

# *Cancel Culture: An Essentially Contested Concept?*

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## **1. Introduction**

Some weeks ago, in Turin, during a prominent Italian book festival, the minister of equal opportunity, known for her conservative stance on family and gender issues, was interrupted and silenced during her book presentation. In Rome, on the same day, activists fighting climate change poured black liquid (charcoal) into the Trevi Fountain to protest investment in fossil fuels. In Western liberal democracies, such events are increasingly sparking public discourse about the state of free speech and the proper methods of expressing dissent. For example, on July 7, 2020, 150 intellectuals and academics, including Noam Chomsky and Steven Pinker, signed an open letter criticizing what they saw as a rise in censorship and intolerance in public discourse. They voiced concern over exclusionary practices in liberal or left-leaning circles, where diverse opinions are typically welcomed. The petitioners emphasized that not just subversive or offensive views, but also those challenging prevalent social narratives, faced censorship.

Of course, also right-wing movements exercise forms of censorship. Examples include the boycott of Budweiser for partnering with a transgender influencer, and Governor Ron DeSantis's enactment of Florida's 'Don't Say Gay' bill, banning school discussions on sexual orientation and gender identity. Nonetheless, the term “cancel culture” tends to be applied to left-wing initiatives.

While there are legal and cultural tools in these political landscapes to manage the normative tension between free speech and dissent, the discourse often seems disordered. Confusion has been increasingly exacerbated by the growing reliance, mainly in the media, on the notion of *cancel culture* (or *cancellation*), which offers an alternative perspective on similar phenomena. According to one the most compelling definitions, the term denotes those: “collective strategies by activists using social pressures to achieve cultural ostracism of targets (someone or something) accused of offensive words or deeds” (Norris 2023, 148). More radically, cancel culture can be seen as an ideological purge or, *mutatis mutandis*, as a penalty akin to the Roman law from the Imperial era, the *damnatio memoriae*. Indeed, it is not uncommon for these cancellation practices to target deceased individuals, aiming to discredit, erase, or modify their legacy.<sup>1</sup>

Although its roots lie in the journalistic lexicon, cancel culture has distinctive features that could define it as an independent concept. It can be seen as a peculiar instance of the normative tension between free speech and expression of dissent. What sets it apart is that it acts as a social norm – triggering a social sanction rather than a legal one – that rarely infringes on free speech but more often complicates it through the voluntary and legitimate engagement in ostracizing practices. Generally, it implies the complete non-acknowledgement of the targeted individual's (or group's) authority or credibility, with no real room for compromise.

However, the varied meanings, references, and nested position within disputed political concepts (e.g., free speech, dissent, and rule of law) provoke conceptual confusion. Also, the concept frequently faces criticism for its instrumental use as a tool to undermine any form of dissent or protest, echoing right-wing circles' ideological use of the notion of political correctness. As recently noted by Amia Srinivasan, ostracism is perceived as

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<sup>1</sup> A case in point involves Puffin Books' revision of Roald Dahl's children's books. They hired sensitivity readers to identify and substitute language that may be considered offensive in today's context.

cancellation when initiated by the left, but when carried out by the right, it is viewed as an exercise in free speech (Srinivasan 2023). As we will discuss in the next section, this ‘aggressive’ use is actually a distinctive trait of the concept. Hence, despite its potential for ideological manipulation, the concept maintains its descriptive relevance for a variety of situations.<sup>2</sup>

Viewed from this angle, cancel culture seems to align with Wittgenstein's category of family resemblance concepts, lacking necessary or sufficient conditions for membership but holding a series of discontinuous patterns of similarities among its aspects. Unfortunately, family resemblance leaves unresolved the question of why specific sets of overlapping resemblances are chosen over others. Therefore, we need to adopt an analytical approach for a more structured understanding of cancel culture.

Given the space constraints of this editorial, I consider framing cancel culture as an essentially contested concept (ECC), according to the theory of Walter B. Gallie, with the aim of establishing a groundwork for a more productive discourse on it.

### **1. Is Cancel Culture Best Understood as an Essentially Contested Concept (ECC)?**

Walter B. Gallie developed the idea of essentially contested concepts (ECCs) in a famous essay published in 1956 (Gallie 1955). Gallie's argument can be broken down into two claims: (1) certain concepts are open to such a broad range of interpretations and applications that it is impossible to establish a universally correct usage, resulting in contestation between competing conceptions (the *contestability claim*), and (2) disagreements over the appropriate use of these concepts are inevitable and endless (the *essentiality*

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<sup>2</sup> Think of the student protests against Bret Weinstein in the US, the Roald Dahl case, or the controversy against the Montanelli statue in Italy, but also the de-Russification initiatives in post-Soviet countries.

*claim*) (Swanton 1985). In Gallie's view, concepts such as art, democracy, power, and freedom belong to this category.

To sharpen his theory, Gallie offered seven criteria to identify ECCs: Appraisiveness, Internal Complexity, Diverse Describability, Openness, Reciprocal Recognition, Historical Exemplars, and Progressive Competition. Let us see if cancel culture can be fruitfully analysed through this analytical framework.

(a) *Appraisiveness*. ECCs carry both descriptive and evaluative weight. Their value can be positive or negative, and this assessment is not required to be clear-cut. For example, democracy can be viewed as either positive or negative, depending on one's political orientation. Likewise, some people see cancel culture as a threat to free speech, arguing that certain social and online trends stifle open discourse and inhibits people's willingness to express their views for fear of being cancelled. On the other hand, some argue that it is a positive tool for holding individuals accountable for their actions and statements, especially when legal or institutional structures fail to do so.

(b) *Internal complexity*. ECCs aggregate diverse elements, practices, and values, linked more by a 'family resemblance' than by stringent membership criteria. At the same, the high internal complexity of an ECC implies that it cannot be usefully disaggregated into simpler elements. Thus, to understand an ECC, it is crucial to uncover its connections with other concepts, thereby expanding the wider conceptual system it is embedded within (Connolly 1993). This seems to be the case of cancel culture, as the notion encompasses many different practices – e.g., public shaming, boycotting, social ostracism, deplatforming, revisionism – and can apply to a wide range of situations – e.g., from sexist or racist behavior to opinions about economic policies or gender identity.

(c) *Diverse describability*. The inherent complexity of ECCs is reflected in the varied estimations of each component's relative weight by different users. This results in diverse descriptions of the concept. As for cancel culture, some may emphasize sabotage practices, highlighting the censorship component,

while others may stress the empowerment function of vulnerable or minority groups, underscoring the social justice component.

(d) *Openness*. ECCs must be open in the sense that they must be adjustable during the time, including or excluding novel situations from their scope. While the term is a recent invention, the behaviours and attitudes it encompasses have long-standing roots. Its intension and extension have expanded over time, partly because of the increased centrality of the digital media, and now cover a wide range of facts. Importantly, as societies redefine the boundaries of what is considered "cancel-worthy", they indirectly renegotiate their standards for acceptable behaviour, proportional dissent, and, albeit informally, the boundaries of free speech.

(e) *Reciprocal Recognition*. Each user must recognise that her use of ECCs is challenged by other users using different usage criteria. Gallie proposes that the use of an ECC often entails either an aggressive or defensive stance against competing interpretations. Cancel culture may fit this criterion as its users are conscious of rival interpretations they might challenge or against which they might defend their own use. However, several scholars consider this criterion unnecessary to decree the essentially contested nature of concepts (Collier, Daniel Hidalgo, e Olivia Maciuceanu 2006).

These five criteria would be enough to consider a concept *radically contested*. For essential contestedness, Gallie adds other two criteria:

(f) *Historical Exemplars*. Gallie posits that ECCs are anchored to original, authoritative exemplars (i.e., prototypes), acknowledged by users despite disagreements. Without this common reference point, disagreements would merely stem from a term's multiple applications to different things, rather than contestation over the same concept; the concept would be merely 'confused' and not essentially contested. Although its broad range of referents makes challenging to assess whether cancel culture adheres to this criterion, it can be anchored to to widely recognized, paradigmatic exemplars. These mainly originate in social media, targeting public figures for their sexual or discriminatory misconduct.

(g) *Progressive competition*. Lastly, Gallie asserts that continuous debate among competing views of an ECC fosters improved argumentation and progressive agreement on the original exemplar. This criterion may be unclear or hard to apply, especially to newer concepts like cancel culture, where the benefits of progressive competition can only be assumed prospectively.

From this perspective, we seem to have three possibilities: (1) cancel culture is an ECC, (2) it is a radically contested concept, or (3) it relies on ECCs but is not primarily one itself. Undoubtedly, cancel culture embodies numerous key attributes typical of ECCs. However, being an ECC is not a binary property, and it is not necessary for all seven criteria to be equally met. Given the lack of clear-cut answer about such categorization, it is more beneficial, as Ehrenberg proposes (Ehrenberg 2011), to prioritize a functional assessment: is cancel culture best understood as an ECC? Which means, for instance, does this help us in grasping its historical and dynamic evolution, identifying incompleteness in theories of the concept, contextualising competing interpretations and finding compromises among them? I shall address this final point in the conclusions.

## **2. Reaching Incomplete Agreements on Cancel Culture**

One of the most critical aspects of cancel culture is the lack of compromise in conflicts between differing viewpoints. To this end, the ECC's approach can be valuable as it rationalizes enduring disagreements and reveals the unlikely existence of a universally accepted definition of any concept. In other words, it uncovers the values and assumptions behind competing interpretations, offering insight into ideological and philosophical disparities fuelling debates.

All this can foster dialogue and promote what Cass Sunstein called *incompletely theorized agreements*, suggesting that individuals can concur on specific outcomes without agreeing of the overarching principles or theories

that justify these outcomes (Sunstein 1995). This mirrors Rawlsian's reflective equilibrium, a state of coherence among beliefs attained through adjusting general principles and particular judgments. In both cases, people may adjust their beliefs at different levels of abstraction to reach an agreement, aided by mid-level principles which may serve as the common ground. So, for instance, even if high-level theories of justice or morality fail to align, agreement is possible on more specific, mid-level principles: e.g., the principle of clear and present danger, which asserts that government regulation of speech is only permissible for imminent and substantial threats (Moreso e Valentini 2021).

If there is a functional justification for categorizing cancel culture (or cancellation) as an ECC, and this fosters incompletely theorized agreements, then this paves the way for a future avenue of research on the ethical mid-level principles that offer concrete solutions – potentially assisting with coordination issues (e.g., policies) – or enhancing the public discourse on cancel culture. For instance, principles such as "intention vs. impact" or "proportional response" could act as mid-level bridges between high-level and irreconcilable theories about cancel culture.

Cancel culture is a form of societal self-defense that becomes prominent particularly during periods of substantial moral upheaval and can lead to the solidification of incompatible viewpoints if it is indiscriminately demonized. I propose that intermediate agreements and principles of reasonableness can help refocus the debate on cancel culture towards democratic discourse, without blanket justification for every instance. In this context, asserting that cancel culture is an 'essentially contested concept' does not dismiss the potential of achieving consensus on its shared core meaning or societal role. Like other similar ECCs, such as democracy or rule of law, it highlights the importance of contestations in shaping our collective understanding of the concept.

### 3. Conclusions

Growing prominence of social justice and inclusion in public debate within liberal democracies is not met with an equivalent freedom to engage in this debate. This phenomenon is sometimes labelled as cancel culture. To bring clarity to this intricate concept, I have suggested framing it as an essentially contested concept with seven defining characteristics. Then I have suggested that, also within the constraints of an ECC, we can achieve a form of agreement, though it may be incomplete.

In this issue, authors tackle the topic of cancel culture from quite similar perspectives, investigating cancel culture in the context of limits to free speech regulation. We feature three focused pieces on cancel culture and one miscellaneous paper.

*Dorina Pătrunsu's* article (“Is the public moral instigation against inappropriate free speech moral/legitimate? Two arguments against the cancel culture”) argues that the cancel culture, which aims to prohibit hate speech, paradoxically undermines free speech and political freedom. Indeed, this would extend State power over individuals, impeding free interaction, not just confrontational dialogue. Pătrunsu supports this thesis with two key arguments: (a) the functionalist and (b) the legitimacy arguments. The former contends that hate speech bans are unlikely to reduce hatred and aggression. The latter contends that the assumption for which democracy could be more than reconciling differing interests or broadening social acceptance is false. Therefore, cancel culture poses significant risks to democratic pluralism and personal freedom.

*Sigri Gaini's* article (“Democratic Formation as the Response to a Growing Cancel Culture”) focuses on the debate regarding hate speech laws in liberal democracies. Gaini posits that these laws can simultaneously protect minority groups and shield against unjust demands for speech restrictions. Also, Gaini



argues that these laws reflect democratic formation, signifying that minority respect and protection should be inherent in a modern, enlightened democracy. In particular, Gaini anchor this viewpoint in democratic principles like dignity, equality, civility, and critical thinking. On the other hand, the author suggests that phenomena like cancel culture and 'extreme political correctness' represent a decline in democratic formation, often linked to our increased focus on technological advancement, juxtaposed with a decreasing emphasis on critical thinking in education.

On a quite different note, *Rosa Manzo*'s article ("Does cancel culture call into question the protection of artists' rights of expression? A study in the light of the case-law of the European Court of Human Rights") delves into cancel culture's impact on the relationship between artistic works and the values they invoke. Manzo underlines that cancel culture questions whether historical art pieces that contradict modern democratic ideals should be amended or removed; it further probes if pieces depicting colonization or slavery can have a place in our museums despite their clash with current democratic values and the modern concept of statehood. Against this background, the paper provides an overview of cancel culture's origins and evolution, an examination of artistic freedom protection in International and European law, a discussion on the European Court of Human Rights' stance on artistic freedom, specifically regarding European Literature Heritage.

Finally, the issue contains a miscellaneous paper by *Henrique Marcos* ("From Fragmented Legal Order to Globalised Legal System: Towards a Framework of General Principles for the Consistency of International Law"). Marcos' paper emphasizes the shift from fragmentation to general principles in International Law Commission's (ILC) approach, underscoring the interconnectivity of international law norms. The paper spotlights the role of these principles as sources of rights, obligations, interpretation aids, and legal reasoning guides. It argues that a principles-based framework can bolster the consistency of international law, making it the ideal legal system for a globalized world. Against this, the manuscript discusses how fragmentation

reflects globalization paradoxes, presents the dominant systemic view of international law, suggests a reason-based scheme for norm reasoning, and advocates for a principles framework for legal consistency.

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