



## CANCEL CULTURE ON CAMPUS: A CRITICAL ANALYSIS

*Thomas Kelly\**

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### INTRODUCTION

To what extent are free speech and open discussion being stifled on college campuses?

This question inspires sharp disagreement. Where some see a serious problem, others deny that there is any genuine reason for concern. Notably, for example, my fellow panelist Professor Mary Anne Franks has criticized what she calls “the myth of the censorious campus” while decrying the “false narrative” of political intolerance on college campuses.<sup>1</sup> Professor Jeffrey Adam Sachs similarly writes of “the myth” of a campus free speech crisis,<sup>2</sup> which he associates with a kind of “moral panic” due to conservative “hysteria.”<sup>3</sup> In a piece entitled “Free Speech on Campus

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\* Professor of Philosophy, Princeton University. This paper grew out of remarks delivered at a symposium on Non-Governmental Restrictions on Free Speech held at the Sandra Day O’Connor College of Law in the spring of 2022; I’m grateful to the participants in that event for their feedback. Special thanks to Eugene Volokh, Adam Hoffman, Abigail Anthony, and Myles McKnight for their assistance with respect to the final version.

<sup>1</sup> Mary Anne Franks, *The Miseducation of Free Speech*, 105 VA. L. REV. ONLINE 218, 220–21 (2019).

<sup>2</sup> Jeffrey Adam Sachs, *The “Campus Free Speech Crisis” Is a Myth*, WASH. POST, Mar. 16, 2018.

<sup>3</sup> Jeffrey Adam Sachs, *There Is No Campus Free Speech Crisis: The Right’s New Moral Panic Is Largely Imaginary*, SALON, May 1, 2018.

Is Doing Just Fine, Thank You,” Columbia University president Lee Bollinger, a noted scholar of free speech and the First Amendment, dismisses concerns about the current situation for free speech and open discussion as being due to

a handful of sensationalist incidents on campus—incidents sometimes manufactured for their propaganda value. They shed no light on the current reality of university culture.<sup>4</sup>

Many similar expressions of this general theme can be found; skepticism that there is a genuine problem is well-represented both inside and outside academia.<sup>5</sup> Indeed, skeptics often claim not only that there is nothing to worry about, but that worrying is itself pernicious, inasmuch as doing so plays into the hands of reactionary political interests.<sup>6</sup>

Notwithstanding the frequent reassurances that there is nothing to worry about when it comes to free speech on campus, and even the warnings that worrying about such things is actually harmful, I confess to being among those who worry. Much of my concern relates to the phenomenon that is now widely known as *cancel culture*. The definition of “cancel culture” is contested.<sup>7</sup> For this reason, and in order to zero in on the phenomenon that I want to explore, in the next section I offer a number of cases that I believe would qualify as examples of cancel culture under

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<sup>4</sup> Lee Bollinger, *Free Speech on Campus Is Doing Just Fine, Thank You*, ATLANTIC, June 12, 2019.

<sup>5</sup> E.g., Michelle Goldberg, *The Middle-Aged Sadness Behind the Cancel Culture Panic*, N.Y. TIMES, Sept. 20, 2021; Aaron Hanlon, *Are Liberal College Students Creating a Free Speech Crisis? Not According to the Data*, THINK, Mar. 22, 2018; Andrew Hartman, *People Always Think That Students Are Hostile to Free Speech. They Never Really Are*, WASH. POST, Mar. 15, 2018; Zach Beauchamp, *Data Shows a Surprising Campus Free Speech Problem: Left-Wingers Being Fired for Their Opinions*, VOX, Aug. 3, 2018; Zach Beauchamp, *The Myth of a Campus Free Speech Crisis*, VOX, Aug. 31, 2018; Chris Ladd, *There Is No Free Speech Crisis on Campus*, FORBES, Sept. 23, 2017; Matthew Yglesias, *Everything We Think About the Political Correctness Debate Is Wrong: Support for Free Speech Is Rising, and Is Higher Among Liberals and College Graduates*, VOX, Mar. 12, 2018; Mari Uyehara, *The Free Speech Grifters: Why Are Some of the Biggest Public Intellectuals So Fixated with a Small Minority of Liberal College Students?*, GQ, Mar. 19, 2018.

<sup>6</sup> For this idea, see, e.g., Franks, *supra* note 1, and Beauchamp, *The Myth of a Campus Free Speech Crisis*, *supra* note 5.

<sup>7</sup> For relevant discussion, see e.g., Aja Romano, *The Second Wave of “Cancel Culture”: How the Concept Has Evolved to Mean Different Things to Different People*, VOX, May 5, 2021; Ross Douthat, *Ten Theses About Cancel Culture: What We Talk About When We Talk About “Cancellation”*, N.Y. TIMES, July 14, 2020.

any reasonable understanding of that notion. The cases that I offer are not hypothetical ones but actual cases involving current Princeton undergraduates. Although they of course differ from one another and from other examples of cancel culture in their idiosyncratic details, I believe that in important respects they are broadly representative of the phenomenon as it exists on contemporary college campuses.

Having zeroed in on the target phenomenon, I will offer an analysis of what I take to be some of its most important features. I will be particularly concerned with understanding cancel culture as a *rational* phenomenon: on the account that I offer in Part II, students who actively participate in cancel culture, or who attempt to cancel their fellow students, are often acting with impeccable rationality given their aims and preferences, even if their behavior is objectionable in other ways. In Part III, I turn to the most common considerations offered by the skeptics and argue that they are unconvincing. In the Conclusion, I note a number of factors that might lead us to systematically underestimate the severity of the problem.

### I. CANCEL CULTURE ON CAMPUS: SOME EXAMPLES

First, some background for purposes of context. In at least some respects, Princeton University would seem to be a relatively hospitable place for free speech and open discussion. In April 2015, the faculty voted to adopt the so-called Chicago Statement on free expression, which was then written into the University's official book of *Rights, Rules, and Responsibilities*.<sup>8</sup> More recently, in March 2021, the Academic Freedom Alliance, a national organization of university and college professors dedicated to "protecting the rights of faculty members at colleges and universities to speak, instruct, and publish without fear of sanction or punishment," was founded at Princeton;<sup>9</sup> Princeton faculty members are well-represented among both its founding members<sup>10</sup> and its current leadership.<sup>11</sup> Princeton's President, Christopher Eisgruber, has repeatedly reaffirmed the University's commitment to and his own belief in the value of free speech, in ways that go beyond what many

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<sup>8</sup> Faculty Adopts Statement Affirming Commitment to Freedom of Expression at Princeton, PRINCETON UNIV. (Apr. 7, 2015, 4:07 PM), <https://perma.cc/6DMP-KZDY>.

<sup>9</sup> ACAD. FREEDOM ALL., <https://perma.cc/C6GT-3GTV>.

<sup>10</sup> Members, ACAD. FREEDOM ALL., <https://perma.cc/S9RH-YFDK>.

<sup>11</sup> Leadership, ACAD. FREEDOM ALL., <https://perma.cc/5LME-PP6V>. I am a member of the former but not the latter group.

other university presidents have said.<sup>12</sup> I believe that his statements are sincere.

On the other hand, I am impressed by the extent to which such things can co-exist with an environment for free speech that is in many respects quite toxic. Here are some episodes involving current undergraduates.<sup>13</sup>

1. In June of 2020, thirty-two undergraduates co-signed an open letter<sup>14</sup> to President Eisgruber that argued against recent demands<sup>15</sup> for the imposition of mandatory anti-racism training and classes at the University. Immediately after the letter was published, an e-mail was sent out on a listserv for one of Princeton's residential colleges (encompassing approximately 500 students) that included a screenshot of all of the signatures along with the following message:

Oops did I drop this here. I'm including the signature page so we know our fellow racists but not the whole letter because I don't want to upset more people with useless racist propaganda.

At the same time, on a Facebook page that includes some 850 members of the school, a student compiled and posted a collage that was made up of the student ID pictures of all the signatories. (The student ID pictures were taken from a secure online directory.) Comments immediately followed:

Would these people be Nazi collaborators?

Absolutely, some of them are actual fascists and the rest of them are ghouls.

At this point, one of the signatories, N.N., simply left the Facebook group, without having engaged in any way. His doing so led to his being singled out and targeted as an individual for the first time:

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<sup>12</sup> Many of Eisgruber's past statements are collected at *Academic Freedom and Free Expression*, PRINCETON UNIV., <https://perma.cc/KN9W-W2EA>.

<sup>13</sup> I describe these cases in some detail, for this reason: It is sometimes suggested that complaints about "cancel culture" are a product of hurt feelings on the part of students who experience unexpectedly vigorous disagreement in response to expressing their controversial political or social opinions. If hurt feelings in response to vigorous pushback were what is at issue, I would side with those skeptics who think that there is little to worry about in this area. But I believe that there is more to it than that.

<sup>14</sup> Princeton Open Campus Coalition, *In Defense of Academic Freedom: Princeton Open Campus Coalition's Letter to President Eisgruber*, PRINCETON TORY (June 30, 2020), <https://perma.cc/6VU4-Z5S9>.

<sup>15</sup> The letter was a direct response to another open letter to Eisgruber and other Princeton administrators, published a week earlier. Opinion, *Against Anti-Black Racism in the Woodrow Wilson School*, DAILY PRINCETONIAN (June 22, 2020, 2:39 PM), <https://perma.cc/V54G-A7B2>.

Also, shout out to [N.N.], who got tagged, understood he was being called a ghoul, and left, the Bitch couldn't handle a single verbal milkshake.

His being called out in this way led to more online harassment, in response to which he deactivated all of his social media accounts. At that point, he thought he had successfully extricated himself from the situation. But in fact, the attempt to publicize as widely as possible both his name and the baseless idea that he was a racist was successful: a scheduled phone interview with Deloitte to discuss possible internships was cancelled, and the recent Princeton alum who cancelled the interview explicitly told him that his signing the letter was the reason for the cancellation.

2. In the fall of her freshman year, M.M. joined a women's club sports team; that spring, she was elected a co-captain by her teammates. In a discussion of systemic racism, M.M. expressed skepticism about whether police officers in the United States are trained to target and kill African-Americans, and whether the government systemically discriminates against African-Americans. This caused great frustration for one of her teammates in particular, a well-known campus activist whose political opinions differed greatly from M.M.'s, and who subsequently accused her of "defending racists."

Prior to the start of the following season, M.M.'s co-captains called a Zoom meeting and told her that they had decided to remove her from her position as a captain, on the grounds that some teammates had expressed "uncomfortability" with her "being in a position of power." She subsequently learned that the co-captains had been in consultation with University administrators, that these consultations had been going on for six weeks without her being informed or otherwise knowing about them, and that the decision to remove her as a captain had been approved by the administrators in question. When M.M. objected to the decision, she was told that she would have to participate in a "Circle Talk" with team members to hear their concerns—which she interpreted as answering for the political opinions that she had expressed. She declined to do so and was stripped of her captaincy.

3. B.B. applied to join an "eating club," the social clubs at which most Princeton undergraduates take their meals and around which much of campus social life revolves. When his profile was reviewed for potential membership, he received positive reviews and was described as an ideal member. Just before his candidacy was brought to a vote, a member of the club "red flagged" him, extending their veto

over his admission, on the grounds of having heard that he is personally anti-abortion. (The student had no active involvement in conservative or anti-abortion politics.) With a red flag from a member in good standing, his candidacy was rejected.

4. In the Fall of 2021, the *Princeton Tory*, a journal of conservative political thought produced by undergraduates, invited Abigail Shrier<sup>16</sup> to speak on campus. In the run-up to her lecture, the publisher of the *Tory* was publicly berated in a campus dining hall, and anonymous threats of violence were posted online against him, Shrier, and anyone who would attend the event.

The University, which had declined to fund the event but agreed to fund an opposition teach-in scheduled for the same time,<sup>17</sup> declined to guarantee the safety of Shrier's talk. For safety concerns, the talk was moved to an undisclosed off-campus location, with police protection provided by the town of Princeton. Students who had expressed a prior interest in attending the talk were notified of its location a few hours in advance of its taking place. When the talk occurred, an original plan to record the question-and-answer session was dropped at the request of students in attendance who did not want their voices recorded for fear of possible reprisals.<sup>18</sup>

Notwithstanding their idiosyncratic details, I believe that these cases are representative of the phenomenon of cancel culture as it exists on college campuses in a number of respects that are worth making explicit. First, at least on contemporary college campuses (and whatever might be true in other contexts and environments), the phenomenon of cancel culture has a definite political valence. Generally speaking, students are not cancelled or at risk of cancellation for espousing left-of-

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<sup>16</sup> Shrier, an author, Yale-educated lawyer, and Wall Street Journal contributor, is best known for her 2021 best-selling book IRREVERSIBLE DAMAGE: THE TRANSGENDER CRAZE SEDUCING OUR DAUGHTERS, which highlights unprecedented patterns of transgenderism among teenage girls and questions the standard responses to that phenomenon.

<sup>17</sup> The teach-in was sponsored by the University's Gender and Sexuality Resource Center, while the Shrier talk was ultimately sponsored by the Tikvah Fund and the Witherspoon Institute, neither of which is affiliated with Princeton University.

<sup>18</sup> For some media accounts of the Shrier talk and the surrounding controversy, see e.g., Bailey Glenetske, *Invitation of Author Abigail Shrier Sparks Campus Controversy*, *Princeton GSRC Responds with Teach-In*, DAILY PRINCETONIAN, Dec. 10, 2021; Matthew Wilson, *Conservative Journalist's Princeton Talk Given in Secret Location as Students Protest, Denounce Event*, COLLEGE FIX, Dec. 10, 2021; Alexandra Orbuch, *The Tory Co-Hosts Abigail Shrier*, PRINCETON TORY, Dec. 9, 2021. For the text of Shrier's talk, see *What I Told the Students of Princeton*, TRUTH FAIRY, <https://perma.cc/ZCH4-MGPN>.

center views but for espousing right-of-center views, or at least, views that are inconsistent with left-of-center views. Students do not suffer harassment for signing open letters demanding mandatory anti-racism training but for signing open letters arguing against the imposition of such training. Students are stripped of leadership positions not for claiming that law enforcement is systemically racist but for denying that it is. Their application for membership in social clubs is vetoed not because they are known to harbor pro-choice views but because they are known to harbor anti-abortion views. And so on.

If this is correct, it follows immediately that the phenomenon of cancel culture does not affect all students equally. Indeed, for some students, airing their sincerely held beliefs about controversial issues carries no risks of cancellation at all. For those who dissent from such views, the risks are often real. Given plausible assumptions about how students will respond to their rational incentives, we would expect this situation to have a distorting effect on which sincerely held views are publicly espoused and argued for, and which are more likely to be held in silence.

My next observation is that it is quite possible to be effectively cancelled for publicly endorsing or even holding views that are perfectly reasonable things to think and that are utterly mainstream within American society. I note this because of its relevance to what I take to be the best argument *in favor* of the view that cancel culture (or something much like it) has a legitimate place on college campuses, and in social life more generally. As I see it, that argument runs along the following lines:

Look, all of us (or at least, virtually all of us) believe that some views are so reprehensible or beyond the pale that those who hold them have no legitimate complaint when they are denied attractive opportunities as a result, including via the kind of mechanisms that are operative in paradigmatic cases of cancellation. Imagine a student who is literally a member of the American Nazi Party or the Ku Klux Klan. This would be a perfectly good basis for denying them membership in a social club. Similarly, if this fact were discovered about someone after they had already been elected captain of a team, there would be no legitimate objection to removing them from that position.

Indeed, putative norms that would prevent or even discourage such things from happening would amount to intolerable limitations on the freedom of others. So you too believe in the propriety of cancellation, for at least some political views. You just draw the line in different places than we do. For example, you (and virtually everyone else) would draw the line so that the Nazi is beyond the pale. We draw the line so that both the Nazi and the trans exclusionary radical feminist, who denies that transgender women are women, are beyond the pale. But where the line should be drawn is a sub-

stantive question, and not something that can be settled by abstract and blanket condemnations of “cancel culture.”<sup>19</sup>

There is much in this line of thought with which I agree. In particular, I am sympathetic to the idea that it is a substantive question where the line should be drawn. I also believe that exactly where the line should be drawn is itself something about which reasonable people might disagree, and that here as elsewhere, we should expect to find borderline cases.

To say this, however, is not to say that any way of drawing the line is reasonable. For example, a way of drawing the line which places those who offer arguments against mandatory anti-racism training (or those who claim that law enforcement in the United States is not systemically racist, or who are suspected of holding anti-abortion views, or who think that being born a biological female is necessary for being a woman) alongside the Nazi or Klansman is not a reasonable one, and a community in which such standards are operative is to that extent a defective one.

That such mainstream views are not relevantly similar to those of the Nazi or the Klansman is something that we can expect reasonable people of goodwill to appreciate regardless of whether they accept those views, even as partisans attempt to blur the differences. Moreover, excluding people for holding or defending such mainstream views will inevitably compromise the university’s ability to teach students how to debate and persuade people with whom they disagree.

My next observation about cancel culture is the following: Given plausible assumptions about the aims of those who engage in it, cancel culture is naturally understood as a *rational* phenomenon. Because this point requires more discussion than the previous ones, I will devote the next section to it.

## II. CANCEL CULTURE AS A RATIONAL PHENOMENON

Although I am a critic of cancel culture, I also suspect that students who attempt to cancel their peers are often acting with impeccable instrumental rationality given their preferences and aims. Indeed, in many realistic cases, such actions might be conducive to simultaneously promoting multiple ends that are valued by the

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<sup>19</sup> Apropos of this line of thought, consider the frank admission of Ross Douthat, a self-described conservative critic of cancel culture: “Today, almost all critics of cancel culture have some line they draw, some figure—usually a racist or anti-Semitic—that they would cancel, too. And social conservatives who criticize cancel culture, especially, have to acknowledge that we’re partly just disagreeing with today’s list of cancellation-worthy sins.” Douthat, *supra* note 7.

would-be canceller. Let us briefly survey some of these potential aims.

- First, in many realistic cases, the would-be canceller might positively value the targeted student's being made worse off because the student endorses (or argues for) the offensive opinion, independently of any further downstream effects. A student expresses her opinion that law enforcement is not systemically racist. In the eyes of the would-be canceller, anyone who endorses that view deserves to pay a price for doing so; when the targeted student loses out on a valuable opportunity as a result of being cancelled, this desired outcome is achieved.
- Second, especially if the attempt at cancellation is successful, this can have a deterrent effect on the future conduct of the targeted student, in ways that the canceller would approve of. Having paid a price for publicly expressing support or arguing for such-and-such an opinion, the student might be less likely to express support or argue for that opinion in the future, an outcome to which the canceller attaches a positive value. Moreover, a student who has expressed one politically incorrect opinion is likely to harbor others as well, and by making her pay a price this time around, one gives her at least some reason to think twice before expressing other such opinions.
- Third, the potential deterrent effects of an act of cancellation are not limited to the student who is the actual target but extend to other students as well. Students who might have been willing to publicly endorse the opinion in question or similar opinions but who do not want to suffer similar costs are sent a message and incentivized to stay silent. This too is likely to be regarded as a positive outcome from the perspective of the would-be canceller.<sup>20</sup>

Thus, the attempt at cancellation might serve not only the immediate aim of punishing the offender (which might in many cases be a valued end in itself) but also serve to deter both the original student and other students as well, both with respect to the original opinion which prompted the attempt at cancellation as well

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<sup>20</sup> It is sometimes taken to be characteristic of cancel culture that this third aim ("general" as opposed to "specific" deterrence) is the primary one. For this idea, see e.g., Douthat, *supra* note 7: "The point of cancellation is ultimately to establish norms for the majority . . . The goal isn't to punish everyone, or even very many someones; it's to shame or scare just enough people to make the rest conform."

as any other opinion which is naturally regarded as relevantly similar.

Moreover, in order to fully appreciate the ways in which cancellation attempts can be rational, it is important to take into account the fact that even *unsuccessful* attempts can promote all three of these aims. Again, it will be helpful to have an actual case:

*A failed cancellation:* The outgoing editor-in-chief of *Jubilee*, Princeton's journal of Jewish thought and expression, appoints two students to be co-editors-in-chief of the journal. (*Jubilee* is an apolitical journal, whose traditional focus has been on history, art, and music; it does not publish political pieces.) One of the two students is a well-known campus conservative, the other a student with strong progressive political convictions. Upon learning that the conservative has been slated to become his co-editor-in-chief, the progressive demands that the outgoing editor-in-chief revise this decision, on the grounds that the conservative is an inappropriate choice for a leadership position given his "dangerous" beliefs. The outgoing editor-in-chief resists the demand and does not retreat from his original decision. The progressive student subsequently resigns his position, on the grounds that sharing the masthead with the conservative student would "legitimize" the latter. Although the cancellation attempt fails, all of the members of the journal are well aware of these events, and it is understood that a different editor-in-chief might very well have made a different decision in the same circumstances.

Just as unsuccessful lawsuits are typically no fun for the defendants who successfully fight them off, a student who "survives cancellation" will typically find the experience extremely unpleasant. This might provide strong incentives for her and for observers to avoid putting themselves in such situations in the future, and the most straightforward way to do that is to keep one's opinions to oneself. Hence, even failed attempts at cancellation might serve as deterrents that influence future behavior. Moreover, inasmuch as the student who successfully survives cancellation is still worse off than they would have been if no such attempt had been made, the quasi-retributivist purpose described above is also achieved, at least to some extent.

Although the discussion to this point might suggest that there is a sharp distinction between successful cancellation attempts and unsuccessful ones, that is an idealization: the distinction is vague and admits of borderline cases. In fact, it is plausible that many realistic and actual cases fall in the vague region.

Consider, for example, the Abigail Shrier case described above. In inviting

Shrier to campus, the student organizers' original vision is of a well-publicized and well-attended event on campus that any Princeton student to whom the event was of interest would have the opportunity to attend. When the attempt to cancel the talk leads to Shrier's delivering it at an undisclosed location off-campus, to a small fraction of the students who might otherwise have attended it, does this count as a successful or unsuccessful cancellation? No doubt, those who attempt to cancel the talk would have preferred that it not take place at all, and to that extent their aims in acting as they do go unfulfilled. But presumably they also have a strong preference for minimizing the number of students who hear the talk, and in that respect their efforts are successful.<sup>21</sup>

Like other deterrents, cancel culture works (to the extent that it does) by changing how it is rational for agents to behave. The potential effectiveness of cancel culture as a deterrent derives from the fact that, in an environment in which students are subject to cancellation for what they say, it will often be rational for them to say silent rather than express their true opinions. From an individual student's perspective, it will be rational to voice one's opinion on a given occasion only if the expected value of doing so is at least as great as the expected value of remaining silent. In contexts in which cancellation is a salient possibility, the potential costs of expressing one's true opinion as opposed to remaining silent might be significant.<sup>22</sup>

On the other hand, in typical cases, the potential benefits that one stands to gain from expressing one's controversial opinions as opposed to simply holding one's

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<sup>21</sup> On this last point, compare Shrier's own remarks to her audience, as reported in Wilson, *supra* note 18: “This is pathetic. Don’t accept this. What the hell am I doing off campus? You know what, they won. Why? Because there’s 35 people, and there were hundreds who wanted to attend. . . . When students say they’re afraid to be caught on audio because of fear of reprisal, they’re not free. That’s not what freedom looks like. . . . Don’t accept it. And don’t believe anyone who tells you that this is a free campus—it’s obviously not. Don’t pretend the censors aren’t winning. We’ve got to start there.”

<sup>22</sup> It is apposite here that, even in a context in which cancellation is a salient possibility, one will often be able to avoid those risks simply by remaining silent, as opposed to actively misrepresenting one's true opinion. Therefore, even if one attaches significant disvalue to actively misrepresenting one's true opinion (e.g., by lying, or by saying true things that will nevertheless predictably mislead one's audience), one can often avoid that disvalue by remaining silent.

There are, of course, exceptions to this. In a conversational context in which failing to positively endorse some view will be interpreted by others as holding some contrary view, the costs of remaining silent might not differ significantly from the costs of actually expressing the contrary view.

tongue will often be relatively small. That this is so is suggested by reflection on a common context that is deliberately engineered to incentivize speaking up: discussion sections or seminars in which students are explicitly told (perhaps on the course syllabus) that class participation is a significant determinant of their final grade. Here is an environment that is explicitly designed to favor speaking openly as opposed to remaining silent, inasmuch as a student knows that if they consistently remain silent, their grade will suffer as a direct result.

Even in this environment, however, the potential gains that attach to expressing a controversial opinion on any particular occasion will often be quite small. After all, even if one does not speak up on this particular occasion, there will be plenty of other opportunities, including opportunities to speak where there is no risk of cancellation. Thus, even in a speech environment that is artificially designed to favor speech over silence, the prudent course might very well be to avoid voicing opinions whose expression might subject one to cancellation.<sup>23</sup>

Because of the way in which attempts at cancellation can serve to rationally deter unwanted speech, they potentially offer would-be cancellers significant influence over the campus speech environment, something that activists will value a great deal. It is worth distinguishing two related ways in which it works to the advantage of the would-be canceller if views of which they disapprove cannot be freely expressed and argued for.

First and most straightforwardly, if certain views cannot be expressed or argued for without significant social costs, then they are less likely to be expressed and defended by those who already hold them, and other students, who might be open to holding the views if they heard reasons for them, will not hear those reasons and so will not come to hold those views. This is a good outcome from the perspective of the would-be canceller, inasmuch as it minimizes the opportunity for views that he

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<sup>23</sup> In focusing on the potential costs and benefits to the speaker, I ignore here the possibility that one might have distinctively *moral* reasons—perhaps even moral obligations—to air one’s controversial opinions, including in circumstances in which doing so is contrary to one’s self-interest. For the suggestion that we do have such moral obligations, see HRISHIKESH JOSHI, WHY IT’S OK TO SPEAK YOUR MIND (2021). However, even if we do have moral obligations of this kind, the potential effectiveness of cancel culture as a deterrent remains, given the plausible assumption that many people will be deterred from speaking up when doing so is contrary to their perceived self-interests, notwithstanding whatever moral reasons they might have to act against those interests.

detests to gain new adherents.<sup>24</sup>

More subtly, and even apart from any effect on the opportunity for others to hear a given view, if there is an asymmetry with respect to which positions on an issue can be freely expressed, this might lead to systematic misperceptions on the part of the community as to the relative popularity of different positions, in ways that favor the activists' goals. Suppose that on Princeton's campus it is socially acceptable to express one's sincere belief that "Princeton University has an ongoing problem with systemic racism" but not socially acceptable to express one's sincere belief that "There is no ongoing problem with systemic racism at Princeton University." In that case, those who hold the former belief will be more likely to express it than those who hold the latter belief, and this might lead members of the community to overestimate the popularity of the former belief compared to that of the latter belief. Indeed, it might be perfectly rational for typical members of the community to make that mistake, given the evidence that they have to go on.<sup>25</sup>

In this way, views that are relatively common in the relevant population might come to be seen as uncommon. In principle, this might lead fewer people to hold the view over time, given familiar psychological pressures against holding beliefs that are perceived as outliers among one's peer group, as opposed to opinions that are more well-represented. Conversely, views that are favored by this process might be perceived as having the status of orthodoxies, to an extent that does not reflect the actual distribution of opinion. This too is likely to be an agreeable outcome from the would-be canceller's point of view.

In sum, attempts at cancellation will often tend to promote multiple goals of

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<sup>24</sup> "Persecution for the expression of opinions seems to me perfectly logical. If you have no doubt of your premises or your power and want a certain result with all your heart you naturally express your wishes in law and sweep away all opposition. To allow opposition by speech seems to indicate that you think the speech impotent, as when a man says that he has squared the circle, or that you do not care whole-heartedly for the result, or that you doubt either your power or your premises." Abrams v. United States, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting). Holmes immediately proceeds, however, to argue that such persecution is nevertheless unwise, inasmuch as "time has upset many fighting faiths" and thus "the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out."

<sup>25</sup> Compare the discussion of "preference falsification" in TIMUR KURAN, PRIVATE TRUTHS, PUBLIC LIES: THE SOCIAL CONSEQUENCES OF PREFERENCE FALSIFICATION (1997).

the would-be canceller. On the other hand, the costs to the would-be canceller will often be relatively low. In particular, and notably, there does not seem to be any culture on campus of attempting to cancel students who attempt to cancel their fellow students. Generally speaking, attempting to cancel one's fellow students does not put one at risk of being cancelled by other students in response.<sup>26</sup> Nor, as far as I can see, are there other significant costs that characteristically attach to attempts at cancellation.

Given its low costs and potentially high pay-offs, I believe that the activity of attempting to cancel others is often impeccably rational for the canceller, given what he values. But if vigorous participation in cancel culture might be rational, in what sense is it objectionable?

First, it is often morally objectionable. For example, it is morally objectionable to smear people with baseless accusations of racism, or to harass them for inviting speakers of whom one disapproves.

Moreover, in addition to its morally objectionable character, there are good reasons to think that cancel culture is deeply inimical to the aims of the university itself, inasmuch as the university is a truth-seeking institution, one that is concerned with the production and propagation of knowledge. Consider the familiar Millian case for this, which runs as follows. In order to figure out what is true (or at least, to maximize our chances of doing so), we need to be able to consider the best reasons and arguments that might be offered for and against alternative views. But in practice, we will only have access to the best case that can be made for a given view if people can freely argue for it without fear of reprisal; and we will only have access to the best case that can be made against a given view if people are allowed to freely argue against it. In effect, tolerating and even encouraging people to express their diverse and conflicting opinions results in a better pool of evidence. In an environment in which an orthodoxy is not allowed to be challenged, it tends to take on the character of a dogmatic prejudice.

This is the “marketplace of ideas” or “search for truth” rationale for freedom of speech. Although it is venerable, it is also contested; at a minimum, it rests on substantive assumptions. Although I think that it is defensible, I will not offer any novel arguments for believing it, beyond the following observation.

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<sup>26</sup> I suspect that there is a significant difference here between cancel culture as it is found on campuses and as it is found in other contexts, but I will not pursue the point.

Regardless of whether this general picture is true, it is certainly something that universities and colleges themselves profess to believe, in their public statements in other contexts. A particularly noteworthy and timely example is their attempts to defend their affirmative action programs in legal contexts. For example, on August 1, 2022, Princeton joined fourteen other elite universities in filing an *amicus* brief in support of Harvard University and the University of North Carolina at Chapel Hill in the *Students for Fair Admissions* case.<sup>27</sup> The idea that the expression of diverse and conflicting opinions is essential to achieving the universities' goals as they understand them pervades that document.<sup>28</sup> More generally, the same idea is an absolute staple of the *amicus* briefs that have been filed by universities and colleges in the run-up to the case.<sup>29</sup>

If we take universities and colleges at their word, then the free and public expression of diverse and at times sharply conflicting views is essential to their capacity to fulfill their missions, as they understand them. If so, then the phenomenon of cancel culture is inimical to the fulfillment of their missions.

### III. AGAINST SKEPTICISM

In the Introduction, I noted that, along with concerns that free speech is currently under threat on college campuses, there is also a great deal of skepticism that

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<sup>27</sup> Brief of *Amici Curiae* Brown Univ. et al. in Support of Respondents, *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, Nos. 20-1199, 21-707 (U.S. Aug. 1, 2022), 2022 WL 3130723.

<sup>28</sup> See, e.g., *id.* at 5 ("Amici's admissions policies are based on the shared principle that knowledge is forged when ideas must withstand examination from a wide range of perspectives."); *id.* at 2 ("Diversity encourages students to question their own assumptions, to test received truths, and to appreciate the complexity of the modern world."); *id.* at 7 ("For many students, post-secondary education is the first time they are exposed to others whose experiences, opinions, faiths, and backgrounds differ markedly from their own. Through that exposure, students are encouraged to question their own assumptions and biases . . ."). This process is claimed to be essential to achieving the universities' goals of "creat[ing] an environment in which students learn as much from one another outside the classroom as within." *Id.* at 7.

<sup>29</sup> See, e.g., Brief of Georgetown Univ. et al. as *Amici Curiae* in Support of Respondents at 30–31, *Students for Fair Admissions*, Nos. 20-1199, 21-707 (U.S. Aug. 1, 2022), 2022 WL 3108897 (brief filed by 57 leading Catholic colleges and universities); Brief of Amherst et al., *Amici Curiae*, Supporting Respondents at 11–12, *Students for Fair Admissions*, Nos. 20-1199, 21-707 (U.S. Aug. 1, 2022), 2022 WL 3108827 (brief filed by 33 elite liberal arts colleges).

there is any serious problem in this area. In this section, I want to examine the considerations offered by the skeptics, in order to explain why I find them unconvincing.

One tactic that is sometimes employed involves a kind of shifting of the goalposts. For example, Professor Franks repeatedly returns to the point that instances of actual violence on college campuses in response to unwanted speech are very rare.<sup>30</sup>

I am happy to concede the point to Franks and even happier that it is true: actual violence in response to speech on campus is extremely rare in general, and indeed, non-existent on most campuses. However, this observation does little to advance the case of the skeptics. Indeed, even a complete absence of violence would be perfectly compatible with a state of affairs that is intolerably bad.

Imagine a hypothetical campus in which actual violence never occurs, but in which harassment that falls short of violence in response to unwanted speech is so certain and severe that in practice such speech never occurs. Uncontroversially, that is a campus on which free speech has been lost but which is as non-violent as any other. Earlier in this paper, I characterized the atmosphere at my own school as “toxic.” As far as I am aware, however, there have been no episodes of actual violence in response to speech (and I’m quite certain that I would have heard about any such episodes, had they occurred). There is no inconsistency or even tension between my acknowledgement of the lack of violence and my strongly negative characterization of the atmosphere for free speech: if I am wrong about the latter, it is for other reasons. No doubt, a world in which college students are routinely physically assaulted for their political opinions would be much worse than the situation that we are actually in, but very little follows from that about the badness of our actual situation.

A common theme among skeptics is that, to the extent that talk about “a crisis of free speech” on college campuses is driven by the perception of actual events,

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<sup>30</sup> Franks, *supra* note 1, at 220 (“The assertion that conservative ideas are being *violently* suppressed on college campuses is as untrue today as it was in the 1970s. While there have been a handful of *violent* incidents involving conservative speakers, the vast majority of universities have experienced no such controversies”); *id.* at 230 (“True instances of *violent*, intolerant suppression of ideas on college campuses are rare; those specifically targeting conservative ideas are even rarer. How then, did the myth of a *violent*, coordinated leftist student push to silence conservative voices on student campuses become so widely accepted?”) (all emphases added).

what we are perceiving is in fact a “manufactured crisis.”<sup>31</sup> According to this line of thought, the sense that there is a significant problem is fueled by disproportionate media coverage given to a small handful of sensational episodes. Insofar as these sensational episodes involve apparently bad behavior by left-wing students, such reactions have been intentionally provoked by conservative students and groups, in an attempt to make universities look like hotbeds of left-wing intolerance and to weaponize claims of “a campus free speech crisis” for right-wing political purposes. More specifically, conservative students and their organizations, sometimes working hand-in-hand with conservative organizations outside the university, deliberately invite maximally inflammatory provocateurs—Milo Yiannopoulos and Ann Coulter are the names most frequently mentioned—to campus in order to inspire outrage and hostility on the relevant campuses. When the predictable response ensues, the conservatives get what they really wanted all along: bad publicity for the campus left, and for universities more generally.

According to this narrative, then, the very episodes that drive the false perception of a “a campus free speech crisis” were deliberately engineered for the very purpose of creating that perception. If the conservative students would desist from this behavior, there would be no (appearance of) a problem, and little if anything to talk about in this area.

It is no part of my argument that the kind of thing described in the last paragraph has never occurred. Indeed, I am happy to simply stipulate for the sake of argument that the facts surrounding the invitations to Coulter and Yiannopoulos and the like are exactly as proponents of the “manufactured crisis” narrative maintain. What I do emphatically deny is that, even if such cases sometimes occur, they are at all representative of the phenomenon of cancel culture as it exists on college campuses. It is simply untrue that the typical college student who becomes the target of a cancellation attempt wants to be targeted, or went looking to be cancelled in the hopes of generating some kind of beneficial backlash that works to the advantage of some cause they are hoping to advance.

On the contrary, even those who successfully avoid cancellation typically find the experience a miserable one, and something that they very much wish had never

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<sup>31</sup> For this claim, see, e.g., Beauchamp, *Data Shows a Surprising Campus Free Speech Problem*, *supra* note 5; Franks, *supra* note 1; Ladd, *supra* note 5; Hanlon, *supra* note 5. It is also gestured at by Bollinger, *supra* note 4, in his passing reference to “a handful of sensationalist incidents on campus—incidents sometimes manufactured for their propaganda value.”

occurred. Far from seeking to publicize their stories, targeted students are often quite reluctant to talk about them at all, either so as not to relive the unpleasantness or for fear of making an already bad situation even worse. They are not hoping that the attack that they have experienced will somehow advance the cause of conservative ideas on campus or redound to the benefit of the Republican party in some future election; rather, they want the whole thing to go away.<sup>32</sup>

Another common theme among skeptics is that, perhaps contrary to popular perception, today's college students are actually *more* tolerant than other salient groups of people with whom they might naturally be compared. As that formulation suggests, the group of people to whom today's college students are said to compare favorably varies somewhat from skeptic to skeptic; there are thus a number of variations on this general idea. Sometimes it is claimed that today's college students compare favorably with previous generations of college students or young people;<sup>33</sup> or with the general public or the nation as a whole;<sup>34</sup> or with those responsible for the culture of the internet.<sup>35</sup>

There are at least two problems with such arguments.<sup>36</sup> First, the empirical evidence that is cited for the alleged greater tolerance of today's college students does

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<sup>32</sup> Indeed, in focusing on events like Coulter and Yiannopoulos's invitations to speak at Berkeley, I believe that proponents of the "manufactured crisis" thesis are guilty of making the very mistake they accuse their opponents of making: that of treating a relatively small handful of sensational and highly publicized events as representative, when in fact those cases are in important respects completely unrepresentative (and therefore, misleading as to) the underlying reality. The difference is that while proponents of the manufactured-crisis narrative claim that these events are unrepresentative in a way that misleadingly suggests that there is a significant problem where there is none, I think that the same events are unrepresentative of the kinds of events that make ordinary college students rationally reluctant to express their opinions on controversial social issues when (but only when) those opinions deviate from "what one is supposed to think."

<sup>33</sup> See, e.g., Sachs, *supra* note 2.

<sup>34</sup> For expressions of this idea, see Bollinger, *supra* note 4; Franks, *supra* note 1; Hanlon, *supra* note 5; Ladd, *supra* note 5; Yglesias, *supra* note 5.

<sup>35</sup> Franks, *supra* note 1.

<sup>36</sup> After the current paper was substantially complete, I discovered that the points that follow were made by Robby Soave, in an earlier critique of the same literature. See Robby Soave, *Some Pundits Say There's No Campus Free Speech "Crisis." Here's Why They're Wrong*, REASON, Mar. 19, 2018. For the sake of completeness, it seemed best to retain my own presentation of the points while referring readers to Soave's discussion.

not hold up well under scrutiny. Consider, for example, the most commonly cited body of data, the General Social Survey (GSS).<sup>37</sup> Significantly, the GSS does not actually survey college students in particular but rather people aged 18 to 34,<sup>38</sup> excluding anyone who lives in “institutions and group quarters”—which would thus exclude from the survey dormitories and other forms of communal living that are the norm on many college campuses. But “young people aged 18 to 34, excluding anyone who lives in a dormitory” is an extremely poor proxy for “today’s college students.”

Moreover, the survey treats as significant evidence that contemporary respondents are more willing than respondents in 1975 were to allow communists, gays, and “people who oppose all religion” to give speeches within their communities.<sup>39</sup> I have little doubt that this is true but I question its relevance when it comes to assessing the state of free speech on today’s college campuses. A more relevant test for today’s college students would be the extent to which they are willing to tolerate speakers who earnestly argue for propositions such as the following:

- (1) That people who are currently in the United States illegally should be deported to their country of origin.
- (2) That affirmative action should be abolished because it unjustly discriminates against whites and Asians.
- (3) That for any adult person, having been born biologically female is both a necessary and sufficient condition for being a woman.
- (4) That the fact that different racial groups are incarcerated at different rates does not primarily reflect racial injustice in the criminal justice system but rather that the groups commit serious crimes at different rates, something that is not itself due to racial injustice.

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<sup>37</sup> This is the primary evidence on which both Sachs, *supra* note 2, and Yglesias, *supra* note 5, rely, and it is also treated as probative by Hanlon, *supra* note 5. Unfortunately, none of these authors provides a direct link to survey data about free speech questions in particular, as opposed to the homepage of the GSS Data Explorer: <https://gssdataexplorer.norc.org/home>. Here I will simply take their summaries of the survey data at face value, in order to argue that the conclusions that they draw from their own understandings of that data do not follow.

<sup>38</sup> The point is acknowledged by both Sachs, *supra* note 2, and Hanlon, *supra* note 5, who nevertheless treat the data as highly probative.

<sup>39</sup> See especially the summary provided by Yglesias, *supra* note 5; and compare that offered by Sachs, *supra* note 2, on whose summary Hanlon, *supra* note 5, relies.

To what extent would such speakers be tolerated by today's college students on campuses like mine? Although I have my suspicions, I am uncertain about this. I am certain, however, that it would be a mistake to treat facts about their willingness to allow speech by communists, gays, or opponents of religion as significant evidence that bears on this question. But questions about their willingness to tolerate speakers who argue for claims such as (1)–(4) are far more germane to current debates about cancel culture and free speech on contemporary college campuses than are facts about their willingness to tolerate speech by communists and the like.

But let us waive concerns about whether it is actually true that today's college students are a relatively tolerant group and simply stipulate that this is so for the sake of argument. Even when the point is granted, it simply doesn't follow there is no serious threat to free speech on today's campuses. To suppose that it does follow is to fundamentally misunderstand how cancel culture operates.

Successful cancellation campaigns do not require the participation or even the approval of the typical student. (Indeed, they do not even require an absence of disapproval on the part of the typical student.) Perhaps the median student on a given campus would never dream of attempting to censor or cancel one of their fellow students, and at least tacitly disapproves of such behavior in others. Even if only a small minority of students on a campus would try to cancel their fellow students, such attempts might still succeed, given the right background conditions.

Of course, things might be otherwise if the (alleged) greater tolerance of today's college students towards dissenting opinions made them actively intolerant of or hostile to attempts by third parties to suppress such speech. In that case, we would expect that those who attempt to cancel their fellow students would receive pushback from their peers, which would tend to discourage such attempts over time.

However, none of the evidence adduced for the alleged greater tolerance of today's college students does anything to suggest that the relevant psychological profile is especially common. And such evidence is needed, given that it is plausible that there are many students who (1) would not attempt to cancel their fellow students but who also (2) would not actively fight against cancellation attempts by third parties, or would not actively oppose cancel culture more generally.<sup>40</sup>

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<sup>40</sup> For further discussion, see Soave, *supra* note 36.

## CONCLUSION

In the last section, I examined some of the considerations that skeptics have offered for doubting that there is a significant problem for free speech on college campuses and argued that those considerations are not compelling. Still, even if that's correct, it does not follow that there *is* a significant problem. In characterizing the environment on my own campus, I used the word "toxic." One might dispute that characterization; alternatively, one might point out that even if there is a problem at Princeton, it might be unrepresentative in this respect. Perhaps Princeton is simply an outlier among universities and colleges when it comes to these issues.<sup>41</sup>

As someone who believes that the current situation at my university is not good, I honestly hope that this is true. I am skeptical, however, that the problem is not significantly more widespread, because I know of no mechanisms that might plausibly give rise to the problem that are unique to Princeton, or that are not common elsewhere. It would surprise me a great deal, for example, to learn that there are problems of this sort at Princeton that simply do not exist at other elite universities and liberal arts colleges, given the extent to which the schools draw their students, faculty, and administrators from the same pools of people.

Without attempting to say anything definitive on this issue, I will close by noting two factors that I believe might often lead even open-minded people to underestimate the extent of the problem. Both of these concern a tendency to try to document the problem and assess its severity by compiling lists of cancellations that "make the news." For example, when a speaker is disinvited from a campus (or at least, when there is a serious threat of disinvitation), this tends to make at least the campus newspaper, which raises the possibility of keeping track of such events

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<sup>41</sup> In a recent ranking by the Foundation for Individual Rights and Expression (FIRE), Princeton ranked 169th out of 203 schools surveyed for student free speech. *2022–2023 College Free Speech Rankings*, FIRE, <https://perma.cc/4GJ7-K7DM>. I put little stock in such rankings, however, because I doubt that anyone is in possession of the kind of knowledge that one would need in order to make reliable comparative judgments among institutions, of the sort that would justify an ordinal ranking. (As a small piece of self-reported, anecdotal evidence against the possibility that this dismissiveness is due to bias in favor of my own employer, I note that I am similarly skeptical of the *US News and World* report rankings that in recent years have consistently ranked Princeton as the top national university for students, and for exactly the same reason.)

across campuses, perhaps with an eye towards making a judgment about how widespread the problem is.<sup>42</sup> While I certainly do not deny that there is some value in keeping track of such events for certain purposes, I think that it would be fallacious to regard any such list as probative evidence about the true extent of the problem of cancel culture, for at least two reasons.

First and more obviously, there is the risk of undercounting, as many cancellations and attempted cancellations never become widely known on the campus on which they occur, let alone make the news. In this respect, I do not believe that the relatively well-publicized disinvitations of speakers are representative of the more general phenomenon that travels under the name “cancel culture,” even when we restrict the scope of the discussion to the phenomenon as it occurs on college campuses.

For example, when a student is stripped of her captaincy of a club sports team, or has his application for membership in a social club vetoed because of his views, this is not the kind of event that will be covered in the campus newspaper or appear on lists or databases of cancelled speakers. Nevertheless, such events can certainly have serious chilling effects on free speech and open expression. Indeed, from the perspective of the average student who is attempting to decide whether it is safe to voice a controversial opinion, such events might very well loom larger than campaigns to disinvite or cancel outside speakers, since her situation more closely resemble that of her cancelled peers than that of a cancelled visiting speaker.<sup>43</sup>

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<sup>42</sup> Perhaps the most prominent of such lists or databases is FIRE’s *Campus Disinvitation Database*, <https://www.thefire.org/research/disinvitation-database/>. Others include the *Free Speech Tracker* maintained by Georgetown University’s Free Speech Project, <https://freespeechproject.georgetown.edu/free-speech-tracker/>; and the list maintained by the National Association of Scholars, *Tracking Cancel Culture in Higher Education*, <https://www.nas.org/blogs/article/tracking-cancel-culture-in-higher-education>

<sup>43</sup> In addition to those surveyed in Part III, another common tactic among skeptics is to compare the number of documented disinvitations during a given period of time with the total number of colleges in the United States; having noted that the former number is quite small compared to the latter number, readers are then invited to draw the conclusion that there isn’t a significant problem about free speech on college campuses after all. A paradigm of this style of argument is found in Beauchamp, *Data Shows a Surprising Campus Free Speech Problem*, *supra* note 5, who compares the number of incidents compiled by FIRE and Georgetown University’s Free Speech Project in order to conclude that “there have been relatively few incidents of speech being squelched on college campuses.” The same argument is rehearsed by Bollinger, *supra* note 4, in the context of defending his titular claim that “Free Speech on Campus Is Doing Just Fine”: “the surest evidence of censorship

It is also worth noting how the current issue of potential undercounting intersects with another issue broached earlier. As noted, Professor Franks and others hold that a relatively high proportion of attempted cancellations are actually “manufactured”: They are in fact desired by those who are targeted (or at least, desired by those who invite the targets), as this puts them in a position to publicize the off-putting behavior of their ideological adversaries, and so to make their ideological adversaries look bad. If Professor Franks is correct in her assessment, then there is less reason to worry about underreporting effects: After all, if the targets of cancel culture or their supporters positively desire to be targeted for purposes of publicity, we can count on them to do everything in their power to publicize and draw attention to what has occurred.

Suppose on the other hand that I am correct in thinking that that view of things is not only incorrect but is in fact the very opposite of the truth as regards the psychology of the typical target of a cancellation attempt. On this alternative view, it is not simply that the typical target of a cancellation attempt lacks any desire to be targeted. Rather, in typical cases of cancellation, the target has a strong desire *not* to be targeted: once the event is over, she very much desires to put the ordeal behind her and move on; and she is correspondingly reluctant to draw any further attention to the whole unpleasant business. If, as I believe, that is in fact a much more accurate paradigm for understanding the phenomenon, the dangers of undercounting due to underreporting are obvious.

Moreover, there is a deeper way in which relying on documented cases might lead us to underestimate the severity of the problem, even apart from concerns

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or the suppression of ideas on college campuses is the disinvitation of controversial speakers. There are more than 4,500 colleges and universities in the United States, and each year they host thousands of speakers of all political stripes. According to FIRE . . . only 11 speakers were disinvited from addressing college audiences in 2018. This is a minuscule fraction of the universe of speakers who express their views annually on American campuses.” Essentially the same argument is offered by Sachs, Hanlon, and Franks, all of whom appeal to data from FIRE. Sachs, *supra* note 2; Franks, *supra* note 1; Hanlon, *supra* note 5.

In contrast, on the view taken here, the inference from “there are relatively few disinvitations of speakers compared to the total number of colleges in the United States” to the conclusion that “there is no serious problem for free speech on American college campuses” is fallacious. Among other things, it is perfectly possible for a university or college to have an environment for free speech and open discussion that is very poor even in the absence of any speaker disinvitations. Indeed, I believe that my own university is an example of this.

about undercounting. Above, I argued that, insofar as the activity of cancellation can be understood as a rational activity, much of its rational purpose consists in its serving as a potential deterrent to certain kinds of unwanted speech. It follows that, to the extent that attempted cancellations are relatively frequent, the purpose at which such attempts aim has not yet been achieved, since the relevant kind of speech is still frequently occurring, notwithstanding whatever earlier attempts at deterrence via cancellation might already have taken place.

Conversely, in a speech community in which cancellation attempts are rare or unheard of, we can distinguish at least two potential explanations for this, possibilities that lie at opposite ends of a spectrum. First, it might be that the community in question is one in which norms of robust tolerance for free speech prevail, and open discussion is not threatened by cancel culture. Alternatively, it might be that cancellations never occur because they are unnecessary: Speakers know that certain opinions (or even topics) are simply out of bounds.<sup>44</sup> Because of the latter possibility, it would be fallacious to draw optimistic conclusions about the atmosphere for free speech on a given campus from the mere absence or virtual absence of actual cancellations.

Consider also how the point applies to even the most well-publicized cancellation events: disruptions of speakers who are in the process of speaking, or disinitations of speakers who are not yet on campus. Imagine a college that has a history involving a number of fraught controversies related to invited speakers, with all of the surrounding ugliness that such controversies typically involve, but that lately has had no such incidents. Does that indicate that the environment for free speech and open discussion has improved, and that cancel culture has receded?

Perhaps. But another possibility is that things have gone in the other direction: that the students or the types of students who once might have invited such-and-such a speaker have decided (perhaps correctly) that doing so is simply not worth the cost. One cannot simply read off which of these two possibilities is actually the case from the absence of attempted cancellations, for both hypotheses are perfectly consistent with (and in fact, potentially explain) what is observed.

Hypothetically, then, even if one had an exhaustive list of all of the cancellation attempts that had occurred at some university during some interval of time, it

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<sup>44</sup> As Justice Marshall wrote in another context, “the value of a sword of Damocles is that it hangs—not that it drops.” *Arnett v. Kennedy*, 416 U.S. 134, 231 (1974) (Marshall, J., dissenting).

would be precarious to draw conclusions about the state of things from that data. For in principle, a campus at which such attempts are relatively uncommon might be one in which cancel culture has effectively triumphed, while a campus at which such attempts are relatively common might reflect the fact that the opposition is alive and kicking.

