chinese people. And if the analysis
given in this paper is correct, one can straightforwardly say that it is impermissible
to tell a racial joke without having a certain kind of intention.

Though I agree with the doctrine’s proponents that intention is important for
moral judgment, I also think consequences matter as well. It is not just the pilot’s
intentions that determine whether her action is permissible or not, but also her
other available options, the likelihood that the action will have the desired effect
(namely, stopping the war), etc. It doesn’t matter how pure her intentions were, if
she had other means open to her for disabling the munitions factory that didn’t
involve destroying the children’s hospital she would be at fault for failing to take
them. She would have chosen the action with a worse outcome. Whereas an
intuitive difference in the bomber cases suggests a role for intention in moral
evaluation, an intuitive difference between scenarios where the actor chooses an act
that leads to a worse outcome rather than a better alternative suggests a role for
consequences in that evaluation as well.

Given all of this, it starts to become clear why the motivations of the joke
teller and the reasonably expected outcome of the joking utterance determine
whether the joke is merely racial, racially insensitive, or racist. But are racial (and
even racially insensitive) jokes immoral? What would make them such? Do they
unjustifiably harm their targets? Frustrate their target’s most deeply held desires?
Produce worse outcomes than their alternatives? Is telling racist jokes a vice, i.e.
something a virtuous agent would not do? I contend that telling racist jokes is a
vice, one that decent people should avoid. I do not want to suggest, however, that a
person should necessarily be defined in terms of a particular vice. It’s quite possible to tell a racist joke (on more than one occasion) and yet not be a racist. Just like smoking a cigarette doesn’t indicate that one is doing so out of an already present addiction (one grows into an addict), similarly telling a racist joke isn’t necessarily indicative of an already present prejudice (one has to grow into being a racist too).

Another question we could (and perhaps should) ask is whether anything should be done in the instance of an insensitive or racist joking utterance. That is, does the state have any role in protecting individuals from these kinds of jokes? Here I suggest the answer is tricky and requires carefully weeding through several factors. First, do racist jokes harm their victims? Some have claimed that racist messages cause “physiological symptoms and emotional distress (Matsuda, et al, 24).” It is doubtful, however, that an instance or few instances of racist jokes constitutes harm, at least in an interpersonal context, though continued subjection to them over a long period of time might constitute harm.131 Racist jokes told by persons who have a certain authority over their target, however, may be causing harm. By telling racist jokes these individuals can be seen as either enacting or perpetuating a structure that unjustly sets back the interests of the joke’s target. A person has interests in making a living, for example, without having to work in an atmosphere where her humanity is not recognized, she is not given the respect she is due, or the environment is hostile or offensive. When this is the case the state has a legitimate right to step in and intervene. In cases like this the right course of action for the state to take will be in the form of a sanction or fine, the victim

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131 Joel Feinberg makes this point about offense. See his (1985).
perhaps having recourse to civil action. The upshot is that the extent of the state’s role in preventing or punishing racist jokes depends at what level the joke occurs. The more individualized the situation is, i.e. interpersonal, the less of a role the state should have. On the other hand, the more structural a situation is the more the state should have a role in preventing the action.

**Conclusion**

The view presented here maintains a tri-partite distinction between merely racial, racially insensitive, and racist joke tokens. Merely racial joke tokens occur when the speaker has an aim to subvert associated stereotypes and can reasonably expect audience uptake of that aim. Racially insensitive joke tokens take place when the speaker (i) lacks the subverting aim and is motivated by a non-malevolent attitude or (ii) has the subverting aim but cannot reasonably expect audience uptake. And finally, a joke token is racist when the speaker either endorses the associated stereotypes or is motivated by a malevolent aim. Although aims, beliefs and consequences can all be relevant in determining racism, none of them is sufficient on their own as an explanation for all racist occurrences. And further, the use of a stereotype or other racially problematic element in a joke does not automatically translate into racism. We need to make room for less serious racial infractions.

If the view presented in this essay is correct, then it may have implications for the moralism versus anti-moralism debate mentioned in the introduction. As was shown, the use of racial stereotypes in joke tokens is prevalent in all three
characterizations, including the merely racial one. One way of reading the moralist position is to say a joke isn’t funny if it expresses racial stereotypes. If ‘express’ is understood in a way that doesn’t include endorsing the stereotype, moralism will end up condemning jokes whose purpose is to subvert stereotypes. This isn’t the only way to characterize the express relation. However, the inclusion of bad racial stereotypes in jokes that are merely racial forces us to look, not only at their content, but also at the way they are used.

And lastly, we saw that the hybrid view is applicable to racial speech in general. The view offered here gives us a useful tool for evaluating our racial utterances, both in private conversation as well as in the public arena.
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Philosophy of Language 210, Introduction to Philosophy 104

2008  
Current Moral and Social Issues 105