

## How to change a racist team name

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“The Nepean Eagles”—much better than the obnoxious and embarrassing “Redskins.”

It's puzzling and sad that officials of the Nepean football club had earlier resisted attempts by locals and fans to have them change the team's name. Indeed, it's puzzling and sad they didn't change the name off their own bat long ago.

Word is, though, if I'm hearing correctly, that the team changed its name not because it finally saw the light, but only because a complaint had been filed with the Ontario Human Rights Tribunal, and it figured its back was against the wall. Team officials might even have thought that they would prevail at the tribunal, but only at the cost of public support, to say nothing of time, energy, and buckets of money.

I'm surprised to discover, though, that the Tribunal would have considered such a complaint. The name didn't deny anyone a job or schooling or a house or a hospital bed or police services. One would have thought obnoxious or even racist names are not within the mandate of a government body, especially as Parliament repealed Section 13 of the Canadian Human Rights Act last summer. That was the section that gave the Canadian Human Rights Commission authority to investigate complaints of hate speech. Perhaps the provincial and territorial human rights commissions and tribunals will seek to pick up the slack.

Since, as it seems, the tribunal actually has the power to order a name change, we need to ask whether we want it to have that power. Do we want a body possessed of the coercive force of government to be in the business of telling people and groups what they can and cannot name the things that belong to them?

My answer is no, though I certainly sympathize with Ian Campeau, the person who brought the complaint against the name to the tribunal. Campeau and others had for two years been trying to persuade the officials to change the team's name, and the officials would hardly give them the time of day. No doubt Campeau felt frustrated, and so he chose a different strategy.

Nonetheless, we should rather put up with the obnoxious and insulting names that clueless, callous, or cruel people favour than accept a regime where we can be told under penalty of sanction to watch our words.

One argument for this claim, a strong one, though maybe not in the end decisive, is that institutions of censorship can always be used against your own words or paintings or music. When you set up an agency to police the expression of others you put at risk your own freedom.

This argument of prudence might not be decisive because partisans of laws against hateful expression can respond that these laws could be tailored to resist abuse, and the people

who administer them trained to apply them carefully. Well-written statutes thoughtfully applied will block only the harmful hate, or at least that's the claim.

The question then becomes how reasonable is it to expect in this field only well-tailored laws that are always applied conscientiously? Evidence from the Canadian experience to date certainly isn't reassuring, but partisans of censorship can always say we just need to try harder.

Not only can we do better than the prudential argument against censorship, though. I think we must do better, for among the partisans of censorship is a significant group of people who aren't interested in limiting freedom of expression at just the hateful edges, but, for the good of society and equality, everywhere.

The deeper argument stresses the value of a strong civil society and the sort of people it creates and sustains. By "civil society," I mean the web of relations among us as we go about our daily business in and out of our homes, in and out of our places of employment, in the schools, among friends, among strangers on the street. When civil society is strong, people look to each other for help and support, and come together to solve the problems that inevitably arise when different people, with different goals and values, share the same spaces.

Civil society is weakened when we turn to institutions, and institutions of government in particular, to impose order on our daily interactions. We risk becoming rule bound, and inclined to look for official and authoritative rulings rather than coming to agreements with each other or, when agreement can't be found, fashioning accommodations.

Now, of course, we could not survive without regulations and laws backed up by force. Yet we should want to have as few as possible, and only when matters as serious as life, limb, or livelihood are at stake. Every regulation that applies to matters of dress, comportment, association, or expression moves us away from our personal dealings with our fellows in their and our freedom. It narrows the scope of civil society, and makes each of us more isolated and smaller.

We can be happy that the Nepean football club no longer has an obnoxious name, though it is unfortunate if that's not because club officials finally perceived that the old name was obnoxious. We should also be concerned, though, that the Ontario Human Rights Tribunal possesses a noxious power.