

THE TWENTY-NINTH ANNUAL FRANKEL LECTURE

INTRODUCTION

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This year's Frankel Lecture, delivered by Professor Richard Brooks, explores the social, quasi-legal, and legal dimensions of "address." By address, Professor Brooks means the words that people use to refer to one another. Classic forms of address include both formal titles—Professor, Chairwoman, Judge—and less formal designations—buddy, sir, you.¹

Address, Professor Brooks shows us, is powerful.² And his eminent interlocutors, Professors Helen Norton and Richard McAdams, largely agree.³ True, they offer contrasting views of address's effect and distinctiveness. But on the whole, all three credit address as a powerful tool for social coordination. This includes coordination for the purpose of subordinating women, racial minorities, and other historically oppressed groups.⁴

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1. See Richard R.W. Brooks, *Laws of Address: The Impact of the Practice and Words of Address on Our Civil, Political, and Social Lives*, 62 HOUS. L. REV. 743, 772 (2025).

2. Brooks, *supra* note 1, at 760–62.

3. See Helen Norton, *Contesting "Address": Conflicts Over the Words We Use to Address and Refer to Each Other*, 62 HOUS. L. REV. 799, 803 (2025); Richard H. McAdams, *Titles of Address, Language, and Law*, 62 HOUS. L. REV. 779, 784 (2025).

4. See Brooks, *supra* note 1, at 772–73; Norton, *supra* note 3, at 812; McAdams, *supra* note 3, at 796–97.

Yet this discussion comes at a strange moment in the history of address. Consider that Elon Musk—who unilaterally runs the U.S. Department of Government Efficiency, has fired thousands of federal workers, cut or frozen hundreds of millions of dollars in federal spending, and is considered by many to be the “shadow president”—has no governmental title at all.⁵ He barely has a last name. In most cases, “Elon” is sufficient.⁶

How does this square with Professors Brooks, Norton, and McAdams’ persuasive accounts of the power of address? I begin with the arguments of Professor Brooks and his interlocutors, taken in turn.

Professor Brooks contends that “address is the kernel of society”—everyone uses words like names and titles to indicate aspects of persons with whom they interact.⁷ He identifies what he calls “the first law of address,” arguing that when we address others, we establish a commanding authority that makes them stop and respond, creating a bilateral relationship between speakers and addressees.⁸ This relationship, Professor Brooks argues, enables coordination by signaling relative status. When spoken aloud, conventional forms of address announce correlative entitlements between speakers and their audiences, allowing parties to assert their relative status and define the contexts in which they find themselves.⁹

Professor Brooks offers compelling examples of this dynamic, such as the study using police body camera footage that revealed officers speaking less respectfully to Black drivers than to white ones—addressing them more informally by first names and with terms like “bro” and “dude.”¹⁰

5. Meg Kinnard, *A Comprehensive Look at DOGE’s Firings and Layoffs So Far*, AP NEWS, <https://apnews.com/article/doge-firings-layoffs-federal-government-workers-musk-d33cdd7872d64d2bdd8fe70c28652654> [<https://perma.cc/89L5-DV7S>] (last updated Feb. 21, 2025, 6:08 PM); Jacob Silverman, *Elon Musk Eyes a Shadow Presidency*, NATION (Oct. 30, 2024), <https://www.thenation.com/article/politics/elon-musk-eyes-a-shadow-presidency/> [<https://perma.cc/2JZP-E8BH>].

6. This is not a new trend among the famous—think of Beyoncé, Madonna, or Elvis. What is new is how such informality has shifted from sectors lacking formal power to places like the U.S. government.

7. Brooks, *supra* note 1, at 745.

8. *Id.* at 748–49.

9. *Id.* at 772–73.

10. *Id.* at 773.

He also explores how historically, racially restrictive covenants functioned as a form of address that communicated who belonged in communities and who did not.¹¹ Professor Brooks's point here is subtle: Even after the Supreme Court ruled these covenants unenforceable, white communities continued to enact them.¹² This suggests that the covenants' power was derived less from formal law than from social custom. Even if unenforceable, the covenants' ability to *signal* who would and would not be recognized as a community member makes them effective at excluding non-whites.

Professor Norton adds an additional layer of analysis to Professor Brooks's account, formulating a theory of "address conflicts."¹³ These are cases where individuals or communities disagree about appropriate forms of address. She distinguishes two types: (1) conflicts where parties dispute whether address actually makes meaning at all, and (2) conflicts where contestants agree that address makes meaning but seek to make different meanings.¹⁴

Professor Norton's most incisive contribution is her exploration of how address functions differently when the addressee has less power than the speaker.

In these contexts, address can be more like a command than a suggestion. Her analysis of Mary Hamilton's case illustrates this dynamic—a Black woman jailed for contempt when she refused to answer a prosecutor who addressed her only by her first name ("Mary") rather than "Miss Hamilton," the courtesy title afforded to white witnesses.¹⁵ Here, an informal form of address that, in some contexts, would be innocent, functioned as an attempt to reduce the addressee's social status.

The Supreme Court ultimately reversed Miss Hamilton's contempt order. It did so without explanation, but seems plausible that at least some Justices recognized that a facially neutral form of address could, in the right context, be discriminatory.¹⁶

Professor Norton extends her analysis to contemporary controversies over misgendering, examining how courts determine whether certain forms of address "do something" (and thus can be regulated) rather than merely "say something" (potentially

11. *Id.* at 753.

12. *Id.*

13. Norton, *supra* note 3, at 803.

14. *Id.* at 803.

15. *Id.* at 811.

16. *Id.* at 817.

receiving First Amendment protection).¹⁷ Through these examples, Professor Norton reveals how law sometimes intervenes to protect vulnerable listeners from powerful speakers whose choice of address can alter the terms and conditions of employment or education in discriminatory ways.¹⁸

Professor McAdams's response is in one sense deflationary, but in another expansionist. It is not, he argues, that address cannot accomplish the acts of social coordination, subordination, and superordination. It is that many other things can, too.¹⁹

Challenging address's status as the "kernel of society," Professor McAdams offers examples of effective communication without any address at all.²⁰ Consider the McDonald's order: "I'd like a Big Mac, medium fries, small soda."²¹

Professor McAdams also argues that non-address language can establish the social asymmetries needed to establish social priority. For instance, in a dispute over the last available chair, one person might simply point out they arrived first, or claim greater need ("I have a knee injury"). Either generates the necessary asymmetry of social status without using terms of address.²²

This is not to say that address does not matter. Only that it is one of many social technologies available for determining who is on top, who is on the bottom, and who is entitled to what.

How does Elon fit in? Here, I'd like to pick up one thread from Professor Brooks, one from Professor Norton, and one from Professor McAdams to think about the role of address *over time*.

As all three show, address has, for better or worse, historically been a powerful tool for generating status hierarchies. Today, though, I think that address may be an even more powerful tool for *obscuring* status hierarchies.

Consider Elon. Title-less. Surname-less. Why does he allow this? Why, perhaps, does he insist on it?

Because "Elon," perhaps perversely, seems even more impressive than "Secretary Musk" would. "Elon" has no title because he needs none. First-name address paints him as an ordinary citizen, wielding no power but the force of his own will. What Elon

17. *Id.* at 816.

18. *Id.* at 816–18.

19. McAdams, *supra* note 3, at 782–83.

20. *Id.*

21. *Id.* at 785–86.

22. *Id.* at 785.

accomplishes, he achieves by force of persuasion, a bias to action, and relentless effort.²³ Or at least this is the image projected.

But the image is mostly false. It is at least far from the whole story. Elon Musk is not an ordinary citizen. Nor does he lack for official titles. Elon is or has been the CEO of Tesla, SpaceX, Twitter Neuralink, and more.²⁴ He is the richest man in the world.²⁵ True, his billions are mostly self-made.²⁶ But now that he has them, he uses them to wield influence—and effectively. Elon spent \$44 billion to buy the nation’s most important platform for elite discourse and rewrote the platform’s rules of discourse to be more friendly to the Trump coalition, broadly construed.²⁷ He gave hundreds of millions of dollars to support the Trump election campaign.²⁸ And now, lack of official government title notwithstanding, the richest man in the world’s dictates are backed by the imprimatur of the most powerful man in the world.²⁹

This is a kind of inversion of Professor Norton’s examples of address-as-command. Here, there is, to be sure, a command from a powerful person. But it is not a command, as in Miss Hamilton’s case, that one party be afforded high status, and the other low. It is instead a command from a powerful party to be addressed as an *equal*.

23. See Priyanka Modi, *Elon Musk’s Hard Work Formula: The Secret Behind His Success* EDUCATIONNEXT (Apr. 24, 2024), https://www.educationnext.in/posts/elon-musks-hard-work-formula-the-secret-behind-his-success?utm_source=chatgpt.com [<https://perma.cc/PB6G-QS6A>] (“His story is a potent reminder that achieving audacious goals often requires significant effort and sacrifice.”).

24. *Elon Musk*, TESLA, <https://www.tesla.com/elon-musk> [<https://perma.cc/QQD7-JZQV>] (last visited Mar. 26, 2025).

25. *The Real-Time Billionaires List*, FORBES, <https://www.forbes.com/real-time-billionaires/> [<https://perma.cc/HLT2-DULL>] (last visited Mar. 26, 2025).

26. *Elon Musk a Self-Made Billionaire? World’s 2nd Richest Says, ‘Haven’t Inherited Anything Ever’*, MINT (May 7, 2023, 1:45 PM), <https://www.livemint.com/news/world/elon-musk-a-self-made-billionaire-worlds-2nd-richest-says-haven-t-inherited-anything-ever-11683444080656.html> [<https://perma.cc/E2ME-2XHG>].

27. James Clayton & Peter Hoskins, *Elon Musk Takes Control of Twitter in \$44bn Deal*, BBC (Oct. 28, 2022), <https://www.bbc.com/news/technology-63402338> [<https://perma.cc/6GBC-VH3N>]; Elizabeth Elkind, *X’s New Rules for ‘Safe Political Discourse’ Draw Concern from the Right, Skepticism from Left*, FOX BUS. (Aug. 30, 2023, 6:39 PM), <https://www.foxbusiness.com/politics/x-new-rules-political-discourse-concern-right-skepticism-left> [<https://perma.cc/Y24H-EJ4X>].

28. Trisha Thadani et al., *Elon Musk Donated \$228 Million in 2024 Election, Final Tally Shows*, WASH. POST (Jan. 31, 2025), <https://www.washingtonpost.com/politics/2025/01/31/elon-musk-trump-donor-2024-election/> [<https://perma.cc/RMH2-HJNC>].

29. Holly Honderich et al., *‘People Seem Dumbstruck’—Inside Musk’s Race to Upend Government*, BBC (Feb. 5, 2025), <https://www.bbc.com/news/articles/c1dg95dyxygo> [<https://perma.cc/5KZU-4GMD>].

Professor Brooks notes that Americans have always had this sort of egalitarian streak, expressed in particular via the “liberal use of first names.”³⁰ In many ways, this rejection of rigid old-world hierarchies—like formal rank and class—is an American virtue. In all of the ways this year’s Frankel Lecture commentators point out, address can generate social reality. Thus, strong norms of informal address may have helped make America more socially egalitarian than it otherwise would have been.³¹

But in cases where informal address *fails* to generate social reality, egalitarian address can obfuscate—perhaps dangerously.

This American trend, I think, has reached its apotheosis in Silicon Valley—perhaps the most American place in the world.

Consider the case of the AI CEOs: Sam Altman (OpenAI), Dario Amodei (Anthropic), Demis Hassabis (DeepMind).³² And of course Elon again, who leads xAI.³³ On social media, in interviews, and elsewhere, each goes by his first name, or some diminutive thereof.³⁴

But none of these men are ordinary Americans wielding ordinary influence. Just the opposite. All of them are working to build a technology that, if successful, will transform human history. Artificial General Intelligence—the holy grail for every major AI company—could transform the global economy, massively accelerate the discovery of both beneficial and harmful technologies, and put humans

30. Brooks, *supra* note 1, at 771–72.

31. With, of course, a long list of cruel and shocking exceptions. See, e.g., *Jim Crow Laws*, HISTORY, <https://www.history.com/articles/jim-crow-laws> [https://perma.cc/R7MZ-ZGBC] (last visited Mar. 26, 2025) (“The laws existed for about 100 years [and] . . . were meant to marginalize African Americans by denying them the right to vote, hold jobs, get an education or other opportunities.”); Kendall Verhovek, *The 19th Amendment, Explained*, BRENNAN CTR. FOR JUST. (Mar. 3, 2025), <https://www.brennancenter.org/our-work/research-reports/19th-amendment-explained> [https://perma.cc/DY2P-4CG6] (“It took more than a century of fighting by generations of activists to achieve suffrage for all American women.”); Michael J. Klarman, *How Same-Sex Marriage Came to Be: On Activism, Litigation, and Social Change in America*, HARV. L. TODAY (June 18, 2013), <https://hls.harvard.edu/today/how-same-sex-marriage-came-to-be/> [https://perma.cc/JJ6F-M3S4] (“Fifty years ago . . . [t]he federal government would not hire people who were openly gay or permit to serve in the military.”).

32. *Sam Altman Returns as CEO, OpenAI Has a New Initial Board*, OPENAI (Nov. 29, 2023), <https://openai.com/index/sam-altman-returns-as-ceo-openai-has-a-new-initial-board/> [https://perma.cc/VP4A-YGZH]; DARIO AMODEI, <https://darioamodei.com/> [https://perma.cc/F3UW-AMBT] (last visited Mar. 26, 2025); *Our Mission*, GOOGLE DEEPMIND, <https://deepmind.google/about/> [https://perma.cc/VWH8-QL5P] (last visited Mar. 26, 2025).

33. Kate Conger, *Elon Musk’s xAI Raises \$6 Billion in New Funding*, N.Y. TIMES (Dec. 24, 2024), <https://www.nytimes.com/2024/12/24/technology/elon-musk-xai-funding.html> [https://perma.cc/YT9V-TRT9].

34. For example “sama,” Sam Altman’s social media handle, is also often his form of address in real life. See Sam Altman (@sama), X, https://x.com/sama?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor [https://perma.cc/7MF8-DS2H] (last visited Mar. 26, 2025); see also *Can We Stop Blaming Sama Everytime Someone Leaves OpenAI?*, REDDIT (Sept. 2024), https://www.reddit.com/r/singularity/comments/1fpzu07/can_we_stop_blaming_sama_everytime_someone_leaves/ [https://perma.cc/56T3-5EDB].

out of work *en masse*.³⁵ And that's all if things go *well*. If they go badly, a wide range of experts believe the invention of smarter-than-human machines will threaten humans with extinction.³⁶

Or consider the prior generation of tech titans—the Zuck of Facebook or the Jack of Twitter. Here again, men whose decisions directly shaped the lives of hundreds of millions of human beings invited, perhaps even insisted, on informal address.³⁷

The question is whether such informal norms of address, as applied to these wealthy, powerful men, are doing any social work. Is anyone fooled into thinking of them as ordinary? Was anyone fooled in 2004, when Facebook was founded?³⁸ Will they be by 2034?

I suspect the answer to at least the last question, and probably the second-to-last, is a resounding “no.” And it is for a reason Professor McAdams highlights in his Commentary. Address is not our only tool for social coordination via status signaling.³⁹ A corollary of that point is that, when there are plenty of other status signals, address may stop supplying any signal at all.

Perhaps there was a time when a young founder of a rapidly growing tech startup could shape social expectations by insisting on first-name address. Perhaps such address was internally useful, fostering a work environment of constructive criticism and discouraging sycophancy. Perhaps it was externally useful, projecting an image to venture capitalists, journalists, and users of the founder-boy-genius who needed neither a Harvard degree⁴⁰

35. Michael Chui et al., *The Economic Potential of Generative AI: The Next Productivity Frontier*, MCKINSEY DIGIT. (June 14, 2023), <https://www.mckinsey.com/capabilities/mckinsey-digital/our-insights/the-economic-potential-of-generative-ai-the-next-productivity-frontier> [https://perma.cc/MW8U-3YF8]; Pascal Stiefenhofer, *Artificial General Intelligence and the End of Human Employment: The Need to Renegotiate the Social Contract*, ARXIV (Feb. 10, 2025, 9:36 PM), https://arxiv.org/abs/2502.07050?utm_source=https://perma.cc/3PCP-35EU.

36. Bill Drexel & Caleb Withers, *AI and the Evolution of Biological National Security Risks*, CTR. FOR NEW AM. SEC. (Aug. 13, 2024), <https://www.cnas.org/publications/reports/ai-and-the-evolution-of-biological-national-security-risks> [https://perma.cc/6GZX-RHHF].

37. Zara Stone, *What's the Hidden Meaning Behind Mark Zuckerberg's T-Shirts?* FORBES (June 26, 2016, 2:01 PM), <https://www.forbes.com/sites/zarastone/2016/07/26/mark-zuckerberg-facebook-wardrobe/> [https://perma.cc/M25J-WGFQ]; Katie Kinderlan, *Twitter CEO's Onstage Uniform of Beanie, Hooded Sweatshirt Prompts Women to Call a Double Standard Foul*, ABC NEWS (Apr. 17, 2019, 3:00 PM), <https://abcnews.go.com/living/story/twitter-ceos-onstage-uniform-beanie-hooded-sweatshirt-prompts/?id=62461514> [https://perma.cc/E2JL-XZ5G].

38. *Facebook Launches*, HISTORY, <https://www.history.com/this-day-in-history/february-4/facebook-launches-mark-zuckerberg> [https://perma.cc/H3YK-LD2M] (last updated Jan. 30, 2025).

39. Max Lakin, *The \$300 T-Shirt Mark Zuckerberg Didn't Wear in Congress Could Hold Facebook's Future*, W MAG. (Apr. 12, 2018), <https://www.wmagazine.com/story/mark-zuckerberg-facebook-brunello-cucinelli-t-shirt> [https://perma.cc/J7V9-NJLW].

40. Sam Teller, *Zuckerberg to Leave Harvard Indefinitely*, HARV. CRIMSON (Nov. 1,

nor even a formal title to build a billion dollar app. Just brains, drive, and a willingness to “move fast and break things.”⁴¹

But those days, I think, are over. They are over because humans are, as a species, extraordinarily sensitive to signals of status.

As one signal becomes less useful, another—or many others—emerge. If Silicon Valley CEOs degrade the usefulness of address as a status signal, their employees, funders, and the general public will figure something else out. They may begin to notice the identical \$300 grey t-shirts, worn every day.⁴² Or the casual blowing of deadlines and unrealistic timelines to optimize the world around one individual’s schedule.⁴³

None of these are forms of address. None are even expressions, in the classic sense. They are, at most, what we might call “expressive conduct” in the First Amendment context. Yet they speak volumes about who has wealth, power, and influence—and who does not. Moreover, they are the product of an evolutionary game—one in which players use today’s status signals to manipulate their environments to their own advantage. But in doing so, they erode the persuasiveness of the signals themselves. So new signals emerge, supplanting the old ones. And the game starts again.

2005), <https://www.thecrimson.com/article/2005/11/1/zuckerberg-to-leave-harvard-indefinitely-mark/> [https://perma.cc/4Y8E-NR2L].

41. Enrique Dans, *When Companies Move Fast, They Do More than Break Things*, MEDIUM (Nov. 8, 2023), <https://medium.com/enrique-dans/when-companies-move-fast-they-do-more-than-break-things-770740e248c2> [https://perma.cc/JK3V-8B6H] (“The expression is attributed to Mark Zuckerberg in the early days of Facebook, and referred to a culture in which technical excellence turning an idea into executable code quickly was the name of the game.”).

42. See Lakin, *supra* note 39.

43. Jeannine Mancini, *Elon Musk Has Been Running on ‘Elon Time’ Since He Was a Kid—I Think I Do Have an Issue with Time’—But It’s Not Good for Tesla*, YAHOO! FIN., https://finance.yahoo.com/news/elon-musk-running-elon-time-211311914.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAABNNHloPTQsqvHaEDDY3as7TL868oawtLY7yjPAw7PsMIBgBRbVyvdwBiNmBreKwXtGjq3sGIpv68k9thaD653SkztG_mz4EAhZf7YhTCMEZQUXIV6vmFXCZbnBRATuxun2XdtQ4IRIF5t2dHh-rP6YWCBUFb9V6KTUVR1Fnc_E [https://perma.cc/QEW3-U2TD] (last updated July 31, 2023).