

# BLACK WOMEN IN PUBLIC LIFE:

## Decentered But Not Marginalized

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## 1 INTRODUCTION

*'Neutrality is only a position which is culturally enabled to deny its positionality- it is position which is empowered to know,' - MARGARET DAVIES*

The unique location of Black women in prominent public positions can result in challenges to their legitimacy. Of greater concern is when these challenges concern their race and/or gender rather than the content of their work. Regardless of a woman's geography, there is a profound similarity among Black women in public life that crosses the boundaries of location. The objective of this research project was twofold. **First**, the project's focus was to identify the intersection between free speech and racist speech and the falsity of the democratization of public discourse. **Second**, this project aimed to develop an analytical tool in the context of racist defamation.

This tool will be used to address the limitations of defamation in tort law for racialized women. It will further demonstrate the methodological models of power employed by the operation of the Canadian justice system, the media and elite systems of discourse.



Former Governor General  
Michaele Jean

First Lady  
Michelle Obama

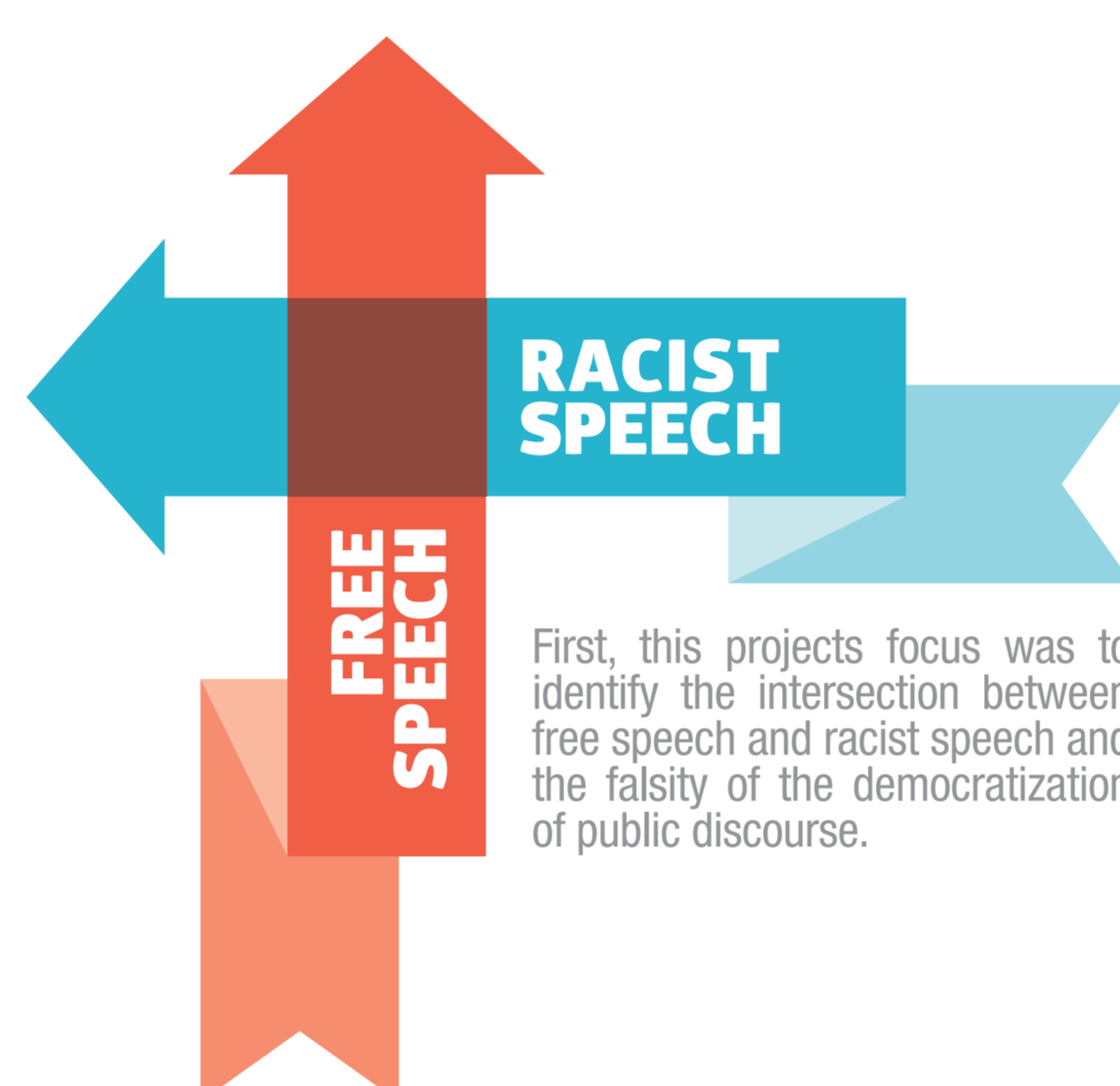
French Justice Minister  
Christiane Taubira

This tool encourages an active and organic approach to addressing equal participation of expression and calls for a reconceptualization of Black womanhood in the 21st century. In using a dynamic approach that engages community, this project encourages and incorporates perspectives of African/Caribbean feminist thought and hopes to contribute to true Canadian diversity.

## 2 METHODOLOGY

This project relied on a combination of critical legal methodologies including: **critical race feminism, law and the social environment and Canadian/African feminist applications of intersectionality**. These methods were then informed by a multidisciplinary approach anchored in critical discourse studies, cultural studies, race and the media and subalternity.

These methodologies were then supplemented with consultation from a variety of scholars and legal practitioners. The purpose of this step was to gain insight from women in the field on the participation of Black women in public life, the falsity of a post-racial society and/or the limitations of academic discourse within this field.

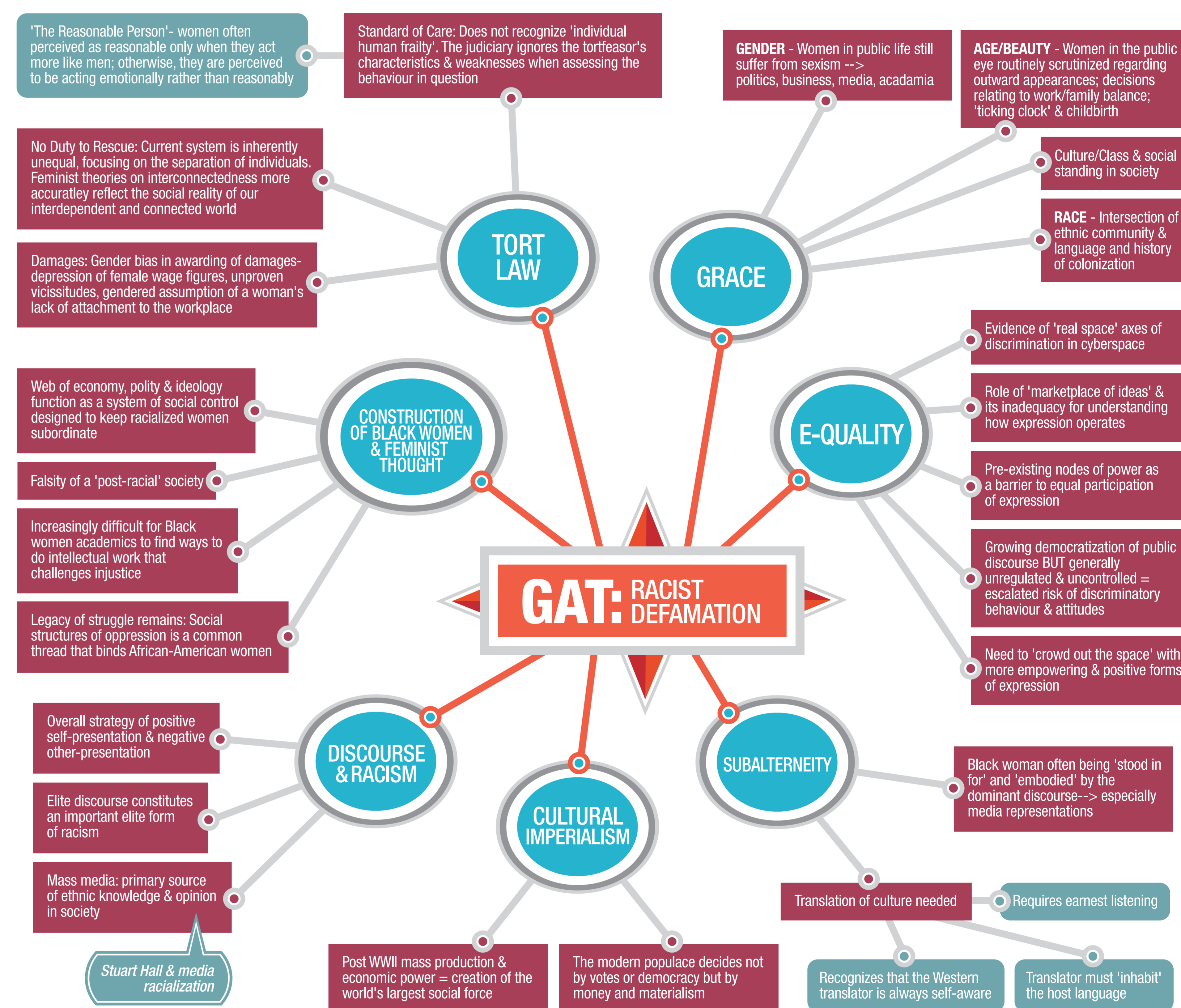


## 3 RESULTS

*'The broader one's membership in equality-seeking communities, the less likely one is to enjoy the full spectrum of human rights protection' - JEWEL AMOAH*

The analytical tool provided above recognizes that the limitations of defamation in tort law cannot be addressed in a vacuum. This model has attempted to identify gaps in the literature including cultural imperialism and subalternity and builds on the successes of incorporating a feminist perspective on tort law where gender has been properly identified and applied.

This tool reflects an intersectional and holistic analysis to the politics, discourse, and systemic institutions that prevent Black women from using the justice system in a manner that realizes Canadian diversity.



This GAT tool is part of an ongoing research project on racist defamation. The underlying concept and future development of such tool is the intellectual property of Professor Joanne St. Lewis and cannot be reproduced.

## 4 CONCLUSION

A reconceptualization of Black womanhood in the 21st century requires an intersectional analysis that addresses the powerful political, social and linguistic institutions that prevent equal access to justice.

The myriad of factors that construct this tool are evidence of the falsity of a post-racial society. Our defensiveness as a Canadian community may in fact be the very thing preventing our judicial system from addressing unconscious racism. It is only when we can identify and accept our practices that we can then move forward.

## FURTHER AREAS OF STUDY?

- How to better incorporate a feminist analysis to the 'reasonable man' standard, awarding of damages and standard of care analyses
- Regulation of online hate speech
- Possibility of a different forum for addressing racist speech (other than criminal law or human rights)
- Incorporation of empowering & positive forms of expression
- Future of blogging and its impacts

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