

Is Calling Someone ‘White’ Considered Racist?

Or should the right to free speech rise above?

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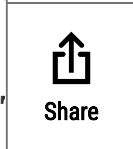
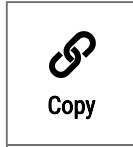
Sam Kerr of Chelsea arrives prior to the Barclays Women's Super League match between Bristol City and Chelsea FC at Ashton Gate Stadium in Bristol, England, on Dec. 17, 2023. (Ryan Hiscott/Getty Images)



By Gabriël Moens

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Kerr is a deservedly famous Australian footballer and captain of the Matildas soccer team.

Matildas, which are rapidly becoming a favourite female sporting team, advanced to the semi-final of the World Cup last year and are qualified for the Olympic Games in July/August of this year.

However, the Matildas' fairy tale has been unexpectedly distracted by the news that Ms. Kerr has been charged to stand trial in London for abusing and insulting a police officer, who responded to a taxi dispute.

The incident took place just hours after Ms. Kerr scored an astonishing hat-trick in a game for her Chelsea team.

What Happened?

According to news reports, on Jan. 30, 2023, Ms. Kerr was sick in the taxi after a night out and allegedly insulted the police officer by calling him or her a “stupid white bastard.”

However, other sources, even emanating from police, claimed that she called the police officer “a stupid white PC” (police constable) or a “stupid white cop.”

Ms. Kerr, appearing at Kingston Crown Court via video link, pleaded “not guilty.”

Should Kerr’s Statement Be Considered ‘Racist?’

Ruminating on the Ms. Kerr case, it is possible to identify several issues of general concern.

First, is the statement allegedly attributed to Ms. Kerr an example of “racism?”

“Racism” is a legal term: it requires an intention to discriminate on the basis of a person’s race to treat them in a discriminatory manner about accommodation, the delivery of services, and the distribution of benefits and burdens.

Surely, the statement, if made, was not intended to deny benefits to the police officer and, therefore, its characterisation as an example of “racism” is unconvincing.

Moreover, commentators in Australia have argued that, in any event, the making of derogatory statements to a “white” police officer (as opposed to a “black” officer) does not constitute racism.

For example, Aboriginal writer Veronica Gorrie has argued that “racial prejudice can indeed be directed at white people, but is not considered racism because of the systemic relationship to power.”

Proponents of this argument controversially consider that “white” people, over many centuries and generations, have maltreated “black”

people, subjugating them through slavery and racial violence, and making them unfortunate victims of racial discrimination.

According to this view, hurling derogatory statements at a “white” police officer does not constitute racism but, instead, is a legitimate response to the discrimination suffered by people of colour.

However, this view can be criticised on the ground that it aims to fight racism by institutionalising racism, thereby continuing the cycle of racial violence in society.

Moreover, this view embeds a double standard—one for white people, and one for black people—which is devoid of logical coherence.

Fighting Racism While Upholding Free Speech

The only way to fight racism, in any of its manifestations, is to confirm the applicability of the principle of political equality, whereby all people, regardless of race are treated equally, and the distribution of burdens and benefits proceeds on non-racial grounds.

Second, the debate generated by Ms. Kerr’s legal troubles thus far has overlooked the real issue in this case: free speech. Does free speech protect the right to offend other people, even using abusive and insulting language?

The relevant English legislation that criminalises the intentional causing of a racially aggravated public order offence is found in section 31(1)(b) of the Crime and Disorder Act 1998 which deals with offences committed under the Public Order Act 1986.

The section criminalises offences causing “intentional harassment alarm or distress.”

However, the real issue is whether in a free society, the impugned language, allegedly used by Ms. Kerr, should be regarded as an expression of free speech.

For too long now, the law has inhibited fierce, but legitimate, debate on this issue of criminalising speech deemed to insult and humiliate people.

Moreover, people can’t walk through life without any hurtful or offensive language being spoken to them. Most people are resilient enough to bear such language and move on.

Hence, if Ms. Kerr’s outburst has happened, it may have involved the expression of inappropriate and illegal language.

But, on an alternative view, it could well be regarded as coming within the acceptable limits of discussion in a free society that should be robust enough to allow for the expression of strong critical and even emotional language.

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