

Linguistic Disobedience

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Introduction

It is difficult to characterize precisely what makes a term an epithet, or slur, even though most speakers are good at recognizing paradigm cases.¹ A common understanding of epithets — though not universally accepted — is that they are terms that cause warranted offense by targeting groups or individuals in virtue of being members of groups. The groups picked out are those that have social significance; such groups may share nationality, immigrant status, geographical origin, race, ethnicity, gender, sexual orientation, religion, ability status, socioeconomic status, political ideology, occupation, or common interests or aptitudes (Hom 2010, 165; Jeshion 2013a, 232; Anderson and Lepore 2013a, 25; Bianchi 2014, 35; DiFranco 2017, 372–373; and Nunberg 2018, 239).

Members of groups who are targeted by the use of an epithet become aware that they have been categorized and derided in virtue of some property, real or imagined. They often react to and revolt against this mistreatment — either as individuals or as groups.² One kind of reaction to being targeted by epithets is to attempt to make them “one’s own”. One’s goals in attempting to make an epithet one’s own include disrupting the standard negative practices in epithet usage and establishing a usage (which may be available only to the members of the in-group or to the linguistic community in general) where negative force no longer targets the in-group. To *successfully* make an epithet “one’s own” in this way is to appropriate it.³ In addition to eliminating the source of offense, successful appropriation may have other

1. However, Nunberg (2018, 237–238) claims that epithets do not constitute a well-formed linguistic category and that this notion has developed recently (though the words we so classify often aren’t recent developments).
2. Many believe (ourselves included) that such labeling practices and reactions to them play an important role in identity formation. This identity formation could also shape the kinds of individual and collective action that groups take against their oppressors (appropriating terms being just one of them). For more on identity formation in the face of racist oppression, see, e.g., Alcoff (2006), Appiah (1994), Fanon (1967), and Omi and Winant (2015).
3. ‘Reclamation’, ‘reappropriation’, and ‘resignification’ are often used synonymously with ‘appropriation’.

effects: imbuing its use with positive affect, creating solidarity among members of a community, or mocking those who use slurs to offend. Appropriating a term may also create apolitical, value-neutral uses of a term. These effects may obtain even if some members of that community refuse to acknowledge the appropriated usage.

Though most recent philosophical accounts of epithets focus on locating and explaining their source of offense,⁴ we will be concerned with a different issue: What are the features of an attempt to appropriate an epithet? We claim that theories of the *source of offense* of epithets needn't themselves account for *attempts* to appropriate epithets. Accounts of the source of offense are accounts of the literal usage of epithets. Attempts at appropriation are non-literal uses. We should note that other linguistic practices, such as sarcastic or ironic speech, can be characterized solely in terms of breaking from the normal usage of terms. However, understanding attempts at appropriation — in contrast to other kinds of non-literal speech — requires understanding the speaker's intentions to perform a particular kind of socio-political act in virtue of breaking from the normal usage of epithets. We will argue that attempts to initiate new norms governing epithets in a linguistic community, or sub-community, are best characterized as enacting the major features of civil disobedience. We will call such attempts at appropriation *linguistic disobedience*.

In Section 2, we will introduce two paradigm cases of successful attempts at appropriation. In Section 3, we will argue that such attempts fundamentally involve breaking a rule, that this is compatible with any of the major theories of the source of offense of epithets, and that Grice's well-known insights allow for interpretation of attempts

at appropriation as a kind of non-literal speech. In section 4, we will explore the central features of civil disobedience. In section 5, we will show that attempts at appropriation have these features. Section 6 will apply the Gricean theory from section 3 to explain the interpretation of acts of civil disobedience in general. As such, our account not only provides a way to understand attempts at appropriation but provides insights into the little-discussed role of interpretation in civil disobedience.

Attempts at Appropriation

In this section, we will discuss the origins of the terms 'Chicano/a' and 'queer' and attempts at appropriating them. We will not have the space to provide a complete treatment of their complex histories. We suspect the lessons one could learn from these well-documented examples will be present (though not always as explicitly) in other attempts to appropriate epithets as well — even those that ground substantially less offense with a substantially smaller history. For example, in addition to epithets targeting racial/immigrant status ('Chicano/a') and gender/sexual orientation ('queer'), epithets targeting religion ('Heeb'), geographical/class/political position ('redneck'), and intellectual orientation ('nerd') have appropriated usages, and we suspect that these terms were appropriated for broadly similar reasons.⁵

2.1 'Chicano/a'

'Chicano/a' originated as a term of derision by Mexicans living in America against Mexican immigrants to the United States. Archeologist and anthropologist Manuel Gamio (1930, 129) claims the term was used for Mexican immigrants in the late 1920s, but it came to be used by Americans of European descent to slur any Mexican American, immigrant or not.

5. Consider the Jewish political satire magazine *Heeb* and the use of 'I am a nerd' in the movie *Revenge of the Nerds*. Additionally, Gregory Rodriguez says, "... poor whites gradually redefined the meaning If to elites 'redneck' or 'white trash' meant deserved poverty and menial labor, to many poor whites it came to mean suffering unfairly and hard work" (2010).

4. See Tirrell (1999, 2012), Hornsby (2001), Hom (2008), Richard (2008), Williamson (2009), Anderson & Lepore (2013a, 2013b), Camp (2013), Hom and May (2013), Jeshion (2013a, 2013b), Bianchi (2014), Herbert (2015), Bolinger (2017), Ritchie (2017), Anderson (2018), Bach (2018), Camp (2018), Nunberg (2018), and Popa-Wyatt and Wyatt (2018). For discussions of epithets as a part of the larger class of pejoratives or expressives, see Kaplan (2005), Potts (2005, 2007), and Hom (2010). For more wide-ranging book-length treatments in cultural studies, see Rawson (1989), Smitherman (2000), Kennedy (2002), Asim (2007), and Christie (2010).

While the appropriation of the term probably began amongst Mexican American students in the 1950s (Cuéllar 2001), the term's widespread appropriation didn't occur until the late 1960s. A push by Mexican American student organizations for a uniquely Mexican American educational curriculum resulted in an organized attempt to appropriate 'Chicano'. *El Plan de Santa Barbara* — the founding document of the coalition of student organizations which came to be known as MEChA (Movimiento Estudiantil Chicano de Aztlán) — announces:

Culturally, the word Chicano, in the past a pejorative and class-bound adjective, has now become the root idea of a new cultural identity for our people. It also reveals a growing solidarity and the development of a common social praxis. The wide-spread use of the term Chicano today signals a rebirth of pride and confidence. Chicano-ismo simply embodies an ancient truth: that man is never closer to his true self as when he is close to his community. (1969, 9)

El Plan conjures the most readily thought-of purpose behind an appropriative attempt: uplift through solidarity. The quotation is a report on an appropriated term — rather than an appropriative attempt itself. Yet, it conveys the political intentions behind the early attempts to appropriate by Mexican American student activists. The result was successful appropriation:

... Mexican Americans also used the term Chicano to describe themselves Doing so expressed awareness that they had not just departed from or forgotten their Mexican origins, but that they had actually become a unique community. When Mexican Americans began identifying as Chicanos, it was a form of self-affirmation; it reflected the consciousness that their experience living in between nations, histories, cultures, and languages was uniquely

and wholly theirs. This is what gave birth to a sense of community, a people: los Chicanos. (Montoya, 2016, 5)

One interesting feature of 'Chicano' is that out-group members can use the term in a manner that does not ground offense. Relatedly, there is no longer a slurring use of 'Chicano'. We should keep in mind that plenty of appropriated terms don't allow for such liberal out-group usage.

2.2 'Queer'

The use of 'queer' as an epithet expresses that non-heterosexual and non-cisgender individuals are abnormal — in a way that entails immorality and other deficiencies. An early written use of the term as an epithet appears at the end of the 19th century (Queensberry 1894). A famous and influential attempt to appropriate the epithet occurred about a century later. The pamphlet, "Queers Read This", was distributed at the New York City gay pride march in June 1990. A section read:

So we've chosen to call ourselves queer. Using "queer" is a way of reminding us how we are perceived by the rest of the world. It's a way of telling ourselves we don't have to be witty and charming people who keep our lives discreet and marginalized in the straight world. We use queer as gay men loving lesbians and lesbians loving being queer. ... And when spoken to other gays and lesbians it's a way of suggesting we close ranks, and forget (temporarily) our individual differences because we face a more insidious common enemy. Yeah, QUEER can be a rough word but it is also a sly and ironic weapon we can steal from the homophobe's hands and use against him. (Anonymous, 1990)

This pamphlet captures a paradigmatic conception of appropriation: an epithet is being repurposed to let others know that ranks are being closed.

As with ‘Chicano’, it would be naïve to claim that ‘queer’ has just one neutral or positive way of being used. However, it is agreed that a common component of the meaning of ‘Chicano’ is that it is used to refer to Mexican Americans. ‘Queer’ is more flexible than this — sometimes being used interchangeably with ‘lesbian or gay’ and other times being used in ways that incorporate other nonconforming gender and sexual identities as well. Teresa de Lauretis, who is thought to have coined the use of ‘queer theory’, explains her use of the term as one which both encompasses several groups and does not adhere to any of the ideological presuppositions associated with other terms (e.g. homosexuality defined as a deviation from heterosexuality) (1991, v).⁶

Attempts at Appropriation as Acts of Rule-Breaking

The aim of most of the recent work on the semantics and pragmatics of epithets is to discover where to locate their source of offense. One way is to explain this feature as part of the meaning of the terms, to give a semantic explanation. Another type of explanation — a pragmatic one — focuses on what the epithets are standardly used to convey.

Let’s suppose that the extant accounts of epithets can explain both their offensive uses and their non-offensive, appropriated uses. There is still a missing piece of the story: How do some epithets transition to being appropriated? The simple answer is that some person or group attempts to appropriate the epithet and it catches on. While there is a serious question of what it is for the attempt to catch on, we will focus primarily on initial attempts at appropriation (returning briefly to how appropriation catches on in section 6). As Bianchi (2014) and Popa-Wyatt and Wyatt (2018) point out, it is helpful to understand this

6. Some authors claim that at least some appropriated epithets retain negative properties (Brontsema 2004, Chen 1998, 138). As Hornsby says, “the new [appropriated] uses ... trade on the fact of the word’s having had its former hateful or contemptuous element” (2001, 134).

phenomenon as breaking a rule of language. Such an insight is compatible with any account of how the uses of epithets ground offense.

An overarching rule governing epithets specifies conditions limiting their usage. In its most general form, it says, where E is an epithet and N is its neutral counterpart (a term that picks out the same group as E but is not a source of offense):

Linguistic Rule

Don’t use E, unless you have derogatory thoughts about Ns.⁷

A speaker who uses E without having derogatory thoughts breaks Linguistic Rule, even if she uses E intending to violate the rule in the hope of changing it. According to different accounts of epithets, this rule may be a semantic or a pragmatic one. But on any account, anyone who attempts to appropriate an epithet breaks some rule.

The most common way to account for the offensiveness of epithets is to explain it as part of the meaning or semantics of the terms. Though some theorists use ‘semantic’ to refer merely to the truth-conditional content of a sentence (Bianchi 2014, 36–37), we accept a broader notion of semantics, where it is concerned with conventional meaning in general, which could include conventional implicature and presupposition. This is best captured in representing meaning as rules for semantically or linguistically permissible use (e.g. Kaplan 2005, 3; Ryle 1957, 255; Strawson 1950, 327; Reiland ms 13). For instance, we can represent the meaning of ‘grass is green’ as follows:

‘Grass is green’ is permissibly usable by S if and only if S believes that grass is green.

7. When we talk about derogatory thoughts, we mean personal-level thoughts that are easily made explicit on reflection. We are not speaking of the many subpersonal, unconscious thoughts or associations that psychological research on implicit social cognition shows that many of us have (e.g. Greenwald and Banaji 1995), but which usually manifest in subtler ways and not in the overt use of bigoted speech.

A more colloquial semantic rule follows from this: Don't say "Grass is green" unless you believe that grass is green.

We can use this schema to represent ways of instantiating Linguistic Rule corresponding to particular semantic accounts of epithets. Let's use 'Fred is an E' as our example. Then we can state the rules that follow from two common semantic views of epithets as follows (stated as closely to the authors' own words as possible while fitting our schema):⁸

Hom and May (2013, 298): Don't say "Fred is an E" unless you believe that Fred ought to be the target of negative moral evaluation because of being an N.

Jeshion (2013a, 240–241): Don't say "Fred is an E" unless you believe that Fred is an N, have contempt toward Ns on account of their being Ns or on account of their possessing an N-defining property, and characterize being an N as the, or a, defining feature of Fred's identity.⁹

8. The way that we state these rules does not distinguish between *at-issue* content and presupposed or conventionally implicated content. Whether a rules-of-use account of the semantics of expressions could be modified to make these distinctions is beyond our concern here. Our rules need not be *complete* characterizations of the meanings of these terms. Some even see epithets as a case where the at-issue/not-at-issue distinction has some fluidity. See Camp (2018) for this idea and Potts (2005) for a more traditional picture.
9. The many other accounts that have been offered fit into our schema as well. Accounts that we might call expressivist or hybrid-expressivist, like those in Hornsby (2001), Kaplan (2005), Potts (2005, 2007), Richard (2008), Camp (2013), and Gutzmann (2015), would be similar to Jeshion's in that the speaker is required to have either a particular attitude like contempt or one of a range of such attitudes. Non-expressivist accounts like Hom (2008), Williamson (2009), and Bach (2018) would be similar to Hom and May's account in that the speaker is required to have a derogatory belief. Tirrell's inferentialist (1999) or Wittgensteinian (2012) account would be different from these, since the rules for permissible use would place conditions not merely on the speaker's mental states (beliefs, negative perspectives, attitudes of contempt), but also on broader features of the social practice, or language game, of which the epithet is a part. Similar things hold of Popa-Wyatt and Wyatt's (2018) picture according to which the conditions will involve the social and discourse roles of the speaker and target.

These rules all imply instances of the schema Linguistic Rule. When a speaker attempts to appropriate an epithet, they are using it without having derogatory thoughts – and in particular, without having the derogatory thoughts mentioned in each author's particular version. So, according to any of these theories, an attempt to appropriate an epithet involves breaking a rule.

Pragmatic views account for what is special about epithets in terms of what speakers convey by using them in particular contexts. According to such views, attempting to appropriate an epithet will also involve breaking a rule. Bolinger (2017) argues that uses of epithets are offensive because in choosing to use the epithet rather than its neutral counterpart, the speaker signals that they endorse the negative content associated with the epithet. When one attempts to appropriate an epithet by using it without endorsing its associated negative content, one breaks Bolinger's so-called Contrastive Choice rule, which says that one should choose an epithet over a neutral counterpart only if one endorses that negative content (2017, 447). Things are broadly similar on Nunberg's (2018) pragmatic account, and Popa-Wyatt and Wyatt explicitly avow that, on their pragmatic story, "the space for appropriation must be created by repeated uses where the felicity conditions [governing the use of epithets] are violated" (2018, 2902).¹⁰

10. Anderson and Lepore (2013a, 2013b) do not attempt to explain the warranted offense caused by epithets in terms of the meaning of the word or what is conveyed in using it. Instead, they think that the source of offense in the tokening of an epithet arises from breaking a social rule or prohibition about using this sort of language:

Prohibition: Don't use E.

This view differs from all of the ones above in saying that the rule governing uses of epithets is Prohibition rather than Linguistic Rule. Nonetheless, the view is still one on which attempting to appropriate an epithet involves breaking a linguistic rule, Prohibition. Anderson and Lepore might contest this as they say that "in cases of appropriation, a target group member can opt to use a slur *without* violating its prohibition because *his* membership provides a defeasible escape clause" (2013a, 42). This suggests that the rule is not really Prohibition, but Prohibition*:

Prohibition*: Don't use E, unless you are a member of the group tradition ally targeted by E.

So, according to these popular theories of epithets, one who attempts to appropriate an epithet breaks a rule. This is not a defect of these theories but is an insight into what it takes to attempt to appropriate epithets. Indeed, the account we will give of attempts at appropriation is consistent with all of these theories concerning the source of the offense of epithets. But attempts at appropriation are not mere linguistic rule-breaking. They are rational, intentional acts meant to achieve a goal. As such, they fit into a broad model of communication. We can use a Gricean picture of how attempts at appropriation are made apparent to and taken up by the community (Grice 1989). This picture is similar to Bianchi's (2014) account of appropriation, in that both draw on pragmatic mechanisms to explain how attempts to appropriate can distance their speakers from the negative features of epithets. Since all attempts at appropriation break some linguistic rule, we agree these uses fall under the broad category of non-literal speech. However, since Bianchi implements her account in a non-Gricean, relevance-theoretic framework (Sperber and Wilson 1995), the accounts differ in their details. For instance, Bianchi's affirms that all attempts at appropriation involve echoing some previous utterance or representational content, while this is not implied by our account. While we prefer the Gricean picture, the differences with Bianchi's won't be relevant here, and what we say about the connection with civil disobedience could, we think, be appropriately reframed in the terms of her

If this were the rule governing epithets, then attempts to appropriate epithets would not break a linguistic rule. It is correct that, on Anderson and Lepore's view, Prohibition* should be the form of rules governing some *appropriated* epithets (those like the n-word for which there are non-offensive in-group uses but not non-offensive out-group uses). Since their account explains offense in terms of breaking these rules, Prohibition* nicely allows that in-group uses of appropriated epithets are not offensive. However, Prohibition* can't be the form of rules governing *non-appropriated* epithets. This is because uses of non-appropriated epithets by members of the targeted group are by default offensive. If Anderson and Lepore were to adopt Prohibition*, they would lose their explanation of this (Bianchi [2014, 43] makes a similar criticism). To explain this offense, there must be a rule that prohibits these uses (something like Prohibition). But that means that even when members of the group attempt to appropriate a theretofore unappropriated epithet, they will be breaking that rule.

account. We mainly stick with the Gricean picture as it is more familiar to readers and allows for the easiest development of our point.

Let's see how the Gricean picture works in a case that involves ordinary, non-slurring language. A plausible linguistic rule for 'I could eat fifty pizzas' forbids a speaker from uttering it unless they believe that they could eat fifty pizzas. Consider a case where it is 10 pm and Jane hasn't eaten since her light lunch at noon. In considering what to order for dinner, she says, "I could eat fifty pizzas." In doing so, she breaks one of Grice's submaxims of Quality: Don't say what you believe to be false. Since she knows that she couldn't eat fifty pizzas, she doesn't intend to actually produce in her audience the belief that she could eat fifty pizzas. Rather, she intends to communicate that she is very hungry.

Grice (1989) explains such examples in a general and attractive way. He thinks that we have a default assumption that people are acting rationally and cooperatively. And when they appear to be doing something that is, on the surface, irrational or uncooperative (e.g. saying something that they believe is false), we are led by our default assumption to interpret what they are doing in another way — by ascribing to them other motives. In the case of communication, if it appears that communicators are not being cooperative — as when they break a rule by using a sentence when they don't meet the conditions for permissibly using it — then we should reinterpret their action, realizing that they intend to communicate something beyond that which broke the rules.¹¹ In the case above, it wouldn't be rational or cooperative for Jane to use 'I could eat fifty pizzas' when she knows that she could not, unless she also intended to do something else. We are led to figure out what else it is that she intended to do. Based on what she said, what

11. According to a hardline Gricean picture, it may be that the correct way to understand linguistic disobedience is not as an act where linguistic rules are actually broken, but as an act where they appear, at first blush, to be broken. It is the appearance of rule-breaking that leads us on our interpretive endeavor. This is closely related to Grice's (1989) distinction between saying something and what he calls "making as if to say" it (where one looks like one has, but hasn't actually, said the thing). We are not committed to this hardline Gricean picture here.

we know about her situation, and paralinguistic elements like her intonation and facial expression, we can conclude that she aimed to convey that she is very hungry. Because speakers know that hearers will reason in this way in ordinary circumstances, they can use linguistic expressions to communicate more than their literal meanings.¹²

This theory applies to speakers' attempts to appropriate epithets. In such a case, the speaker breaks Linguistic Rule. For instance, in the pamphlet "Queers Read This", the speaker broke an instance of Linguistic Rule, which said, "Don't use the word 'queer' unless you have derogatory thoughts about non-straight/non-cisgender people." It is reasonable to assume that the audience knew that the author was breaking the rule. Assuming that it is not rational or cooperative to break a linguistic rule for no reason, the audience is led to think of what else the author is doing. This might involve ascribing to the author an intention to use the epithet to communicate something non-offensive. In the case of the pamphlet, the authors help by explicitly explaining their reasons, but even without this, the audience could reasonably assume some intention or other — perhaps to change the meaning of the epithet so that it has a neutral or positive value, to forge solidarity with others who are targeted by the epithet, to mock those who use the epithet in conventional ways through mimicry, etc.¹³

12. The Gricean Maxim of Quality, which states, "Don't say that which you believe to be false", nicely accommodates cognitivist accounts — where the sources of offense are conveyed in propositional form. However, noncognitivist accounts — where the sources of offense are found in something unfit to be the content of a belief, like a negative emotive attitude or a bigoted perspective — require a widening of the Gricean picture of Quality, advising speakers not to express attitudes or perspectives that they don't have. Grice realizes this sort of expansion is required in general when he says, "I have stated my maxims as if this purpose [of communication] were a maximally effective exchange of information; this specification is, of course, too narrow, and the scheme needs to be generalized to allow for such general purposes as influencing or directing the actions of others" (Grice 1989, 28).

13. Discussion of different features of appropriated uses can be found in Chen (1998), Tirrell (1999), Bianchi (2014), Herbert (2015), Ritchie (2017), Anderson (2018), Nunberg (2018), and Popa-Wyatt and Wyatt (2018). Chen and Nunberg both see the need for this sort of interpretive account of attempts to appropriate an epithet. Chen says that "at the moment of a novel utterance of

Furthermore, in many cases, paralinguistic features also distance the speaker from the negative use of the epithet and offer clues as to what the speaker does intend to convey. The reasoning here is of the same kind that we find in successful cases of interpretation of non-literal or non-standard speech acts, as we saw in the hyperbole example above.

Some attempts to appropriate an epithet may result in a communicative failure. A hearer who knows little about a speaker and her beliefs might not recognize an attempt at appropriation. They might presume that the speaker does have the bigoted attitudes associated with the standard usage of the epithet. In this case, they will not think that a linguistic rule has been broken, and they will understand the speaker's utterance as straightforward and literal. In these cases, as Herbert (2015) notes, what are intended as attempts to appropriate an epithet can actually reinforce the practices that they are supposed to fight against. These cases are like general cases of miscommunication (for example, failures to recognize hyperbole), where missing knowledge about the speaker, context, or background information prevents the audience from grasping the speaker's intended meaning.

One might object to the Gricean picture by saying that it incorrectly makes it in principle possible for out-group speakers to non-offensively attempt to appropriate an epithet (Anderson and Lepore 2013a, 42). But as Popa-Wyatt and Wyatt note, "a friendly out-group speaker still causes offense ... [even if one] would correctly infer that the friendly tone means that the out-group speaker didn't intend to

'I am queer' ... [the listener is left] with a radical choice between attributing to the speaker either an ironic reversal or a self-devaluing internalization of the 'oppressor's' viewpoint" (1998, 134). Chen even mentions the possibility of listeners using Gricean methods for understanding what a speaker meant, though it is unclear exactly how this plays out in her particular *mental-spaces* framework. Nunberg says:

[T]he effect of the maneuver depends on how we read the speaker's intentions [W]hen it's contextually implausible that the targeted speaker sincerely endorses the attitudes associated with the native provenance of the word and when her listeners can be expected to perceive the humor or irony of her impersonating those who use it in earnest, the use can create the shared sense of defiance or repudiation that can be the first step toward the reclamation of the word. (2018, 288)

derogate" (2018, 2884–2885). There are a few ways we could address this objection.

One response is to stick by a pure Gricean account, drawing on the work of other pragmatic theorists. For example, Bianchi says that attempting to appropriate

requires a context where the dissociation from the echoed offensive content is clearly identifiable: *ceteris paribus*, in-group membership is *per se* strong evidence that the exchange takes place in such a context. ... The crucial point is that out-groups lack unmistakable public means of making their dissociative attitude manifest. Even when their addressees know their non-racist or non-homophobic opinions, bystanders and eavesdroppers (especially if they are members of the target group) may mistake [the use of an epithet in an attempt to appropriate] for a derogatory one. (2014, 42–43)

Another response adds an extra constraint on top of the Gricean picture, saying that people not in the targeted group can't attempt to appropriate an epithet, even in principle. Herbert says about targeted group members that "due to [their] identity the speaker may be positioned to perform speech acts that others cannot" (2015, 136). And Anderson argues, about an epithet targeting African Americans, that "in order to gain access to the variety of illocutionary acts ... including the non-derogatory ones, the speaker must be a member of the African American speech community" (2018, 15–16).¹⁴ Note that, according to each of the first two responses, what might appear to be attempts by out-group members to appropriate an epithet are offensive because hearers ultimately take them to be ordinary slurring uses.

14. Thanks to Luvell Anderson for discussion of this point. In a similar case, Richard says, "No matter how honorable my intentions, I cannot join in the appropriation of slurs on African-Americans — at least not without something very much like an invitation from the target of the slur to so use it" (2008, 12).

A final response challenges this feature just mentioned, claiming that there are different sources of offense in the case of a well-meaning out-group attempt to appropriate. Upon hearing an outgroup member attempt to appropriate an epithet, the audience might recognize that the speaker is not using the epithet in a weaponized way or intending to say bigoted things. Nevertheless, the speaker attempting to appropriate the epithet might cause warranted offense for another reason. For example, doing so shows a lack of sensitivity to a principle of self-determination or to power dynamics, each of which might require that members of the target or oppressed group get to say for themselves what they want to be called.

According to the first and third responses, although it is possible to attempt to appropriate an epithet that doesn't target one's group, such uses are nearly certain to offend. Additionally, they are nearly certain to fail to receive community uptake and lead to successful appropriation of the term. This is because the audience doesn't take the speaker to be well-positioned to lead the appropriation of the term. This contrasts with the second response, which also says there will be no successful appropriation in these cases, but this is because there is not even an attempt to appropriate. We suspect that the final response is correct, because the socio-political constraints it draws on are independently plausible. Additionally, it captures why we might feel that the source of offense in these cases is different (even if the offense is equal in strength). Nonetheless, all of these responses are, in principle, compatible with what we've said above.

A virtue of the Gricean account we've just given is that it provides a general explanation of how speakers and hearers communicate in cases of attempting to appropriate an epithet. In doing so, it highlights their similarity to other sorts of non-literal speech, like sarcasm and hyperbole. We think this level of explanation is useful and illuminating but also incomplete, since it doesn't explain what distinguishes attempts at appropriation from these other sorts of non-literal speech. A speaker isn't breaking any old rule of language simply to convey something in a different way, as is the case with other non-literal

speech. She is breaking Linguistic Rule, which governs the uses of epithets, making them well-suited for derogating and oppressing. And our central claim is that the features of the action by which she breaks Linguistic Rule are the features of acts of civil disobedience against an unjust law. This is a richer level of explanation of the political nature of attempts to appropriate epithets than one that simply categorizes them in Gricean terms. And it helps us better understand how the socio-political intentions of speakers manifest themselves in the linguistic intention to violate Linguistic Rule in attempting to appropriate an epithet.¹⁵ In order to make this relationship with civil disobedience apparent, in section 4 we will outline the central features of civil disobedience. In section 5 we will explain the relationship between civil disobedience and attempts at appropriating epithets.

Civil Disobedience

Cases of civil disobedience easily come to mind: Henry David Thoreau's public refusal to pay back taxes which would fund the enforcement of slavery laws and U.S. efforts in the Mexican-American War, Mahatma Gandhi's violation of British salt tax laws outlawing the production of Indian salt, Martin Luther King Jr.'s violation of an anti-protest injunction in Birmingham, Alabama, and Rosa Parks' refusal to comply with a city law requiring black people to give up seats to whites as requested by the driver (Theoharis 2013, 62–63). These examples instantiate the central features of civil disobedience. Our aim isn't to argue for a particular account of civil disobedience, and, as such, we will not attempt to provide necessary and sufficient conditions for an act to be civil disobedience. Instead, we will focus on what many authors take to be central features of an act of civil disobedience:

15. A number of authors have noted that there are political intentions behind attempts at appropriation, including Bianchi (2014), Ritchie (2017), and Popa-Wyatt and Wyatt (2018). However, none have characterized it in terms of civil disobedience.

Linguistic Disobedience

- The act *violates* either a law that is thought to be wrong/harmful or another law – to demonstrate opposition to the law thought to be wrong or harmful.
- The act is performed *conscientiously* (it demonstrates *conviction*).
- The act is performed *intentionally*.
- The act is *non-private*, and the opposition to the law is *communicated*.
- The act is performed with the *understanding and acceptance* that there could be *repercussions* for breaking the law.

There is controversy over whether an act of civil disobedience must have the following additional features:

- The act is *not physically violent*. (King 1991, Gandhi 1961, Tolstoy 1968, and Rawls 1971, but not Morreall 1991 and Haksar 1991)
- The act is done by actors who still recognize the *general authority of legal rules* over them. (Rawls 1971, King 1991)

The listed features distinguish civil disobedience from nearby types of actions. For instance, conscientious objection need not be public and communicative in the way that civil disobedience must be.¹⁶ Legal protest doesn't involve breaking a law, as civil disobedience does. Unscrupulous crime is not done conscientiously, for reasons the actor takes to be just. And revolutionary action does not recognize the general authority of legal rules.

16. Brownlee (2017) notes that Thoreau's *original* action of not paying taxes (a wholly private affair) would most likely count as merely conscientious objection (broadly construed in Raz's [1979] sense).

For the rest of the paper, we take civil disobedience to have those features that few philosophers disagree about: it is a non-private/communicative, conscientious, intentional law-breaking act, with acceptance of repercussions for that act. Of the other features often attributed to civil disobedience, we remain neutral. Nonetheless, we will show that if someone takes a more robust view that requires civil disobedience both to be non-violent and to show general respect for the law, this will strengthen our view, as these additional constraints are also met in attempts to appropriate epithets.

Now that we have a conception of the central features of civil disobedience, we are in a position to investigate the extent to which attempts at appropriation have these features.

Comparative Features of Linguistic and Civil Disobedience

In section 3, we argued that attempts at appropriating epithets fundamentally involve the breaking of the rules of language that explain the offensiveness of epithets. After our discussion of civil disobedience, we are in a position to argue for the following: while breaking Linguistic Rule is a linguistic requirement for attempting to appropriate an epithet, this attempt must also satisfy the other conditions of civil disobedience (i.e. the non-legal rule-breaking conditions). Thus, explaining an attempt at appropriation is fundamentally a linguistic *and* political endeavor. In this section, we will discuss how attempts at appropriation — what we call “linguistic disobedience” — share central features with civil disobedience. Before discussing these features, we present a chart summarizing the conclusions:

	Breaks a Legal Rule	Con- viction	Inten- tion	Non- Private	Acceptance of Reper- cussions	Non- Vio- lence	Recognize Authority of Govern- ing Rules
Civil Disobedience	Y	Y	Y	Y	Y	Y/N	Y/N
Linguistic Disobedience	Y/N	Y	Y	Y	Y	Y	Y

Civil disobedience involves the violation of a legal rule, and, as we’ve discussed, an attempt to appropriate an epithet involves the violation of a rule governing language.¹⁷ So, though both involve rule violation, the types of rules violated are different. We have merely a point of analogy for rule-breaking. However, we will show that attempts at appropriation possess all the other central and contested features of civil disobedience.

Acts of civil disobedience are performed conscientiously or demonstrate conviction. We saw that our examples of attempts to appropriate ‘Chicano’ and ‘queer’ were performed with conviction, for reasons that the actors took to be just. Using ‘Chicano’ “reflected the consciousness that their experience living in between nations, histories, cultures, and languages was uniquely and wholly theirs” (Montoya 2016, 5). The pamphlet suggests attempting to appropriate ‘queer’ as “a sly and ironic weapon we can steal from the homophobe’s hands and use against him” (Anonymous 1990). Furthermore, it appears that all original attempts at appropriation will have this feature as well.

Acts of civil disobedience are performed intentionally, and attempts to appropriate epithets are as well. We saw this with the ‘Chicano’ and

17. While most laws governing hate speech are careful to specify the need for malicious intent (absent in attempts at appropriation), one could imagine cases where uses of particular epithets were outlawed. An attempt at appropriating such terms would then count as both legal and linguistic rule-breaking. The closest case we know of is the U.S. Patent and Trademark Office’s recent refusal to trademark the name of the Asian American rock band The Slants, led by Simon Tam. The U.S. Patent and Trademark Office invoked 15 U.S.C. § 1052(a) of the Lanham Act, which prohibits the registering of a trademark on the grounds that the band name “[c]onsists of or comprises ... deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons,..., beliefs, [that would] bring them into contempt, or disrepute.” Tam’s attempt to register the band name, and, more importantly, use it, was a clear attempt at appropriation, as Tam stated, “We grew up and the notion of having slanted eyes was always considered a negative thing. ... Kids would pull their eyes back in a slant-eyed gesture to make fun of us. ... I wanted to change it to something that was powerful, something that was considered beautiful or a point of pride instead” (Chow 2017). Tam sued, and the U.S. Supreme Court ruled in Tam’s favor, citing that the disparagement clause of the Lanham Act violates the free speech clause of the First Amendment.

'queer' examples. These terms didn't just happen to lose their negative valence. Rather, speakers intentionally removed it in virtue of violating Linguistic Rule.

Like acts of civil disobedience, attempts at appropriation are non-private and communicative. The pamphlet "Queers Read This" was widely disseminated at the New York City Pride Parade, and the actions taken by Mexican American activists were done in public to change the usage of 'Chicano'. In both cases, the attempts to appropriate epithets were meant to communicate opposition to the current usage and collectively create solidarity among members of the groups targeted by the epithets. While these examples involve highly public acts of linguistic disobedience, the non-privacy and communicative constraints we are envisioning can be much more modest, akin to those involved in regular acts of communication. For instance, the paradigmatic example of civil disobedience involves Thoreau (1991, 40) explaining to an officer that he was refusing to pay his poll tax for conscientious reasons. Even though Thoreau only communicated with one officer, this satisfies the publicity constraint on civil disobedience.

Civil disobedience involves an understanding and acceptance that there could be repercussions for participation. Those who attempt to appropriate an epithet also have such understanding and acceptance. The author of "Queers Read This" channels the thoughts of opponents of the use of 'queer': "Ah, do we really have to use that word? It's trouble" (Anonymous 1990). They realize the possible backlash among members of their own community, and they must know that the backlash might be worse among the out-group. Tirrell notes the risk of one's intentions being misunderstood even in cases where appropriation is agreed to be a good thing: "The problem ... is epistemic. As interpreters of each other, we want, and sometimes need, to know who is committed to the old term with its racist or heterosexist entrenchment, and who is committed to the new linguistic and social practices" (1999, 61).

So, the conditions on attempts at appropriation include, at least, all of the uncontested features of civil disobedience. Whether or not civil

disobedience precludes physical violence, attempts at appropriation are, by their nature, acts of speech and not physical violence. Additionally, we saw that some theorists also require that the participants in civil disobedience must recognize the general authority of the law over them. Appropriative attempts share a parallel feature with respect to rules governing language. People who appropriate an epithet still recognize the general authority of language-governing rules over them; they simply want to change the rules of language governing some particular epithet.

Finally, we should note that civil disobedience can take both direct and indirect forms (Brownlee 2017). Direct civil disobedience requires violating the law that one takes to be unjust in an effort to change it (e.g. segregated lunch counter sit-ins by African Americans during the Civil Rights era). Other forms of civil disobedience indirectly target a perceived unjust practice by breaking a law to change another law (e.g. trespassing and graffitiing an animal testing site). Some forms of civil disobedience can be both direct and indirect (e.g. violating unjust protest laws by having an illegal march to bring attention to Jim Crow laws). We take it that most cases of linguistic disobedience are akin to direct civil disobedience, even if there is a broader goal to change a variety of social practices.

At this point, one might object that we've given an illuminating account of one type of attempt to appropriate epithets, but that there is another type that our account doesn't cover. For instance, Bianchi distinguishes two types of contexts in which appropriated uses take place: "Appropriation contexts — where civil rights groups reclaim the use of the epithet as a tool of deliberate social and political fight or artists ... attempt appropriation as a way of subverting entrenched socio-cultural norms"¹⁸ and "Friendship contexts — where the non-derogatory use has no conscious political or cultural intent" (2014, 37, our emphasis). One might worry that uses in friendship contexts aren't public or

18. This seems unnecessarily restrictive for appropriation contexts. For instance, non-artist individuals or non-civil-rights groups could attempt to set up an alternative usage of an epithet for political or social reasons.

political and, so, don't fit into our characterization. Indeed, one might have in mind cases like the friendly use of the n-word among African Americans, which appears not to be a public, political action.

In response, we think that Bianchi's distinction is not particularly apt for our purposes. First, uses in so-called friendship contexts are not the same as *attempts* to appropriate epithets. The example of the use of the n-word in a friendly context is the use of an already appropriated word, not an attempt to appropriate, and our conditions are conditions on attempts. The existence of apolitical appropriated uses does not require that attempts at appropriation are apolitical.

Nonetheless, one might contend that there are also genuine friendship contexts in which attempts are made at appropriating epithets.¹⁹ However, attempts at appropriation, we think, are subversive, as they attempt to establish new non-oppressive uses of oppressive terms. And on our understanding, conscientious subversive acts are political acts. Ritchie agrees that attempts at appropriation "always rel[y] on socio-political features of slurring expressions" (2017, 164). Indeed, Bianchi seems to agree in her description of friendship contexts as ones "where in-groups use a slur non-offensively in order to express a sense of intimacy and solidarity", though she strangely adds "with no conscious political or social intent" (Bianchi 2014, 40). Insofar as an attempt to appropriate an epithet is an attempt to forge solidarity, it is a social, political act.

So, we've seen what it takes for a speaker to take part in linguistic disobedience: use an epithet conscientiously as a public communicative action, with the intention to break with standard usage, and with

an understanding that there may be repercussions. From the speaker's perspective, such attempts are rational, intentional acts meant to achieve a just goal.

Civil Disobedience and Communication

Above, we used the Gricean framework to explain how audiences interpret acts of linguistic disobedience. Given the close relationship between linguistic and civil disobedience, we should ask whether this account applies to acts of civil disobedience in general. We might think that the answer is no, since civil disobedience need not be a linguistic phenomenon. But acts of civil disobedience are communicative acts, even when they are not linguistic ones. As Brownlee notes, "in civilly disobeying the law, a person seeks to *convey* her disavowal and condemnation of a law" (2004, 345, our emphasis) and "to *draw public attention* to this particular issue and thereby to instigate a change in law or policy" (2017, our emphasis). Additionally, Smart (1991) gives a theory of how acts of civil disobedience are communicative acts.²⁰

Though Grice's work is often investigated as a theory of *linguistic* communication, it is, at its most general level, an account of understanding rational, cooperative action. He says, "As one of my avowed aims is to see talking as a special case or variety of purposive, indeed rational, behavior, it may be worth noting that the specific expectations or presumptions connected with at least some of the foregoing maxims have their analogues in the sphere of transactions that are not talk exchanges" (1989, 28). Interpretation of acts of civil disobedience can be explained using this Gricean framework.

Civil disobedience involves intentional rule-breaking, but in successful cases, audiences do not interpret acts of civil disobedience as mere unruliness. Rather, rules are broken in a way that makes it clear to one's audience that one does know the rules and is breaking them

19. It is worth noting that words commonly treated as appropriated are, according to Bianchi, still in the process of being appropriated. For instance, she says that the n-word is still in the process of being appropriated, while 'queer' is not (2014, 42). This suggests that a word isn't appropriated until all speakers of a language can felicitously use it, which strikes us as incorrect. There is a difference between early attempts to appropriate the n-word and casual uses today among African Americans. We would mark this difference by saying that the former were attempts to appropriate the word while the latter are uses of an already appropriated word. Bianchi, instead, captures it by distinguishing appropriation (political) contexts from friendship (apolitical) ones.

20. Indeed, Smart draws on other aspects of Grice's work — his theory of speaker meaning (1957). We draw on Grice's theory of interpretation in cooperative communication (what is often thought of as his theory of implicature) in order to understand acts of civil disobedience as communicative.

anyway. On a Gricean picture, audience members will presume that actors are acting rationally. To maintain this presumption in cases of civil disobedience, we will think the actors do not break a law without reason, and we will be led to interpret their act as having some other function — perhaps to protest against that law or some related rule or policy.

Consider, for example, Rosa Parks' refusal to give up her bus seat to a white rider. An observer who knew that she was aware of the rule that said that she was legally required to give up her seat for a white person at the bus driver's request would look for other ways to understand her action as rational. A natural thought for such a person would be that Parks intended to protest the rule because it was unjust, to convey and bring attention to the injustice of the rule, and/or to fight against the systems that discriminate against African Americans.

As with linguistic disobedience, there may be cases where an audience does not recognize that actors are engaging in civil disobedience and does not understand what they are aiming to communicate. Such cases are those where the audience lacks background knowledge about the actors or features of the context. For instance, the audience might not understand the conscientious intentions behind an act of rule-breaking and interpret it as mere unruliness.

This need for interpretation is what allows for manipulation. Returning to the Parks example, the *Montgomery Advertiser* reported on December 2, 1955, "Negro Jailed Here For 'Overlooking' Bus Segregation". The *Advertiser* commonly used the locution "Negro Jailed Here" for reporting unscrupulous crimes such as larceny and bribery. The scare quotes suggest knowledge of the city ordinance: thus the rule-breaking was not mere rule-breaking, but intentional rule-breaking. The piece says nothing of the rule-breaking being conscientious or done for reasons of justice. This leaves the interpretation of the action as an unscrupulous crime as the only one open to readers of the *Advertiser*.

The point we are emphasizing is that, as with the recognition of linguistic disobedience, recognition of civil disobedience requires

interpretation. Attempts to appropriate epithets are like civil disobedience in that neither can be taken at face value. Just as we would not take the acts of Thoreau, Gandhi, King, and Parks as mere rule-breaking, simple hooliganism, or self-interested law-breaking, we would not misinterpret what *El Plan* reports concerning 'Chicano' or what the pamphlet proposes concerning 'queer' as slurring. Since rationality is assumed of speakers and actors, both linguistic and civil disobedience require interpretation. And arriving at the correct interpretation requires an understanding of the context, speaker's/actor's intentions, history, and background conditions.

Furthermore, while authors like Smart (1991) and Brownlee (2004) have noted that civil disobedience has a communicative function, there has not been an account of how the audience interprets what the actors are communicating. Through the analogy to linguistic disobedience, we gain a framework for understanding the importance of communication for civil disobedience. So, though we have been primarily relying on received accounts of civil disobedience to characterize the important features of attempts at appropriating epithets, we can see that recognizing their relationship can have benefits in the other direction as well.

While a full account of appropriation, and not simply attempts to appropriate, is beyond the scope of our project, we now can draw on what counts as a successful case of civil disobedience to make a few general claims about appropriation. As civil disobedience aims to eliminate or change an unjust law, linguistic disobedience aims to eliminate or change an oppressive linguistic practice. Like cases of direct civil disobedience, the linguistic rule governing the oppressive speech act is flouted in a way that requires an audience to interpret the action. If the audience recognizes the intent of the individuals attempting to appropriate an epithet, then we can say the goals of those violating Linguistic Rule have been communicated. If the audience is sympathetic to the motivations behind — and the methods involved in — violating Linguistic Rule, audience members will not reprimand the rule violators. The audience may even join in violating Linguistic

Rule (because of a norm of self-determination, it may be required that the audience is a member of the targeted group). Once Linguistic Rule has been violated enough times and there has been a significant degree of recognition of and joining in the appropriation among the community, new rules of usage will emerge, at least among members of the targeted class. It is difficult to say at exactly which point these rules of usage begin to apply, but eventually, we can say that the epithet has been appropriated, and appropriated usage of the epithet is now permissible.²¹ Sometimes this usage is extended to people not historically targeted by the term, while other times it is not.

Conclusion

This paper has endeavored to illuminate attempts at appropriating epithets. We found that Grice's model of communication helps us understand how breaking the linguistic rules governing these terms results in such attempts. But we've also seen that they are socio-political actions which possess the features of civil disobedience. Finally, we've seen how the comparison also helps us understand how interpretation is required for understanding civil disobedience.

We should note that while we have labeled attempts at appropriating epithets "linguistic disobedience", we take it that there could be similar phenomena that don't involve epithets. That is, there could be intentional, public attempts to change the meanings of terms that are not epithets for conscientious reasons. Haslanger's (2000, 2004) ameliorative account of race and gender terms might be an example of this. Additionally, there are interesting uses of epithets that, instead of aiming to remove the negative aspect, aim to redirect it to another group.

21. Nunberg notes that many authors fail "to distinguish among the successive stages of appropriation and reclamation" (2018, 289). And Lynne Tirrell notes that until community-wide appropriation is achieved, there may be uncertainty about each particular use:

The rehabilitation of a term is not achieved by one speaker by fiat in an instant; it is a community-wide achievement that takes time to occur. For the reclaimed term to prevail, there must be community-wide agreement about the bulk of the assertional commitments. (1999, 61)

An example is when an indigenous person redirects the term 'illegals' (typically used in the United States to slur undocumented Latin American immigrants) toward white settlers and their descendants.²² We hope that our account of linguistic disobedience provided here will be fruitful in explaining these other kinds of subversive language use.²³

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22. Thanks to an anonymous reviewer for bringing this kind of case to our attention. The reviewer also mentions cases where both the target group and the valence of the term are changed — as in the use of the n-word among white teenagers with friendly intentions.

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