How To Cancel Cancel Culture (Or Not)

SUMMARY: *Americans disagree sharply about the meaning and impact of cancel culture, though most believe it is a problem*
Glenn C. Altschuler and David Wippman

The "public shaming of those deemed moral transgressors" and the use of mass media for partisan advantage are as old as the Republic. A prominent Republican newspaper, for example, called George Washington a traitor and his Farewell Address "the loathings of a sick mind." And Federalists declared that Republicans intended to bring "a reign of terror to America from France."

Fast forward to this week, when Republican hardliners "cancelled" House Speaker Kevin McCarthy — a first in American history.

What has changed, however, is the capacity to spread harmful speech "beyond anything we have encountered before." In a phenomenon often referred to as "cancel culture," social media users can reach, mobilize, and incite large and partisan communities in a matter of hours to shame individuals or groups for perceived moral failings.

In *The Canceling of the American Mind: Cancel Culture Undermines Trust and Threatens Us All — But there is a Solution*, Greg Lukianoff, president of the Foundation for Individual Rights and Expression (FIRE), and Rikki Schlott, a research fellow at FIRE, maintain that American institutions, "most notably, American higher education," have failed to teach us "how to argue productively."

Their book attempts to fill that void. Its strength lies in bringing together a host of examples and statistics that demonstrate pervasive efforts on the left and the right to shut down speech. But that capaciousness also results in an analysis that is at times incomplete, misleading, and marked by questionable generalizations.

Americans disagree sharply about the meaning and impact of cancel culture, though most believe it is a problem. Lukianoff and Schlott define cancel culture as "campaigns to get people fired, disinvited, de-platformed, or otherwise punished for speech that is — or would be — protected by First Amendment standards and the climate of fear and conformity that has resulted from this uptick."

In their view, cancel culture emerged through the growing dominance on college campuses of an ideology that sees history as "a battle between oppressors and oppressed." As the ratio of liberal to conservative faculty grew from "roughly two to one in 1969 to six to one in 2020," advocates of critical theory supported "'enlightened' limitations on free speech to ban what they considered hateful, racist, and sexist speech." The result was the spread of trigger warnings, concerns about microaggressions, speech codes, efforts to protect

students from exposure to hurtful speech, politicized orientation programs, and bias response teams.

This narrative underestimates the role of ideological polarization across all of American society and the impact of information silos.

Progressive cultural assumptions have become increasingly dominant, not just in higher education, but within Hollywood, legacy media, and many large corporations. Conservative cultural assumptions have taken hold in red states and media platforms from Breitbart to Campus Reform. These developments help explain the different forms that efforts to suppress speech take — legislation and executive orders on the right and peer pressure on the left.

To their credit, Lukianoff and Schlott document expanding efforts on the right to restrict classroom discussion of "divisive concepts" related to race, gender identity, and sexual orientation and to ban books "in an avalanche of censorship." Unfortunately, the authors say little about the practice of enlisting students to monitor classes for perceived liberal excesses, or the chilling effect the right-wing "outrage machine" has on progressive faculty.

Instead, *Canceling the American Mind* focuses disproportionately on the sins of the left, presenting a blizzard of stories, some more persuasive than others. The authors' thumbs appear to be on the scale, for example, when they discuss Hamline University's decision to rescind the contract of an adjunct faculty member who showed an image of the Prophet Muhammad in an art history class as "a perfect example of just how out of hand Cancel Culture has gotten on the university campus," and characterize the widespread backlash that followed as but "a glimmer of hope."

The authors also rely on some outdated statistics and questionable assumptions. They claim that "by 2009 74% of the top 346 colleges had '*extremely* restrictive speech codes.'" Yet a recent FIRE survey finds that 19% of schools in its database earn a "'red light' rating for maintaining policies that clearly and substantially restrict free speech." And this rating *includes* any school that "bars public access to its speech-related policies by requiring a university login and password for access."

The authors note that *attempts* by students to sanction faculty went from eight in 2014 to 67 in 2022. Given the roughly 1.5 million faculty teaching in the United States, and the publicity such cases often generate, these numbers hardly demonstrate "how bad things have gotten." Similarly, the authors assert that faculty report "enormous concerns over academic freedom," but the survey they cite shows that only a small percentage of faculty have faced discipline for speech, teaching or research, and indicates that "most faculty rejected harsh punishment for colleagues who engaged in controversial expression, and opposed de-platforming speakers on campus."

Regrettably, the authors seldom engage seriously with arguments from the left, including claims that some forms of hate speech warrant denunciation, even if the speech is lawful, and pay little attention to the tensions between free speech and other values or the ways bias response teams help build a culture of inclusion.

Nor do they address the elephant in the room — the challenges social media pose for free speech norms developed in a pre-internet era. In the European Union, a new Digital Services Act requires social media companies to limit disinformation and other harmful content. In the United States, an appeals court told the Biden administration last month that its efforts to encourage social media companies to remove disinformation likely violated the First Amendment.
Increasingly, Republicans in Congress and state governments are waging a legal campaign to force faculty and universities to abandon efforts to combat the spread of misinformation on elections, vaccines, and similar issues.

Lukianoff and Schlott deserve credit for documenting a genuine problem on American campuses and in American culture. To address it, however, we need a more nuanced approach than dismissing as "cancel culture" any effort to restrict speech protected by current First Amendment doctrine.

The authors' proposed solutions, for example, requiring colleges and universities to "ban political litmus tests," "abstain from taking political stances," and "cut down on bureaucracy," won't take us very far.

Nor will encouraging Americans to "resume arguing, acting, and thinking like adults." Real progress requires solutions as transformative as the challenges we face.

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