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<Justice> and <Open Debate>: An Ideographic Analysis
of <Freedom of Speech>

Emily Ann Spackman

A thesis submitted to the faculty of
Brigham Young University
in partial fulfillment of the requirements for the degree of
Master of Arts

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ABSTRACT

<Justice> and <Open Debate>: An Ideographic Analysis of <Freedom of Speech>

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<Freedom of speech>¹ is a foundational ideograph in the American and more broadly, Western, tradition. Yet this term is not static in its meanings or commitments to social action. The current debate around cancel culture is the site of renegotiation of <freedom of speech> in relation to other terms such as <open debate>, <justice>, <marginalized>, <tolerance>, <democracy>, and <power>. This study is an ideographic analysis of two artifacts that represent two sides of the <freedom of speech> discussion: “A Letter on Justice and Open Debate” and “A More Specific Letter on Justice and Open Debate.” Following McGee’s theory and method, this research examines the diachronic definition of <freedom of speech> through the U. S. Supreme Court and the liberty model and the synchronic tensions surrounding <freedom of speech> represented in these two editorials. The analysis identifies <justice> as an inadequate and detrimental synecdoche in the renegotiation and suggests that there is no appropriate synecdoche because <freedom of speech> is prerequisite to all public debate. This renegotiation is happening now because of disparities between the ideal of <freedom of speech> and its material reality in society. Further, because <freedom of speech> has not been sufficiently defined and its alternatives explained and rebutted, it is being devalued in current society. Finally, the prevalence of the internet as a public square raises questions about protected speech as have all new media in the past. The study shows that one vision must eventually dominate because they

¹ <> notation is a convention common to ideographic analysis, see p. 22

are fundamentally irreconcilable within a single political union. The analysis concludes with an outline of the two moral visions presented in each letter and the consequences of adopting each.

Keywords: ideographic analysis, <freedom of speech>, <justice>, <open debate>, synecdoche, irreconcilability, Harper's letter, cancel culture

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<Justice> and <Open Debate>: An Ideographic Analysis Of <Freedom of Speech>

Introduction

As with many aspects of the American experiment, definitions of key concepts that undergird the polity are continually being negotiated. <Freedom of speech>²—its source, its meaning, its limits, its role in American society—are currently at the fore, perhaps because of the overwhelming use of the internet in public debate and the internet’s seeming lawlessness and lack of gatekeepers. <Freedom of speech> is enshrined in the first amendment of the U.S. Constitution. The definition of <freedom of speech>, however, has not been static since the adoption of the Bill of Rights in 1791. In fact, the first amendment was not considered to apply to the states until 1925 (Gibson, 1986), and it was not until the early 20th century with some key Supreme Court decisions and dissents that the nature of <freedom of speech> as it is defined today began to fully develop (Baker, 1978).

The most common argument for protecting speech as put forth by the Supreme Court since Holmes and Brandeis’s dissent in *Abrams v. United States* in 1919, is the <marketplace of ideas>. The dissent states: “[T]he ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of thought to get itself accepted in the competition of the market” (Baker, 1978, p. 968). In a later decision, they continued, “freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth” (Baker, 1978, p. 968). This notion relies on the assumptions that there is political truth to be found through reasoned debate and that the marketplace offers access to the public generally.

² <> notation is a convention common to ideographic analysis, see p. 22

These foundational assumptions and the model built upon them are in no way unassailable. In fact, they have been in play for some time and continue to be debated in the culture, if not in the courts. This rhetorical analysis attempts to examine this debate as it is currently occurring in the public discourse, especially among center-left and progressive-left writers, journalists, and academics. By using McGee's (1980) concept of the ideograph, this research will discuss the meaning and commitments historically associated with <freedom of speech> and the arguments currently employed by opposing sides as society grapples with this foundational term. I argue that the historical commitments of <freedom of speech> have been connected to individuals' autonomy and ideas. However, the current renegotiation of <freedom of speech> filtered through the concept of <justice> for the <marginalized> includes commitments to dismantle current systems deemed oppressive. This departure from the American tradition represents a fundamental irreconcilability within the polity.

The definition of <freedom of speech> has been developed in the courts especially over the last century, but such discussions have also occurred in academic and artistic circles and in society at large. The increasing influence of the internet in public debate has opened another renegotiation of the definition. The current discussion of cancel culture is the most recent iteration of the ongoing debate over the definition of free speech. It is difficult to watch the news without hearing about someone being "canceled," and the phrase "cancel culture" dominates headlines, especially since early 2020. There are various definitions for the term, but it is understood by most to be "the withdrawal of any kind of support (viewership, social media follows, purchases of products endorsed by the person, etc.) for those who are assessed to have said or done something unacceptable or highly problematic, generally from a social justice perspective especially alert to sexism, heterosexism, homophobia, racism, bullying, and related

issues” (Ng, 2020, p. 623). Proponents of this public boycott technique argue that it is an entirely appropriate tool to hold people accountable for their words and ideas—even when expressed many years in the past—to promote a more just society. Opponents warn about the lack of forgiveness, the blurring of private and political speech, and that cancel culture lacks any limiting principles.

While the definition above describes the cancelation of public figures and companies, some of the first victims of cancel culture were ordinary people. For example, Justine Sacco was one of the first victims of a Twitter mob, losing her livelihood over a tweet that was considered offensive. In 2013, as she left Heathrow Airport for Africa, she tweeted “Going to Africa. Hope I don’t get AIDS. Just kidding. I’m white!” (Ronson, 2015). By the time she landed 11 hours later, the Twitter mob had called for her head. Waiting for Justine to land in Africa and be surprised by the tweetstorm had become a national pastime with its own hashtag, #HasJustineLandedYet (Ronson, 2015). Regular people continue to be attacked by online mobs. In early September 2019, Carson King held up a sign on camera at ESPN’s *College Game Day* broadcast soliciting donations to restock his beer stash. After an overwhelming outpouring of donations, King decided to forward the proceeds to the University of Iowa Stead Family Children’s Hospital and Anheuser-Busch agreed to match donations. He was hailed as a hero (Graham, 2019). And then he became a villain. *Des Moines Register* reporter Aaron Calvin mined King’s Twitter history until he found a pair of racist tweets posted by King when he was just 16 years old. The *Register* defended its decision to include the tweets in their story about King as part of what they “perceive[d] as the public good” (Figueroa IV, 2019). Providing evidence of the snowball effect of canceling, those who were critical of the *Register*’s story dug into Calvin’s old tweets and found that he himself had made some questionable tweets when he was younger. The reporter

was eventually fired. King apologized, and Anheuser-Busch made good on their donation pledge but cut ties with him in the aftermath of the scandal (Figueroa IV, 2019).

Cancellation has become ubiquitous. A simple Google News search of “cancel culture” from May 2020 to May 2021 returns 133,000 articles. A Google trends search shows periodic spikes of the “cancel culture” search term, including one in the week during which the artifacts used in this study were published, July 5-11, 2020 (“Cancel Culture,” n.d.). While each of these stories does not represent a separate instance of cancellation, it does show the currency of the topic. It is difficult to ascertain the full extent of this phenomenon because it is likely that only a fraction of cases makes it into the headlines, especially those involving regular people. It is seemingly impossible to predict today who or what might be canceled tomorrow. As in the case of journalist Aaron Calvin cited above, there have been numerous cancel culture cases among members of the press. *New York Times* opinion editor James Bennet was forced out of his position when the paper’s staffers complained that he published an op-ed by sitting U.S. Senator Tom Cotton with which they disagreed (Luscombe, 2020). Other influential writers have preemptively left their organizations because of the restrictive environments that had developed. Popular *New York Magazine* columnist Andrew Sullivan went to Substack—a platform created to provide journalists “creative, editorial, as well as financial freedom” and that “offers journalists a platform to say whatever they want, unencumbered by editors” (Fatemi, 2021, para. 3). Sullivan (2020) says the move was necessary because his employers believe that anyone who is “not actively committed to critical theory in questions of race, gender, sexual orientation, and gender identity is actively, physically harming co-workers merely by existing in the same virtual space” (para. 3). Beyond that, Sullivan regularly criticizes critical theory’s “ideas and methods,” which raised even more ire at the magazine (para. 3). Matthew Yglesias, formerly of Slate and

co-founder of Vox with Ezra Klein, left his own website, likewise to join Substack so that he could “enjoy more editorial independence.” (Friedersdorf, 2020, para. 1). Glen Greenwald, who co-founded *The Intercept* with Jeremy Scahill and Laura Poitras, left that publication for Substack as well. In his explanatory letter, he described the environment at *The Intercept* that made staying there impossible in his mind. After describing the censorship his own outlet practiced against his article that was critical of then-presidential-candidate Joe Biden, he said this:

...[T]he pathologies, illiberalism, and repressive mentality that led to the bizarre spectacle of my being censored by my own media outlet are ones that are by no means unique to The Intercept. These are the viruses that have contaminated virtually every mainstream center-left political organization, academic institution, and newsroom. I began writing about politics fifteen years ago with the goal of combatting media propaganda and repression, and — regardless of the risks involved — simply cannot accept any situation, no matter how secure or lucrative, that forces me to submit my journalism and right of free expression to its suffocating constraints and dogmatic dictates. (Greenwald, 2020, para. 9)

In this assessment, Greenwald gets at the heart of the conflict over cancel culture and at the impetus for this thesis: is censorship justified to promote a more just society or does the contraction of the culture of free speech pose its own set of problems?

One voice questioning whether cancel culture exists and, if it does, whether it is necessarily negative is *The New Republic* columnist Osita Nwanevu. Nwanevu (2019) argues that those who complain the loudest about being canceled are often doing so from some of the largest media platforms in the country. This fact alone, he says, shows that cancel culture is not

real. Or, if it is real, that it is not the threat that handwringers claim it is. He mocks those that place cancel culture victims in a pantheon with the likes of Nelson Mandela, Martin Luther King, Jr., often Galileo, and Joan of Arc, saying, “it seems at least *possible* that tweets are just tweets—that as difficult as criticism in the social media age may be to contend with at times, it bears no meaningful resemblance to genocides, excommunications, executions, assassinations, political imprisonments, and official bans past” (Nwanevu, 2019, para. 22). Another part of his argument comes from the story of comedian Lenny Bruce, who was arrested in the 60s for his off-color routines and who died of a drug overdose while still arguing his case. This tragedy highlights a key difference between Bruce’s situation and current cancel culture, one that Nwanevu emphasizes: Twitter mobs are not the government and so they pose no real threat to free speech. Furthermore, he focuses on the material outcomes of cancel culture, showing that famous people who have been canceled are still wealthy, and often still work in their chosen fields as authors, comedians, actors, and elsewhere, but possibly with narrower reach or to less acclaim (Nwanevu, 2019).

Romano (2020) reiterated these ideas in *Vox*, pointing out that “actually ending someone’s career through the power of public backlash is easier said than done. Few entertainers or other public figures have truly been canceled — that is, they haven’t had their careers totally shut down by negative criticism on the internet” (para. 7). She also points out that cancel culture is due in part to social media giving a “louder collective voice to black citizens and other marginalized groups who have traditionally been shunted to the edges of public conversations” (para. 25). Also in *Vox*, Beauchamp (2020) argues that, indeed, cancel culture is not about narrowing freedoms but rather “aimed...at expanding it—making historically marginalized voices feel comfortable enough in the public square to be their authentic selves, to exist honestly

and speak their own truths” (para. 10). Often, he argues, cancelation is not about ending a person’s right to speak altogether, but rather limiting the outlets where the speech will be published or accepted (Beauchamp, 2020).

Beauchamp’s statement highlights another flashpoint in the debate over cancel culture and illustrates an underlying ideological conflict between the pro- and anti-cancel culture groups. Those who argue for an open marketplace of ideas where publics can come together to debate and eventually reach agreement on the best ideas (i.e., the truth) have their basis in the modernist tradition that holds that truth exists and that it can be discovered through reasoned argumentation in the public square. They see cancel culture as the shrinking of this marketplace and as a threat to the search for truth. Those who hold that the marketplace of ideas has been historically repressive to the poor, racial minorities, and other marginalized groups base their arguments in the postmodernist tradition that says there is no truth to be discovered, but rather that truth is socially constructed and usually imposed upon the masses by the powerful (Lyotard, 1984). Going further, they see cancel culture as a legitimate rebalancing of an unfair system that seeks to amplify formerly silenced voices as they help to determine “who gets to define the boundaries of speech—and where those boundaries ought to be set” (Beauchamp, 2020, para. 12).

The current negotiation of the definition of <freedom of speech> and its relationship, if any, to cancel culture, revolves around five main questions. The first question focuses on the current arguments for and against the <marketplace of ideas> as it has been applied in the American <freedom of speech> tradition and the implications of either continuing or changing that tradition. The second question concerns <freedom of speech> and related ideographs and how they are used within power structures. Third are questions about the material consequences of <freedom of speech> as it has been defined and enacted thus far in our republic. The fourth

question concerns the idea of cancel culture and how it affects all levels of society. And finally, the last area of inquiry concerns the effects of cancel culture on the environment of free speech, even if it is culturally rather than legally executed.

Because these questions are discussed and debated through public discourse, one method for exploring the terms used, their meanings, their commitments, and their evolution over time is through rhetorical analysis, specifically ideographic analysis. This method, proposed by McGee in 1980, seeks to explicate the “ideographs,” or “political language, preserved in rhetorical documents, with the capacity to dictate decision and control public belief and behavior” in a given political structure (p. 5). He suggests taking both a diachronic and a synchronic approach when analyzing the use of a particular ideograph. That is, that the terms should be viewed both through their historical context over time and through their current usage, especially relative to and in tension with other ideographs (McGee, 1980). Although modified in use since McGee’s first conception, ideographic analysis has proven useful to analyze the shifts in political language and the commitments suggested by their use. The following review of the literature will include a brief overview of <freedom of speech> as treated by the United States Supreme Court since the ratification of the Bill of Rights, the concept of the <marketplace of ideas>, and a critique of the marketplace paradigm as outlined by Baker (1978). It will then trace the history and usage of ideographic analysis as applied to political terms and their use in public discourse.

Literature Review

To lay the groundwork for the ideographic analysis of <freedom of speech>, this section will discuss how the United States Supreme Court has interpreted <freedom of speech> with increasing consistency from 1791 to the present based on John Stuart Mill’s marketplace of ideas theory (Baker, 1978; Gibson, 1986; Mills, 1859). This model suggests that the best ideas for

building society will win out in the marketplace through reasoned public debate, while harmful ideas will be rejected through public scrutiny and discussion. While this model has been ascendent and even predominant, it has not been without its critics. In the postmodern era, many have pointed to the failures of the marketplace concept, including limited access to the marketplace for marginalized groups, the inability of people to consider ideas rationally, and the lack of objective truths to be discovered (Baker, 1978; Lyotard, 1984). Proponents and opponents of the marketplace model suggest different solutions to the problems in the imperfect process of public discourse and decision-making. This review will also include a brief overview of the liberty model proposed by Baker (1978). These perspectives provide the necessary background to assess the arguments given by the signatories of “A Letter on Justice and Open Debate” and “A More Specific Letter on Justice and Open Debate,” which will be closely analyzed in the next section of this study. This analysis will use the ideographic criticism method suggested by McGee (1980). The final section of this review will be an overview of this method, including how it has been adapted and used since McGee first proposed it.

The First Amendment and the Supreme Court

In his review of Supreme Court (SCOTUS) decisions related to the first amendment in the years 1791-1917, Gibson (1986) points out possible reasons for their dearth and inconsistency in that period. Since the amendment was not held to apply to the states until 1925 and the costs for taking cases to court were prohibitive, very few expression cases came before the Court. This lack of cases led to an underdeveloped doctrine and no clear specialist on the Court. In addition, the federal government made very few laws regarding expression prior to the Civil War, so challenges to federal laws were seldom necessary (Gibson, 1986).

The Sedition Act passed by the Federalist Congress and signed by Federalist President John Adams in 1798 was a notable exception to the scarcity of federal laws limiting expression. The act, which made it a crime to conspire with the intent to criticize the actions of the United States government, is widely considered by historians to be a shamelessly partisan attempt to shield certain politicians (particularly Adams) from public criticism. Although at least 14 people were prosecuted under the act, no case came before SCOTUS because it did not have appellate jurisdiction in criminal case at that time (Gibson, 1986). Even though no direct appeal came before the Court, individual members came out in favor of the act so strenuously that it prompted Congress to let the act expire when Adams left office, President Jefferson to pardon those who had previously been convicted and to halt the prosecutions then in process, and Congress to eventually impeach Justice Samuel Chase for his Federalist partisanship (Gibson, 1986).

Another challenge to the authority of the federal government was raised regarding the subpoena power of Congress and how they might punish those whom they deemed to be in contempt. When ruling on *Anderson v. Dunn* in 1821, the Court put Congress on notice that they could not use their power to infringe upon citizens' first amendment rights, marking the first time the amendment was mentioned in a SCOTUS case. This warning was later formalized in *Marshall v. Gordon* in 1917 (Gibson, 1986). Various other challenges came before the Court during this same period, dealing specifically with libel. In *Patterson v. Colorado* in 1907, a sitting U.S. Senator used his Colorado newspaper to criticize the Republican members of the Colorado Supreme Court for a recent spate of interrelated decisions about election results and a final one that was pending. The Colorado Supreme Court then held Patterson in contempt, where he used the truth as a defense. When the case came before SCOTUS, Holmes issued the decision upholding the lower court's ruling. He argued that the newspaper had indeed tried to influence

the court on a pending matter. Further, the Court refused incorporation under the 14th amendment on the basis of Blackstone's controversial and narrow view that while the government could not prevent publication of opinions, whether true or false, that it could indeed punish certain opinions after the fact, whether true or false. The Court's reasoning was shaky at best, and the decision was later privately repudiated by Holmes himself. *Patterson* was a flawed decision based on political expediency, and Holmes dissented in future cases when contempt was argued before the Court (Gibson, 1986). A final attempt at reviving seditious libel, attempted by President Theodore Roosevelt, was quashed by the Court in its 1911 decision *United States v. Press Publishing* (Gibson, 1986).

Other SCOTUS decisions during the 1791-1917 period related to government control of various forms of communication or communicative activities. A series of decisions made about congressional control over the mail systems seemed to equivocate over the protection of speech (Gibson, 1986). *Ex Parte Jackson* in 1877 held that the postmaster could control mail advertising lotteries or other materials "deemed injurious to the public morals" (Gibson, 1986, p. 295). It also held, however, that privacy was protected for sealed letters and packages, thus protecting political dissidents in their private papers. The opinion also expressly protected the press, noting that "without the circulation, the publication would be of little value" (Gibson, 1986, p. 296). One of the next decisions, however, seemed to contradict these protections of the first amendment when the Court decided *In re Rapier* in 1892 and left the door open for prohibition of materials not considered criminal in nature, which could have included critical political speech.

A breakthrough opinion was given in 1902 in *American School of Magnetic Healing vs. McAnulty* when the Court protected a "questionable philosophy," set bounds on the

bureaucracy's ability to infringe on individual freedoms, continued the distinction between criminality and speech, and delineated a standard of truth to prove fraud (Gibson, 1986, p. 299). These four foundational elements were a preview of the modern conception of free speech that would not be enumerated until much later. Again, the Court waffled, however, and *Magnetic Healing* was only used in dissents for several subsequent decisions that seemed to reverse some of its protections once again. This back-and-forth approach was to cause confusion and problems with the advent of WWI in the early 20th century (Gibson, 1986).

In the late 1800s there was a small spate of obscenity rulings that avoided both defining obscenity and addressing how controlling obscene material fit within the structure of the first amendment. The primary focus of these obscenity cases also had to do with the mail system and whether it was lawful to send such material through the mail. One decision said the anti-obscenity laws did not apply to plainly wrapped private letters, while another decision said that it did. Two other opinions had to do with whether one could solicit obscene material through the mail to prove an entity was indeed trafficking in immoral material (entrapment) and whether obscene materials could or should be entered as evidence in jury trials, thus forcing the juries to view questionable items. Clearly, the Court evaded the weightier free speech aspects of these cases in their rulings (Gibson, 1986). Opinions were also handed down about government employees' political contributions, the political speech of aliens (i.e., non-citizens), the actions of labor unions, and the censorship of motion pictures and radio, which began to raise substantive questions about what the first amendment truly means (Gibson, 1986).

This brief overview of the first 126 years of rulings about the first amendment by SCOTUS is not meant to be exhaustive, but rather serves to give the foundation upon which the justices of the 20th century had to build as they began to delineate modern free speech

philosophy. As Gibson (1986) points out, the opinions during this period were inconsistent (although not altogether negative), and often represented resistance to change and reaction to certain political climates more than hostility toward <freedom of speech> and the press. His history may explain, at least in part, why later Courts did not often rely on this century for first amendment precedent and why newer first amendment rulings seem so different. Baker (1978) reviews the modern concept of <freedom of speech> as explicated in 20th century SCOTUS decisions and the objections to it, which relate to the subject of this research.

Based on John Stuart Mill's approach, the marketplace of ideas philosophy began to be referred to in SCOTUS rulings with the dissent in *Abrams v. United States* in 1919. This theory is based on three foundational principles: that there are objective truths to be discovered, that humans can reason their way to the truth despite great differences in socialization, and that there are very few, if any, intractable value conflicts in society. Mill's explanation for how the marketplace arrives at truth is threefold. First, if "heretical" ideas contain some truth, then suppressing them will also suppress truth. Second, if two opposing views each contain some truth, then argumentation in the marketplace will allow the truth to be gleaned from the falsehood. And finally, even if the orthodox view is completely true, challenging it in the marketplace will keep it vital and not allow it to be unduly dismissed as dogma (Baker, 1978). This model is the accepted modern view of <freedom of speech> and has been referred to in many SCOTUS decisions since *Abrams* (e.g., *Hudson*, n.d.; *Kahn*, n.d.a and n.d.b; *Miller v. California*, 1973; *Reno v. ACLU*, 1997; *Walker*, n.d).

The Marketplace, Marketplace Failure, and Liberty Models

Critics of the marketplace model adopted by the Court point to the material complications of this theory as it occurs in the real world. There are fundamental disagreements with the

marketplace's premises. These rest on the contention that there is no objective truth to be discovered but only the ideology of the powerful to be disseminated upon the public, and on the distrust of humans' rational capacity in the face of manipulative communication by monopoly media interests or dishonest individuals. In addition, they argue that, because of uneven power structures, the marketplace is not truly open and that marginalized groups rarely have an outlet for their speech (Baker, 1978). This conflict is evident in the public debate over cancel culture and will figure heavily in later sections of this analysis.

Baker (1978) posits a different justification for <freedom of speech>, as he rejects the marketplace model, or at least recognizes the limitations imposed upon it by the divisions over its premises, which are likely intractable. In a society that rejects the notion of objective truth and is unwilling or unable to reason past personal experience to contemplate principles, what is it that the marketplace is even trying to accomplish? And in an increasingly interconnected world, how can people from such vastly different backgrounds and value systems come together to search for the best ideas? How can people judge ideas rationally when messages come with varying degrees of sophistication and frequency? How can anyone say that there is equal access to the marketplace, especially for those who have historically been underrepresented? He also argues that the marketplace, far from being the scene of novel idea adoption, typically reinforces the status quo (Baker, 1978).

Given these seemingly insurmountable issues, Baker (1978) understands the market failure idea espoused by marketplace critics. One remedy that has been suggested to address the failure of the marketplace is to ensure that there is "adequate presentation of each view" which requires the definition of what constitutes adequate (Baker, 1978, p. 982). This remedy would also, presumably, allow for the suppression of the speech of some individuals if their views are

adequately represented by others, a consequence which offends the individual liberty leanings of the Bill of Rights and of the American tradition in general. The sister remedy that asks for equal (not merely adequate) access for all viewpoints is similarly problematic. Both remedies continue the marketplace assumption that truth is available to be discovered. The second, however, rejects the idea that humans evaluate messages rationally and provides equal quantity of messages to combat the illusion of correctness that may be engendered simply through repetition. The final proposed solution in the marketplace failure critique is to provide equal access to the marketplace for individuals (Baker, 1978).

Elements of the failure model are also untenable. First, any solution that limits or prevents speech by some individuals violates equal protection under the fourteenth amendment. Second, to define adequacy, the government would have to pick winners and losers, at least implicitly, among ideas, thereby contaminating the free exchange of ideas. Third, the tenet which says that the freedom of the marketplace will always result in the discovery and adoption of the best ideas can lead someone who believes his or her ideas to be the best to assume his or her rights are being violated if the ideas are not adopted. Finally, equal access for individuals is deceptively simple seeming. It is not always clear which activities are speech, but even if that could be determined, it would be difficult to create a system of equal access. If that feat could be accomplished, it would shunt resources towards those who are not passionate about ideas, thus wasting resources and causing the marketplace not to reflect the overall values of the community. In short, the market failure model, according to Baker, should be rejected just as the marketplace model should be.

His new formulation, the liberty model, rests instead on <freedom of speech> based on “the values of self-fulfillment and participation in change” as proposed by Emerson (Baker,

1978, p. 991). These two values have primacy and command constitutional protection because parties to a social contract where adherence to collective rules (i.e., laws) is expected must have mutual respect for that contract to be effective. This respect is given to individuals as “equal, rational and autonomous moral beings” and this recognition of the individual also entails not using people as mere means to an end and provides for their being a part of the collective decision making that will affect their lives and choices (Baker, 1978, p. 991). Baker further advocates for a broad definition of what should be protected. While marketplace proponents focus on speech that intends to communicate ideas to others, Baker argues that even acts of solitary speech (such as diary-keeping) that are not intended to be received by others and speech for entertainment purposes should be protected. This emphasis that shifts from talking about content that is specifically political and meant to persuade, to speech acts that provide self-fulfillment or participatory opportunity places protection on the speaker rather than on the speech (Baker, 1978). The expressive and creative uses of language “cut across the communicative, noncommunicative dichotomy” and correlate with self-fulfillment and participation, providing greater rationale for constitutional protection than for speech that merely communicates attitudes and positions of the speaker (p. 994).

Baker (1978) goes on to explain why there are laws prohibiting certain harms but not usually harms that stem from speech, based on his individual autonomy framework. Because speech acts are not inherently physically violent, they can be said to cause harm only if the receiver intellectually adopts the mentally harmful opinions of the speaker. The autonomy of the speaker protects him against another telling him what he can or cannot say or believe. Prohibiting speech acts based on how it may harm the listener if she chooses to adopt any harmful attitudes contained in the speech ignores the listener’s ability to autonomously accept or

reject proffered speech. This same respect for individual autonomy also suggests some narrow instances when speech would not be protected such as with coercion or threats, where the will of the speaker dominates that of the listener. Overall, however, the “key ethical postulate is that respect for individual integrity and autonomy require the recognition that a person had the right to use speech to develop herself or to influence or interact with others” (Baker, 1978, p. 1000).

This recounting of the legal framework within which the Supreme Court has operated and some key objections and proposed adjustments to that framework are not given here to make a legal argument, but rather to outline some of the societally accepted definitions of <freedom of speech>. On matters of public importance such as this, it is inevitable that legal decisions will influence the conversation and debate over terms and their definitions that occur in the culture. In addition, ideographic analysis (McGee, 1980) specifically looks at foundational terms with the express purpose of identifying their ideological commitments and how they and other associated terms are used in public discourse to discourage or effect social change. The framework reviewed above will aid in identifying ideographic usage and tensions in the public debate over cancel culture and <freedom of speech>. Before moving on to analysis, however, the next section outlines the history and uses of ideographic analysis in the rhetorical criticism literature.

Ideographic Criticism

Overview. In his treatise *Art of Rhetoric*, Aristotle defines rhetoric as “the faculty of discovering the persuasive means available in a given case” (Burke, 1962, p. 573). Other rhetoricians defined it similarly. For Isocrates, it was “the craftsman of persuasion;” for Cicero, “speech designed to persuade;” for Quintilian, “the science [art] of speaking well;” and for St. Augustine, “inducement to action” (Burke, 1962, pp. 573-574). For centuries, the study of rhetoric operated with these definitions and along the methodological lines outlined by Aristotle,

which typically focused almost exclusively on public speeches made by politically important men. Eventually, however, scholars came to view (Neo)Aristotelian rhetorical analysis as inadequate to examine the full range of artifacts with rhetorical value and many alternative forms of rhetorical analysis have been proposed and used (Gess, 1999).

One of these newer forms is ideographic criticism, proposed by Michael Calvin McGee in 1980. McGee's critical method arose from his earlier writings espousing rhetorical materialism. This theoretical perspective and resulting method are part of what Lee (2005) identifies as the ideological turn in rhetorical criticism. To explain this ideological turn, Lee (2005) contrasts it with Bitzer's pragmatic approach that states that "it is the situation which calls the discourse into existence" (p. 306). These situations create exigencies that must be rhetorically addressed and, with luck, modified. If critics were to narrowly analyze a rhetorical act merely on its effectiveness at addressing exigencies, they may leave "other questions, especially those concerning competing values or the veracity of the discourse" unasked and unanswered (p. 307). The ideological turn, conversely, asks these questions to purposely understand whose interests are being served and whose are not. Such questions are asked in many critical approaches to rhetoric, including ideographic analysis.

In his essay, "The 'Ideograph': A Link between Rhetoric and Ideology," McGee (1980) identifies terms, typically taken from American founding documents and political discourse, that carry with them public motives or commitments. He calls these terms "ideographs" and identifies them as "one-term sums of an orientation" (p. 7). He defines this new term and with it creates a new form of rhetorical criticism because he finds the Burkean notion of rhetorical dramatism to be insufficient to explain the truth on the ground: that "human beings in collectivity behave and think differently than human beings in isolation" (p. 2). Kenneth Burke (1962) explores how

persuasion happens through his concept of identification, or the idea that “insofar as their interests are joined” people or parties identify with one another (p. 544). Identification implies division, however, because if the parties were all agreed already, the rhetor would have “no need...to proclaim their unity” (p. 546). In fact, for Burke, the need for rhetoric arises when “identification and division [come] ambiguously together, so that you cannot know for certain just where one ends and the other begins” (p. 549). When a variety or system of identifications and divisions interact and intersect, the political mythology of a society is formed and becomes part of the “socialization” and “moralization process” (p. 563) through the “use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols (p. 567). In Burke’s view, these myths are the natural poetic productions of the “symbol-using (symbol-making, mis-using) animal” (i.e., human beings), and as such are amoral (Burke 1963, p. 507). McGee (1980) rejects this “value-free approach to the object of study, an approach in which one denies that ‘myth’ is a synonym for ‘lie’ and treats it as a falsehood of a peculiarly redemptive nature” (p. 3). So, while Burke and the symbolist rhetoricians talk about collective consciousness as myth, the materialist rhetoricians talk instead about ideology imposed on the public by an immoral elite. McGee seeks to find a middle ground of sorts. One that bridges the gap between materialists’ “neglect of language studies” and the symbolists’ neglect of the “impact of material phenomena on the construction of social reality” (p. 3). Calling mass consciousness myth removes the problematic claims to science for which Marx had been criticized, but it also ignores the fact that power, even in a free state, influences the political consciousness (McGee, 1980).

Ideographs, then, are the rhetorical terms used in political discourse and preserved in public documents that have “the capacity to dictate decision and control public belief and behavior” (McGee, 1980, p. 5). While Marx believed that ideology was imposed on the masses

by a powerful elite who should, because of their power, be free from the mass consciousness, McGee argues that ideology is “as much an influence on the belief and behavior of the ruler as on the ruled” (p. 5). No one is forced into behavior through ideology, but ideology provides the vocabulary that serves as a guide or excuse for behavior such that when certain terms are used in public discourse, “human beings will react predictably and automatically” (p. 6). The terms that a society takes for granted are often a “rhetoric of control” that may be mistaken for logical claims with a “behaviorally directive self-evidence” but are merely words (p. 6). McGee explains that these terms create groups because they exist in real discourse and are used by certain people. Their use is what delineates one group from another. Building on Ortega, McGee posits that the use of specific language terms “both unite[s] and separate[s] human beings” and that the use of specific political terms likewise produces “political union and separation” (p. 8). In fact, he says that “one can...precisely define the difference between...two communities, in part, by comparing the usage of definitive ideographs” (p. 8).

It is this attention to usage in the real world that points to McGee’s rhetorical materialism. Ideographic analysis is not interested in the lofty ideals supposedly represented by ideographic terms, but rather with their social functions. These terms have materiality because they “are definitive of the society we have inherited, they are *conditions* of the society into which each of us is born, material ideas which we must accept to ‘belong’” (McGee, 1980, p. 9, emphasis in the original). He agrees with Ortega that “language gets in the way of thinking” so that one cannot separate the pure thoughts about the foundational concepts without being tainted by the political language of the culture (p. 9). Therefore, “the significance of ideographs is in their concrete history as usages, not in their alleged idea-content” (p. 10).

McGee suggests a method for identifying, tracing, and explicating ideographs. This analysis, he suggests, should occur along two axes, one vertical the other horizontal. The former is a chronology or history of the term as used through time because “the way an ideograph can be meaningful *now* is controlled in large part by what it meant *then*” (pp. 10-11, emphasis in original). It is the timeline from the coining of the term to the present that gives it a vertical dimension. But this single dimension would be merely an “exhaustive lexicon understood etymologically and diachronically” if the ideograph were not also analyzed horizontally, or synchronically, in present usage (p. 12). Here, again, McGee distinguishes his perspective and method from the symbolists by saying that a diachronic analysis results in something like the description of a particular public motive, but that simply performing this analysis is not enough to fully explain the ideograph and its function in the social order. In contrast, the synchronic analysis presents a more comprehensive view because it often shows conflicts in the present between two or more related terms. This site of conflict shows how the ideographs are acting as “forces” shaping and renegotiating meanings (p. 12). He further argues that the ideographs that are “constitutive” of a people remain essentially unchanged until they are used to make arguments in the public discourse. When they go to work, in this sense, is when dissonance is noticed, and meanings can be renegotiated (p. 13). It is at these moments that ideology is recognized as a force, “always resilient, always keeping itself in some consonance and unity, but not always the *same* consonance and unity” (pp. 13-14, emphasis in original).

McGee’s original theoretical definitions and method have been developed by some of his most prominent students from the University of Iowa. While continuing to use many of McGee’s original concepts, significant adjustments have been made by scholars in their practical use of ideographic analysis (Gess, 1999).

Theoretical and Methodological Development. Two of McGee’s most prominent students, and two of the most prolific rhetoricians to use ideographic criticism in their work, are Celeste Condit and John Lucaites, and, as such, they have introduced significant developments and adjustments to McGee’s theory (Gess, 1999). As Gess (1999) points out, they reject the classical Marxist formulation—mostly adopted by McGee, with the adjustment that the elite are also under the influence of the ideology—in favor of a milder conceptualization:

From our perspective, there is no dominant ideology that inexorably governs social and political action. Instead, there is the rhetorical process of public argumentation in which various organized and articulate interest groups negotiate the problems of resource distribution in the collective life of the community, and there is a shared rhetorical culture out of which they all draw as they strive to express their particular interests. (pp. xiv-xv)

While Condit and Lucaites revise McGee’s definition of ideology, they retain his interest in the materiality of language, in that they continue to analyze the ideographs by their usage in society rather than by the terms’ dictionary definitions or utopian ambitions (Gess, 1999). The term “ideology” has been the most problematic aspect of McGee’s theory and method and almost no other scholars have used either the Marxist definition, or McGee’s concept of false consciousness, which also encompasses the elites.

Further, in his doctoral dissertation, chaired by McGee, Lucaites (1984) pioneers the use of the < > symbols to demarcate when a term is being used ideographically rather than simply with its denotative meaning (Gess, 1999). The < > convention will be used in this study. In addition, he elaborates upon the definition of ideograph slightly as “an ordinary and culturally biased phrase, or single term abstraction, which represents in a condensed form the normative collective commitments of a community” (Lucaites, 1984, pp. 33-34). And, perhaps, most

significantly, Lucaites defines the substantive and regulative functions of ideographs. The former is when the ideograph is “asserted in arguments as intrinsic values for a particular community” and the latter is “when they exist in arguments as a means of balancing sets or configurations of potentially conflicting substantive ideographic commitments” (Lucaites, 1984, p. 52). This delineation of functions helps to identify and describe the sites of tension between the ideographs used by different rhetorical groups.

Other developments to McGee’s theory have come through rhetoricians outside of the University of Iowa system. One of these is Mark Moore (1993) who notes that ideographs embody both a “dual and contradictory function of symbolizing in public controversy” in that “enduring social conflicts can only be managed with and articulated through rhetorical figures and tropes, such as...the ideograph, but their existence also creates the conditions of irreconcilability” (p. 260). In other words, the use of ideographs can “restrict thinking and, consequently, prevent the resolution of [different groups’] issues” (Gess, 1999). This idea tracks back to McGee’s (1980) reference to Ortega’s idea that society is constructed by the “gigantic architecture of usages” (p. 8) and that the different usages “precisely define the difference between...two communities” (p. 8). Both David Proctor and Robert Frank discuss the idea that in many cases the meaning and commitments inherent in the ideographs of one group will eventually supersede those of another group when the ideographs come into conflict (Gess, 1999). This seems obviously true if one adopts McGee’s view that societies are created and demarcated through their ideographs. Societies that do not agree on the entailed commitments of such terms may not survive as one unit. As Gess (1999) puts it, in the end, a society must “determine its ultimate values” to remain intact (p. 34).

While McGee's theory has undergone some adjustments and development since he first presented it, it is important to note that in all formulations, the ideographs are analyzed not merely as ideas, but as terms that "represent uniquely shared perspectives, shared commitments and shared values that...are empirically evident in a public rhetoric; they function...as action terms rather than philosophical notions" (Gess, 1999, p. 48). This analysis will examine the commitments espoused in the rhetoric of groups on both side of the cancel culture debate. Cancel culture has raised the public consciousness over <freedom of speech>, and particularly the <marketplace of ideas> and its perceived failures. The meanings of such terms as <freedom of speech>, <justice>, <open debate>, <power>, and <public> are openly in conflict and these sites of renegotiation of meaning are evident in the public discourse. One such cluster of discourse occurred during the summer of 2020 when, on July 7, a group of 153 academics, writers, journalists, and public intellectuals penned and signed "A Letter on Justice and Open Debate," which was published online in *Harper's Magazine* and was later published in the October issue of the print magazine. The letter prompted a flurry of responses, including a direct rebuttal, "A More Specific Letter on Justice and Open Debate," signed by over 160 other academics, writers, and journalists and published on July 10 in *The Objective*.

The following questions will be explored in this analysis: What are the current arguments made for and against the <marketplace of ideas> in public discourse? How do these arguments relate to <freedom of speech> as it has been defined for the last 100 years? What are the implications of the arguments going forward? How are <freedom of speech> and related ideographs used within <power> structures and how are these <power> structures currently constituted? What is the vision of the <public> square and of who constitutes the <public> provided in each letter? How is cancel culture defined and what are its effects, not only on

individuals in prominent positions in the public eye, but on individuals throughout all levels of society? And relatedly, how does cancel culture affect the environment of free speech, even if it does not directly affect the legal definition and is not usually imposed by governmental authority?

Method

This study will present an ideographic analysis of “A Letter on Justice and Open Debate” (hereafter, “A Letter”) and “A More Specific Letter on Justice and Open Debate” (hereafter “More Specific”) to discover the sites of tension in the current rhetorical environment. These artifacts were chosen for several reasons. First, questions over censorship have long been an issue between the American left and right. The cancel culture phenomenon, however, is often a tactic used by members of the left against other members of the left who would have traditionally been allies. These groups are variously defined, but the definition for this study is outlined by Bacon, Jr. (2019) as follows: the progressive left is “very liberal on economic and identity/cultural issues” and who see part of their “role as not just attacking” the right, but also “highlighting what they see as shortcomings” of the left as well (para. 4), while the liberal left is “solidly center-left on both economic and identity issues, but very concerned about the... appeal of ideas to the political center” (para. 15). The public debate over cancel culture is largely a conversation between the liberal left and the progressive left. While the right also has something to say about cancel culture, the right’s concerns are given less credence because of its history of promoting censorship, particularly of obscenity. This dynamic is reflected when “A Letter on Justice and Open Debate” begins by berating the right for its censoriousness and then proceeds to warn against this same behavior on the left. The signatories are nearly all from the traditional left, including such iconic figures as Salman Rushdie and Gloria Steinem. Many of the

signatories of “A More Specific Letter on Justice and Open Debate” are from *The Objective*, a group of journalists with social justice goals for the journalism community (“About,” n.d.), and their critique of “A Letter” is offered through the lens of critical theory, a progressive left concept. Thus, these two artifacts represent the center-left, progressive-left tension.

Second, because of the fame of many of the signers of “A Letter,” their message gained significant media traction. Again, a quick Google News search for “harper’s letter” returns over 350 results in major outlets, some written as recently as early 2021, more than six months after the original editorial was published.

Third, since “More Specific” was published as a point-for-point rebuttal to “A Letter,” and because it was signed by many people in similar positions as writers and academics to those who signed “A Letter,” it was chosen as the comparison piece. Other responses to “A Letter” have been cited in the introduction, because there were several, but “More Specific” was the clearest opposition essay and its writers’ mission is to hold other journalists and writers accountable (“About,” n.d.), which is their intent with this piece. Other responses included rebuttals directed at multiple sources criticizing cancel culture, while “More Specific” focused solely on “A Letter.” Rebuttals that were directed at multiple critics would have created a scope too large for this study, as all the antecedent sources would also have to be analyzed. Other media outlets recognized “More Specific” as the formal rebuttal to “A Letter” and wrote articles highlighting the debate between the two groups (e.g., Chan, 2020; Schuessler, 2020; Tani, 2020).

Finally, these two editorials represent the marketplace and marketplace failure models as well as the anti- and pro-cancel culture camps. As noted earlier, this is the philosophical location of the current negotiation of the term <freedom of speech>.

These artifacts will present evidence for the rhetorical forces at work surrounding the free speech debate. Significantly, the term <freedom of speech> is used in neither letter, nor is the term <marketplace of ideas>. And yet, embedded throughout both pieces are allusions to these ideographs. This omission is of particular interest because of McGee's (1980) assertion that "an ideograph...is always understood in its relation to another; it is defined tautologically by using other terms in its cluster" (p. 14). Because both pieces rely heavily on arguments for and against the <marketplace of ideas> concept used by SCOTUS in most, if not all, modern free speech cases, their allusion and relation to free speech is unmistakable. Both letters euphemistically use the term <open debate> rather than <freedom of speech>, perhaps to avoid the semantic overload free speech carries, but this idea deserves further investigation.

Ideographic analysis is likewise useful for examining the commitments embedded in the rhetorical terms used by both sides of the cancel culture debate and to project the vision of society that those commitments entail. When foundational, constitutive terms are undergoing renegotiation it bears scrutinizing the process of arriving at new meanings and the consequences those meanings carry. While the idea of an ultimate good is disputed and proving its existence is beyond the scope of this study, the marketplace and marketplace failure models have this concept of discoverable truth as a central contention (Baker, 1978). And yet, as Gess (1999) points out, in real discourse people use certain terms that carry a weight of morality, and which are used as a "plumb line to compare the 'rightness' of others' ideas and actions" (pp. 60-61). This is certainly true as "More Specific" is almost a line for line rebuttal of "A Letter" and different terms are used by the authors of the former to dispute the rightness of the authors of the latter.

Ideographic analysis helps to define terms and sites of conflict and can determine where ambiguities in the ideographs create misunderstanding. As different terms gain ascendancy in society, they also gain power (Gess, 1999, p. 62). It may be that the conflicts between ideographs are better described as power conflicts. In this struggle for meaning, ambiguity can be innocent: the natural interplay of rhetorical forces as societies negotiate meaning. Ambiguity can likewise be strategic: using terms that are not well-defined can garner support for causes because the terms used to describe the cause are meant to evoke certain agreeable connotations, while hiding other less agreeable ones (Gess, 1999). When the public is brokering shared meaning of terms as important as <freedom of speech>, <justice>, and <open debate>, as much ambiguity should be removed as possible, so that the public discourse is more representative of the commonly understood definitions of terms. This clarity of terms provides a greater possibility that public discourse is representative of public sentiment.

This analysis will provide a close reading of two public texts—“A Letter” and “More Specific”—to examine their use of ideographs. The analysis will take the following form. According to McGee’s (1980) methodological pattern, a diachronic analysis will be presented, especially as it relates to the definition of <freedom of speech> in the U.S. Supreme Court since the adoption of the Bill of Rights in 1791. Second, the various ideographs used in both letters will be identified and related to <freedom of speech>. Third, continuing with McGee’s pattern, a synchronic analysis will be presented. This study will use the later characterization of ideology, defined by Condit and Lucaites (1993) as “the rhetorical process of public argumentation in which various...groups negotiate the problems...in the collective life of the community” using “a shared rhetorical culture out of which they all draw” (pp. xiv-xv). In other words, the meaning and commitments inherent in the terms used in both artifacts will be compared to identify and

describe sites of tension. Using Lucaites's (1984) addition to McGee's diachronic and synchronic dimensions, the ideographs' functional dimensions—their substantive and regulative uses—will then be explored as the final portion of the synchronic analysis. Fourth, based on the work of Moore (1993), the letters will be examined to determine if they represent irreconcilable conflict or whether the different meanings and commitments can coexist in society. Fifth, using McGee's critical view of the use of ideographic terms, the tension between the <freedom of speech> ideal and its material reality will be examined as a root cause of the cancel culture debate. And finally, building on the work of Gess (1999), this analysis will discuss the terms and the implications of the conflicting moral visions presented in each letter.

This study answers the call from Gess (1999) for communications scholars to use tools such as ideographic analysis to provide increased clarity for the audiences of “social and political rhetoric,” enabling them to “determine more clearly what might be supported and what might rightfully be contested” (p. 65). As our society works to renegotiate <freedom of speech>, it is imperative that the terms on both sides of the tension are clarified and that ambiguities are minimized so that any new forms of “consonance and unity” (McGee, 1980, p. 14) reflect the informed understanding of the public.

<Justice> and <Open Debate>: An Ideographic Analysis of <Freedom of Speech>

This analysis follows McGee's (1980) method for identifying and explicating the foundational terms of a society through diachronic (vertical, historical) and synchronic (horizontal, contemporary) usage patterns and how they evolve. It begins with a diachronic survey that focuses heavily on the term <freedom of speech> as it has been defined through the Supreme Court. A synchronic survey then follows, based upon “A Letter on Justice and Open Debate” and “A More Specific Letter on Justice and Open Debate.” This survey calls attention to

the sites of tension surrounding <freedom of speech> in the current debate. Based on these two analyses, certain issues emerge which will then be discussed in three following sections. First, the problem of irreconcilability is addressed by analyzing the synecdochic use of <justice> and the incompatibility between the system-affirming and system-dismantling orientations of the two groups. Second, several of the root causes of the current renegotiation of <freedom of speech> are discussed. Finally, the two moral visions rhetorically created by the letters' authors are compared and their consequences for <freedom of speech> presented.

Diachronic Survey of <Freedom of Speech>

Diachronic analysis. In his essay describing the concept of the ideograph and a method for studying them, McGee (1980) proposed that the first step in such an analysis should be an attempt to define the term under inspection. Because ideographs are abstract rather than concrete nouns, McGee suggests that “we are forced to make reference to its history by detailing the situations for which the word has been an appropriate description” (p. 10). He goes on to say that ideographic meanings do not “rigidify” because no situations which they describe are ever identical, thus the meaning of each term “expands and contracts” (p. 10). Examining the history of usages for the terms becomes important to establish “touchstones” against which to judge current usages for consonance and legitimacy within a given society (p. 10). McGee defines ideographs as “one-term sums of an orientation” or “‘God’ or ‘Ultimate’ terms” upon which societies are constructed and through which political consciousness is created and maintained (p. 7). Because of ideographs’ foundational character, an analysis of their history can be done through an examination of both legal and common usages over time. This section will focus on the evolving legal definition(s) of <freedom of speech> because the term is contained in the Bill of Rights, a fundamental legal document for the United States, and because the culture has often

taken its cues about the nature and definitions of first amendment freedoms from SCOTUS. A few definitions separate from the Court will also be considered.

Early <freedom of speech> definitions. The first 120 years of SCOTUS rulings related to <freedom of speech> were sparse and often incongruent. This was primarily for three reasons: few cases were brought before the Court since the first amendment was not applied to the states until 1925 when it was incorporated into the due process clause of the fourteenth amendment, often the Court was not given jurisdiction under 19th century rules, and there was no free speech expert on the Court (Gibson, 1986). This led to a relatively underdeveloped theory.

Obscenity. When <freedom of speech> was curtailed in that period, however, the curtailments were often related to obscenity and gambling. In 1877 in *Ex parte Jackson*, for example, Justice Fields ruled that Congress had no obligation to provide the distribution of materials “deemed injurious to the public morals” (Gibson, 1986, p. 295). In other words, there was an attempt to limit some ideas from reaching the marketplace: those ideas that would harm public morality. And yet, even in this same ruling, special protections were given to sealed mail sent by individuals, no matter the content, and to newspapers for whom providing individual packaging for each copy would be onerous (Gibson, 1986). The Court declined to define obscenity further than “injurious to the public morals” (p. 295) during this period, instead relying on English law that defined it as anything that tended to “deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort might fall” (p. 307). The Court likewise declined to provide justification for why its anti-obscenity rulings did not in fact violate the first amendment (Gibson, 1986). In these older rulings, then, it was not uncommon for some <freedom of speech> to be suppressed in the name of protecting the public from depravity.

Political contributions by federal employees. Another prominent ruling from 1882 related to the political speech acts of government employees. *Ex parte Curtis* strengthened the protection of political speech by prohibiting federal employees from giving or receiving funds from other federal employees, including those running for federal office. They could still, however, donate to or volunteer for any local or state campaign, provide in-kind services to a campaign at any level, and express opinions about any candidate for any office. The dissent on this ruling argued that only coerced donations should be prohibited. The majority ruling from *Curtis* has been upheld consistently since then, based on the argument that it would be difficult to know which contributions (political speech backed by donation) were coerced and which were voluntary, given that employees may feel obligated to donate or risk losing their jobs (Gibson, 1986). Thus, in narrow instances, <freedom of speech> has been curtailed because the difference between voluntary and forced speech can be difficult to detect when there is a real or perceived power imbalance between parties.

Political speech of noncitizens. In the late 19th and early 20th centuries, as socialist movements spread throughout Europe, the Court suppressed the political speech of potential immigrants and aliens by having them deported. These opinions were based on the idea that aliens' speech was not protected by the first amendment because they were not U.S. citizens. Likewise, Congress had control over who they allowed into the country based on whether the immigrant or alien could be considered a danger to the nation. In addition, Congress's power to regulate international commerce gave them a basis for stricter immigration policy. In these cases, the *ideas* of the individuals could be categorized as dangerous, even if they did not pose any imminent physical threat. This argument drew upon equality concerns, rather than first amendment ones, in the eyes of the Court's majority. They were not advocating for the

suppression of speech, but rather they were saying that aliens did not have the same standing as citizens (Gibson, 1986). *Turner v. Williams*, adjudicated in 1904, concerned the speeches—some publicly delivered, some merely composed—of an English anarchist labor organizer. The attorney for the plaintiff in *Turner*, Clarence Darrow, argued that if the government could suppress aliens' nonviolent political speech and ideas through international commerce regulatory powers, they might also suppress citizens based on interstate commerce regulatory powers. The Court rejected his argument by focusing on the standing question rather than the free speech question (Gibson, 1986). At this time, then, <freedom of speech> was not always extended to aliens, especially when their ideas were considered detrimental to government or society.

Political speech in the public square. What constitutes the public square was another first amendment topic ruled on before the modern free speech doctrine was formulated. In *Davis v. Massachusetts*, in 1897, a preacher was arrested for preaching without a permit on Boston Common. The Massachusetts Supreme Court upheld the arrest. With Justice Oliver Wendell Holmes writing for the majority, they ruled that the government could indeed regulate the use of public lands and that the preacher should have obtained a permit. This ruling was upheld by SCOTUS. In modern free speech doctrine, permitting regulations are not considered infringement so long as a permit is not denied on the basis of the permit requester's political affiliation (Gibson, 1986). The internet as a public square will be discussed below, but even in these early days of the development of <freedom of speech> interpretation, questions of where or what constitutes the public square were beginning to be addressed.

Political speech by labor unions. Labor unions were becoming a powerful political force during this period, and there were several cases outlining the differences between groups relative to <freedom of speech>. In 1895 in *In re Debs*, they ruled that courts could enjoin labor strikes

by granting employers temporary restraining orders against strikes while labor disputes were negotiated. This ruling eliminated the political speech of union members by restricting their right to collectively demand better working conditions through strikes. The Court also ruled unconstitutional a statute prohibiting employers from refusing to hire or being able to fire union members based solely on that membership. With *Danbury Hatters v.* in 1908, the Court essentially reversed its 1907 ruling in *Patterson v. Colorado* that the first amendment was meant to prevent all prior restraints—that is, it would allow all speech to be produced even if it were false—but that the effects of such production could be adjudicated thereafter. Finally, building upon *Danbury*, the Court ruled that national unions could not weigh in on local labor disputes between union chapters and businesses by publishing boycott lists to their members. Lower courts enjoined these boycott lists as another clear instance of prior restraints. The union leaders published the lists in defiance of the injunction and were arrested for contempt. On appeal, union members argued that *Patterson's* restriction on prior restraints should apply to their lists, and the appeals court agreed. SCOTUS, however, overrode the appeals court decision and ruled that the union's list was the result of a conspiracy to harm another's business (i.e., that of the employer against which the union was striking) and, since such harm was criminal, that the boycott lists could be enjoined. With this ruling, SCOTUS implied that individuals joined together in a union represented a conspiracy, while individuals joined together in corporations were considered a single entity. Each of these cases restricted unions' and union members' political expression and created arbitrary distinctions between speech protections afforded to different types of groups (Gibson, 1986). Labor unions' <freedom of speech> was diminished for some of the same reasons that were outlined in the obscenity and noncitizen sections: their ideas were considered

harmful to the body politic, and violence was considered inherent in the philosophy behind unionizing.

Motion pictures. The movie industry burgeoning during these years caused the Court to resurrect similar obscenity arguments along with narrow interpretations of the first amendment. One of the first cases came before the Court in 1915, approximately a decade before the Court applied the Bill of Rights to the states (Gibson, 1986). In *Mutual Film Corp. v. Industrial Commission*, the majority again ignored the prior restraint argument from *Patterson* and allowed an Ohio commission to approve films before they were shown in the state. This decision had long-lasting effects since it was not until 1952 that state censorship systems were finally eliminated (Gibson, 1986). Additionally, the Court refused to consider the new technology as protected, perhaps because of its novelty. In *Mutual*, the majority seemed to argue that certain media were “too effective to be protected by a constitutional provision intended to protect methods of expression” (p. 324). This aversion to newer, more persuasive media or simply to different platforms for <freedom of speech> has an analogue currently in the internet age, which will be further discussed below.

Modern <freedom of speech> definitions. SCOTUS’s modern <freedom of speech> doctrine began to emerge with Holmes’ dissent in *Abrams v. United States* (1919) and is based on John Stuart Mill’s <marketplace of ideas> theory (Baker, 1978). In Mill’s (1859) mind, allowing for the free expression of ideas is imperative to liberty. This liberty, as he defines it, is not freedom of will, but rather “the nature and limits of the power which can be legitimately exercised by society over the individual” (p. 2). The marketplace concept has dominated SCOTUS rulings for the last century.

Marketplace of ideas. In *Abrams* (1919), Justices Holmes and Brandeis dissent from the majority and Holmes begins to outline modern first amendment theory. He acknowledges the rightness of recent decisions allowing for the regulation of speech that presents “clear and imminent danger” but begins to delineate what constitutes that danger (p. 627). Holmes goes on to illustrate how the leaflets for which the defendant was being prosecuted did not represent immediate danger and should therefore be protected. If the language of the leaflets was not incitement and did not represent imminent threat, then the defendant was being punished for his ideas themselves, rather than any call to violence. For Holmes, this is beyond the boundaries within which “power...can be legitimately exercised by society over the individual” (Mill, 1859, p. 2). He relies on Mill’s theory that ideas should be tested against each other in the pursuit of coming ever closer to the truth. Holmes asserts that “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” (p. 630). He reminds the Court that America and her Constitution are an experiment, and that part of that experiment must be tolerance of “the expression of opinions that we loathe and believe to be fraught with death, unless they so imminently threaten immediate interference with the lawful and pressing purposes of the law that an immediate check is required to save the country” (p.630). While Holmes does not directly cite Mill in *Abrams*, scholars have used Mill’s *On Liberty* as the philosophical antecedent of the Court’s modern free speech doctrine, as it is the clearest formulation of the <marketplace of ideas> concept (Baker, 1978, see p. 968, footnote 9). Since this decision, <freedom of speech> has been and continues to be described and defended based on the <marketplace of ideas> paradigm.

Obscenity. Court cases argued over obscenity have continued through the 20th century.

The offensive speech has ranged from explicit photography exhibits to both print and internet pornographic content, and even to rap lyrics (see Fisher, n.d.; Hudson, Jr., n.d.; Walker, n.d.). The injury to public morals standard from the 19th century was amended somewhat in *Miller v. California* (1973), when the majority upheld Miller’s conviction for distribution of obscene materials, stating that “to equate the free and robust exchange of ideas and political debate with commercial exploitation of obscene material demeans the grand conception of the First Amendment and its high purposes in the historic struggle for freedom. It is a ‘misuse of the great guarantees of free speech and free press’” and that only those materials that “have serious literary, artistic, political, or scientific [SLAPS] value, regardless of whether the government or a majority of the people approve of the ideas these works represent” should be protected (p. 34). This decision also set forth a prurience test (is the work’s overall purpose to engage prurient interests) and a patently offensive test (does the work describe sexual activity in a patently offensive way, according to state law). Thus, the *Miller* opinion provides a three-pronged test: prurience, patent offensiveness, and SLAPS value (Hudson, Jr., n.d.).

The internet. Like the situation facing the Court when motion pictures were first widely available, the internet has presented many <freedom of speech> questions to the Court. How would this new medium be treated? How was it alike and how was it unlike older media? In one of the first rulings to answer these questions, the Court held that the internet differed from radio because “the receipt of information on the Internet requires a series of affirmative steps more deliberate and directed than merely turning a dial” and therefore speech on the internet holds a more protected position (*Reno v. ACLU*, 1997). The majority also decided that the Communications Decency Act—which the lawsuit was a challenge to—contained language

around decency and patent offensiveness that was similar to that contained in *Miller* (1973), but was too vague and overreaching (Kahn, “*Reno*” n.d.).

A series of decisions has addressed protecting minors from indecency and pornography on the internet, with the Court ruling most often that Congressional statutes are overly broad and would harm some protected speech along with that which is unprotected (Kahn, “Internet,” n.d.). Other cases have attempted to define the balance between privacy and <freedom of speech>. (While not the subject of this analysis, <privacy> is another ideograph whose influence is being brought to bear on <freedom of speech>.) The Court has attempted to differentiate between online content that represents immediate harm from that which does not. These decisions harken back to the “clear and imminent danger” doctrine from the early 20th century and attempt to separate true threats from political hyperbole (Kahn, “Internet,” n.d.). Because the internet is still a new phenomenon and is still evolving, the Court has yet to fully reckon with its implications for <freedom of speech>. And yet, the internet presents some interesting aspects for the current study. These aspects will be discussed below as they relate to the commitments inherent in the ideographs used by the “A Letter” and the “More Specific” signatories.

Definitions outside the Court. While this diachronic analysis focuses on <freedom of speech> in SCOTUS and its reliance on the <marketplace of ideas> paradigm, it cannot be ignored that there is opposition to this paradigm. Baker (1978) lays out these arguments as five-fold:

Because of monopoly control of the media, lack of access of disfavored or impoverished groups, techniques of behavior manipulation, irrational response to propaganda, and the nonexistence of value-free, objective truth, the marketplace of ideas fails to achieve the desired results. Therefore, the advocates of the market failure model conclude that

objective social realities require state intervention in the speech arena, just as in the economic arena, in order to correct for these market failures; only then will freedom of speech promote socially desirable perspectives and decisions. (pp. 965-966)

His reasons are particularly important to this study as the marketplace failure paradigm is prominent in “More Specific.”

The marketplace failure argument is made from a materialist and postmodern perspective. Monopoly control and lack of access directly relate to the material outcomes of the <marketplace of ideas> and serve to illustrate that the ideal of Mill’s proposal are seldom achieved in real life. Behavior manipulation, irrational response, and the lack of objective truth reflect the crisis of legitimation described by the postmodernists (Baker, 1978; Lyotard, 1984). Conversely, the modern or scientific paradigm undergirds the <marketplace of ideas> paradigm in which “sociopolitical legitimacy” is confirmed by “the people’s consensus, and their mode of creating norms is deliberation” (Lyotard, 1984, p. 30). Postmodernists have turned the truth claims of modernism back on itself and found them to be lacking. The progress claimed to be had through deliberation and consensus comes up short when measured against material reality, thus creating a crisis of knowledge and a splintering of the grand narrative of progress through scientific inquiry and its political corollary, open debate (Lyotard, 1984). Citing these perceived fundamental flaws in the <marketplace of ideas>, marketplace failure proponents advocate for interference in the market to make it more equitable. It should also be noted that programs such as the Fairness Doctrine imposed by the FCC and the dissent in *Columbia Broadcasting System v. Democratic National Committee* (1973) represent some governmental attempts to correct for and explain the need to fix marketplace failures (Aichinger, n.d.). Such restrictions are

continually being suggested and debated in public discourse, especially as new technologies are introduced and become widely used.

The liberty model. Baker (1978) has outlined a different rationale for first amendment protections that avoid some of the pitfalls of both the <marketplace of ideas> and the marketplace failure paradigms. His model is based on the idea that the first amendment does not protect the hypothetical marketplace, but rather a sphere of individual autonomy; it is protected “not as a means to a collective good but because of the value of speech conduct to the individual” (p. 966). This value comes through two avenues. First, through the process of self-development, which should be afforded to all people out of respect for their “integrity as rational, equal, autonomous moral beings” (p. 992). And second, because of this autonomy, people’s right to take part in group decision-making, which will naturally alter their self-realization opportunities. These two “fundamental purposes” of <freedom of speech> encompass a wide variety of communication acts, such as personal speech (e.g., journaling) and entertaining speech, in addition to communication that expressly sets out to postulate or explain an idea in the marketplace. Self-realization and participation in change also turn the focus of first amendment protection from the content to the speaker, and how the speech pertains to the individual’s self-development or participation (Baker, 1978).

Of course, not all speech is protected, and Baker (1978) goes on to enumerate where the limits are and how they should be arrived at based on the two fundamental purposes. If speech is a part of the collective decision-making process, there are few limits that are justified to curtail it. Legal limits are often placed on activities that cause harm to other individuals. Baker points out, however, that harm caused by speech has usually been classified differently than other sources of harm because speech acts are not typically physically violent and can only harm another insofar

as the hearer mentally adopts attitudes proposed by the speech act. This means that a speech act does not usually interfere with another's autonomy because the speaker has no authority over what the hearer must say or believe. In fact, says Baker, to restrict speech based on harm that results from the hearer adopting harmful attitudes found in certain speech is to insult the *hearer's* autonomy in that it would assume that the hearer is incapable of hearing something and *not* adopting the idea or attitude contained therein (Baker, 1978). Protection does not extend, however, to coercive speech—that which substantively changes another's options to be worse than the person has a right to expect—or the use of unlawful means to threaten to change the options to force a certain outcome. Coercion occurs when the speaker tries to subvert and control the will of the hearer and is judged on the purpose, or intended effects of the act, not the motives of the speaker. These same protections apply to the listener, who has the right to use noncoercive means to seek out information that will help in self-development and participation in change. Here, Baker explains that the <marketplace of ideas> lacks the rationale to protect obscenity because most people would not argue that obscene materials contribute to robust debate. The liberty model, on the other hand, argues that obscene materials may contribute to an individual's self-realization or may constitute an individual's participation in change, and so should be protected (Baker, 1978).

To further explain his model, Baker (1978) defines “allocation rules” and “general prohibitions” (p. 1014). The former are those rules that exist to help distribute “opportunity or decision authority” among all those who lay claim to them, while the latter “deny a certain opportunity or decision authority to all people” (p. 1014). To Baker, general prohibitions place greater and more objectionable limits on individuals, because they tend to restrict individual choices more than allocation rules do. Such prohibitions may violate one's self-realization in two

ways. A behavior is valued substantively if there is no other way to achieve the desired outcome except through the act which might, to some, be considered objectionable. It is valued instrumentally if the objectionable activity is not the only way to achieve the desired end. General prohibitions can restrict an individual either substantively or instrumentally. Baker argues that “*generally...when a prohibition applies to substantively valued behavior, it is an unconstitutional abridgement of freedom of speech or expression*” (p. 1019, emphasis in original), because it would violate one of the two fundamental purposes of <freedom of speech> and would function as a coercive act.

Finally, in Baker’s (1978) model, he counters some of the arguments that may be made for general prohibitions: that they build community, that they result from the positive process of community choice, and that they maximize efficiency or welfare. While he acknowledges that certain rules do help define communities, those should only be voluntary communities, not those imposed by the state. Again, group decision-making may be profitable for society but only when enacted by voluntarily formed groups. If the state were involved in pronouncing general prohibitions or requirements, it would become coercive. General prohibitions or requirements from the state may also seem to provide the maximum efficiency and welfare for the community. However, in the name of efficiency, the most likely casualties are the behaviors and ideas of the minority. It is not always the case, but this likelihood demands a “balancing...in constitutional analysis” (p. 1023). Efficiency should likewise not be used as an excuse for violating individuals’ rights in that such violations ignore autonomy, prevent people from living their values, restrict self-realization and participation, and can be used by the majority to control the minority by indirect means such as wealth limitations based on the level of agreement with the majority (Baker, 1978). Efficiency calculations are inevitably based on the valuation of

conditions as they now stand. If all decisions are based on current conditions, how might a society ever find conditions that may provide better efficiency in the future? Thus, the efficiency maximization argument tends toward satisfying “existing preferences” (p. 1024). The reverse of these ideas is also true: the balanced use of general prohibitions by the state will tend to protect progressive views, since those prohibitions usually uphold the status quo. In sum, Baker argues that

By protecting substantively valued conduct from abridgement by general prohibitions, the liberty model provides for a process of public decision making and a search for, or creation of, truth that avoids the problems and improper assumptions of both the market models. Thus, the liberty model better promotes the key value that justified the classic marketplace of ideas theory of freedom of speech: the value of furthering the search for truth or best premises, a value that, due to a failure of assumptions, the classic theory could not adequately serve. (p. 1029)

Baker’s model, then approaches <freedom of speech> from the right of individuals to self-development and participation in change, rather than from the protection of certain speech content or of the arena of public debate.

This diachronic analysis has outlined the tensions that have historically been present surrounding <freedom of speech> both within and without SCOTUS. The historical commitments have included protecting the public morals, restricting labor union speech, limiting the speech of noncitizens, and the regulation of emerging media. Some of these commitments continued into more modern times and even to today. Particularly, obscenity and regulation of means of communication are continuing issues. More recent decisions have included modifications to the definition of obscene material to include three tests: prurience, patent

offensiveness, and SLAPS value. Court cases involving <freedom of speech> are ongoing and there will continue to be debates occurring there as to the meaning of <freedom of speech> and how it should rightfully be applied in a multitude of contexts, especially the internet. Challenges to the <marketplace of ideas> concept have also changed the meaning of <freedom of speech> in its current iteration. Postmodern challenges to the legitimacy of scientific discovery and its societal analogue, public debate, have cast doubt on the premises of the <marketplace of ideas>, namely that continued debate will eventually lead to the discovery of objective truth and that human beings possess the rational faculties to recognize and embrace that truth. The materialist point of view exposes the gap between the ideal and the actual when it comes to participating in the <marketplace of ideas>, which raises further doubts about its efficacy as the dominant paradigm. Thus, those that espouse marketplace failure position promote different interventions in the <marketplace of ideas> to correct for its perceived failures. Because of the philosophical and materialist critiques of the <marketplace of ideas> and the impracticality of widespread intervention to correct the marketplace, the liberty model has been proposed. It attaches new commitments to <freedom of speech>, ones that protect a wide variety of speech and expressive behaviors as intrinsic to self-realization and participation in change, placing the locus of protection on the individual rather than speech content or debate arena.

The synchronic analysis that follows occurs outside of the court context and yet references are made to the power of the state to restrict <freedom of speech> because there can hardly be a conversation around this topic without referring to the legal framework. This is one of the aspects that defines <freedom of speech> as an ideograph: that it has strong ties to government and society and their foundation. The signatories of “A Letter” subscribe largely to the <marketplace of ideas> version of <freedom of speech> while the signatories of “More

Specific” point out the marketplace failures. The following section will identify the ideographs used in both editorials and will go on to describe the sites of tension among these usages.

Synchronic Survey of <Freedom of Speech>

Synchronic analysis. McGee (1980) argues that analyzing a term throughout history merely produces an etymology which does little to explain rhetorical uses in the present. It is through a synchronic analysis that terms are seen in their true character as forces that “clash with other ideographs” and are changed through “synchronic confrontations” (p. 12). Synchronic tensions can be surprising, says McGee, because the ideographs of a society have “presumed consonance” and are “meant to be taken together, as a working unit” (p. 13). He classifies the diachronic nature of the ideograph as a “grammar” of “ideograph-meanings expanding and contracting from the birth of the society to its ‘present’” and its synchronic nature as a “rhetoric...of ideograph clusters constantly reorganizing itself to accommodate specific circumstances while maintaining its fundamental consonance and unity” (p. 14). An accounting of any society’s ideology “must be understood and described” from both these perspectives before it can be considered complete.

The previous section has examined the diachronic context of <freedom of speech>, and this section will explore the synchronic environment of this ideograph. Lee (2005) describes the ideographs as data, discoverable in texts, and occurring in discernable patterns both through history and in the present. For the reasons outlined above, the texts chosen for the synchronic study of <freedom of speech> are “A Letter on Justice and Open Debate” and “A More Specific Letter on Justice and Open Debate.” The synchronic analysis begins by identifying the ideographs used in each editorial and, because ideographic analysis is based in rhetorical materialism, the commitments or actions inherent in the ideographs of each group (Lee, 2005).

Then it will proceed to a discussion of the tensions present between ideographs and an analysis of the substantive and regulative functions they perform (Lucaites, 1984).

Ideographs in “A Letter.” It can be difficult to identify ideographs not only because ideographic terms can also have non-ideographic uses (McGee, 1980), but also because different groups use them slightly differently, thus creating sites of tension. Here, the ideographs used in “A Letter” will be identified and their associated commitments described.

<Open debate>. The title of “A Letter” uses the ideograph *<open debate>*. It is interesting that these writers do not use the phrase *<freedom of speech>* or even *<free speech>* during their argument. There are two possible reasons for this. First, they wanted to avoid the U.S.-centric overtone of *<freedom of speech>*. Not all the “A Letter” signatories are American, and they may have wanted their arguments not to be specifically tied to American politics. The line describing “the forces of illiberalism” that are “gaining strength throughout the world” indicates that they see the scope of the problem as bigger than just within the confines of one society (para. 1). On the other hand, they specifically name Donald Trump as a “real threat to democracy,” which brings the focus back to the U.S (para. 1). A second, and more likely, reason for avoiding *<freedom of speech>* is because of its legal or governmental connotations. These writers are not arguing for or against any kind of governmental interference in this “moment of trial” in society (para. 1), rather they are publicly calling for individuals to examine and moderate their behavior surrounding the public debate of ideas. In fact, later in the letter, they oppose the “restriction of debate, whether by a repressive government or an intolerant society” (para. 3), thereby setting up a moral equivalency of both types of censorship.

Other parts of the letter help the audience to understand what the writers mean when they say *<open debate>*. For example, they note the “protests for racial and social justice” and the

“wider calls for greater equality and inclusion across our society, not least in higher education, journalism, philanthropy, and the arts” (para. 1). This is at least a brief acknowledgment that there have been and are problems of access and diversity in some cultural institutions. This suggests that <open debate> includes a commitment to allowing speech from all people and doing better to make that ideal a material reality. They also refer to “our norms of open debate and toleration of differences” indicating that <open debate> is committed to a tolerance for a variety of ideas. Further, they link the idea of <open debate> and democracy, pointing out that the result of social censoriousness has “been to steadily narrow the boundaries of what can be said” which “makes everyone less capable of democratic participation” (paras. 2 &3). Rhetorically linking <open debate> with <democracy> and <tolerance> situate these writers in the traditional view of <freedom of speech> as a necessary foundation of a free society.

<*Marketplace of ideas*>. While “A Letter” never uses the term <marketplace of ideas> specifically, much of their argument is based in Mill’s (1859) paradigm. They argue for the “free exchange of information and ideas,” a clear reference to the <marketplace of ideas> and the process of public discussion about issues of societal importance (para. 2). Likewise, they extol the “value of robust and even caustic counter-speech from all quarters,” echoing Mill’s philosophy that all speech should be welcome in the attempt to come to the truth. Perhaps most related to the <marketplace of ideas> framework is their statement that “the way to defeat bad ideas is by exposure, argument, and persuasion, not by trying to silence or wish them away” (para. 3). These examples show that the “A Letter” signers subscribe to the dominant paradigm that has surrounded <freedom of speech> for the last 100 years.

<*Justice*>. <Justice> is also part of the title of “A Letter.” Because <open debate> is used as a stand-in for <freedom of speech>, the title immediately sets up a synchronic interplay

between the two ideographs. The writers' definition of <justice> is contained throughout the editorial. First, they acknowledge and support protests for racial and social justice and calls for a broadening of access to cultural institutions for those who have traditionally not enjoyed it. Their concept of <justice> encompasses commitments to "police reform" and "greater equality and inclusion across our society" (para. 1). Second, however, they note an increasing trend toward "calls for swift and severe retribution in response to perceived transgression of speech and thought" with "institutional leaders...delivering hasty and disproportionate punishments instead of considered reforms" (para. 2). Such retributive actions seem to fall outside <justice> for the writers. They explicitly "refuse any false choice between justice and freedom, which cannot exist without each other" (para. 3). This indicates that they feel the social punishments meted out to those who refuse "ideological conformity" are too harsh and do not represent <justice> as they conceive it (para. 1). For these writers, <justice> implies commitments to inclusion and measured reform, but not to vengeful retribution or ill-considered and rushed problem-solving.

<Illiberalism>. <Illiberalism> is an interesting term gaining traction in the <freedom of speech> debate. In fact, the authors use <illiberalism> almost as a negative of <freedom of speech>. Their argument echoes that of Mill (1859) who noted that the tyranny of the society over the individual is often "more formidable than many kinds of political oppression" because "it leaves fewer means of escape, penetrating much more deeply into the details of life" (p. 8). The "A Letter" authors make multiple references to the "ensoriousness" of the "radical right" and "right-wing demagogues," providing their audience with its first indication of what they mean by <illiberalism> (paras. 1 & 2). They suggest that the need for reform in certain areas is also giving rise to "a new set of moral attitudes and political commitments," which "must not be allowed to harden into its own brand of dogma or coercion" (para. 1). So, <illiberalism> is here

linked to <dogma> and <coercion>. First, <dogma> implies attitudes or rules that are imposed by the powerful and held to be unquestionably true. Second, <coercion> connotes, again, abuse by the powerful to force a belief or action on another. These two terms are particularly interesting because the writers are arguing that the progressive left are adopting the repression tactics of the powerful to achieve their ends. As will be discussed later, the signatories of “More Specific” would either vehemently deny or attempt to justify this characterization. <Illiberalism> is further defined with phrases such as “intolerance of opposing views, a vogue for public shaming and ostracism, and the tendency to dissolve complex policy issues in a blinding moral certainty” (para. 2). Evidence for this phenomenon is given in a brief list of nonspecific references to people who have been fired or forced out of positions because of their views. The authors argue that the effect of these “disproportionate punishments” will inevitably harm “those who lack power” (paras. 2 & 3). The “stifling atmosphere” created by <illiberalism> is one filled with the “threat of reprisal,” “greater risk aversion,” and “fear for...livelihoods” (paras. 2 & 3). <Illiberalism>, then, once seen as the sole proprietorship of the right is now being seen on the progressive left and being called out by the center left. The “A Letter” writers absolutely reject <illiberalism> and its associated commitments.

<Power> and <public>. Embedded in ideographic analysis is an examination of power structures. McGee (1980) argues that ideographs contain warrants to power even though they sound like innocent phrases common in a society. It is interesting, then, that <power> is used as an ideograph in both letters. In “A Letter,” <power> is related to <public> in the sense that part of the current tension over <freedom of speech> has to do with its interaction with these terms. The authors first speak of “greater risk aversion among writers, artists, and journalists who fear for their livelihoods if they depart from the consensus, or even lack sufficient zeal in agreement”

(para. 2). Then the writers go on to talk about how censorship in the upper echelons of a society's cultural institutions "invariably hurts those who lack power and makes everyone less capable of democratic participation" (para. 3). While it appears that the writers—many, but not all, of whom are famous and wealthy—are concerned for their own welfare and that of others in their circle, they also realize that if the powerful can so easily have their careers interrupted or ruined, that it will be even easier to do that to a non-powerful and non-famous person. Indeed, at some level, these authors seem to recognize their positions of status and they seek to use their platform to defend others who are not in the same position. They suggest a sort of reciprocity with the <public> (i.e., those who are not wealthy and well-known) when they say "we need to preserve the possibility of good-faith disagreement without dire professional consequences. If we won't defend the very thing on which our work depends, we shouldn't expect the public or the state to defend it for us" (para. 3). They propose that they should use their position of power to speak out about a problem that will affect all levels of society, with the average person being most affected. In exchange, they hope that the <public> will come to the defense of their right to speak as well. For the "A Letter" authors, <power> comes with a commitment to maintain an atmosphere of <freedom of speech>, or, as they call it, <open debate> for the average member of the <public>.

-Ideographs in "More Specific." Another factor that complicates the identification of ideographs is the difficulty of understanding where a particular group resides philosophically. McGee (1980) points out that "in the United States, we claim a common belief in 'equality,' as do citizens of the Union of Soviet Socialist Republics; but 'equality' is not the same word in its meaning or its usage" (p. 8). In other words, those in two different philosophical frames may use the same ideographs but mean different things. This is at least part of the issue between the

signers of “A Letter” and “More Specific,” and it rests in the differences between the center left and the progressive left (Bacon, Jr., 2019). Much of this difference centers around the former group working toward change within the traditional system, while the latter hopes to dismantle it. Here, the ideographs and their commitments from “More Specific” will be identified and discussed.

<*Marginalized*.> The authors use the term <marginalized> early in their piece as a contrast with the signers of “A Letter” who are considered “elites” (para. 4). Throughout the editorial the meaning of <marginalized> is set forth in various ways. First, it is characterized by different identity groups. The “marginalized voices” that “have been silenced for generations in journalism, academia, and publishing” are “Black, brown, and LGBTQ+ people—particularly Black and trans people” (paras. 3&4). This definition clearly shows the philosophical frame these writers are using: <marginalized> status is based on racial and sexual identity. Even though “A Letter” also has non-white signatories, the “More Specific” authors do not believe it represents “a selection of diverse voices,” because “A Letter” does not focus on the historical oppression of <marginalized> communities (para. 3). This sentiment suggests that <marginalized> also includes commitments to certain attitudes and beliefs, not simply one’s racial or sexual identity.

It is also helpful to look at what <marginalized> is not, according to these authors. Some of these descriptions make obvious sense. “[P]eople who already have large followings and plenty of opportunities to make their views heard” are not <marginalized> (para. 5). Being silenced is a “problem” that is “for the most part a rare one for privileged writers, but it is constant for the voices that have been most often shut out of the room” (para. 16). In this section, they set up a dichotomy between <marginalized> and <privileged>. Writers are <privileged>

when they are “some of the most well-paid and visible people in media, academia, and publishing” who “possess the money and prestige to have their ideas shared in just about any elite publication, outlet, or journal” (paras. 16 & 17). Most people would agree that those who are wealthy and well-connected and have access to important platforms could not be considered <marginalized>. The “More Specific” writers also include racial and sexual identity to say what <marginalized> is not. They argue that “A Letter,” published in Harper’s Magazine, is a continuation of that outlet giving space “to mostly white, cisgender people” and that <marginalized> people have been denied platforms because newsrooms are “already led by a primarily white and male workforce” (paras. 6 & 8). Thus, <marginalized> has commitments surrounding, wealth, race, sexual identity, and beliefs and attitudes. These commitments indicate the Marxist orientation of the “More Specific” writers and highlight their desire to see power shift from the oppressor class to the oppressed.

<*Marketplace of ideas*>. Baker (1978) discusses the marketplace failure paradigm that advocates for government to regulate the <marketplace of ideas> and correct for its perceived failures. Throughout “More Specific,” the writers allude to marketplace failure arguments to argue why the <marketplace of ideas> does not and cannot work. One of the incongruities they point to is that while the “A Letter” signatories are concerned about the shrinking of the <marketplace of ideas>, they are doing so from a prestigious publication. In tandem with this, they argue that writers “endowed with massive platforms” can hardly be truly worried about losing access (para. 2). The question of access is one of the main points in the marketplace failure paradigm. As Baker (1978) suggests, “the marketplace of ideas appears improperly biased in favor of presently predominant groups” (p. 978), and this is certainly the opinion of the “More Specific” signatories. They give an example of one “A Letter” signer being given space in *The*

Atlantic to speak about transgender issues while “no trans writer has been afforded the same space” (para. 22). They go on to say that “there are only so many outlets, and while these individuals have the ability to write in them, they have no intention of sharing that space” (para. 24). Indeed, they claim that the “A Letter” signers “have championed the free market of ideas, but actively ensured that it is free only for them” (para. 18). The marketplace failure concept is mostly concerned with access issues as are the “More Specific” writers. However, their point of view seems to cover access for individual writers, especially those who are <marginalized>, but not necessarily access for all ideas. They rightly see the “A Letter” writers as calling for a “free exchange of ideas” but also assert that their “letter appears to be asking for unrestricted freedom to espouse their points of view free from consequence of criticism” (para. 24). It is in this statement that it begins to be clear that the ideograph is not the “same word in its meaning or its usage” (McGee, 1980, p. 8). Herein lies some of the tension surrounding <freedom of speech>.

<**Justice**>. As noted above, <justice> for the “A Letter” signers likely includes some of the same goals as those of the “More Specific” signers. In fact, this is acknowledged by the “More Specific” writers when they say, “We recognize a few of the signatories of the *Harper’s* letter have been advocates of the issues that concern us here” (para. 19), but they qualify this acknowledgement by asserting that writers who signed on to “A Letter” must not only agree with its other signatories on the editorial’s contents, but that they must also agree to every other opinion and belief held by all the other signers. In this way the <justice> described in “A Letter”—the need for police reform and greater equality and inclusion in cultural institutions—is negated because it does not fully comport with <justice> in “More Specific.” Like with <marginalized>, this letter contains many references to what its signers mean by <justice>. The first concern is with the material incongruity seen in journalism, academia, and publishing. The

“More Specific” authors note the lack of diversity in these fields and the continued <marginalization> of “Black, brown, and LGBTQ+ people” to say that <justice> has not been achieved. In “A Letter,” <justice> entails a commitment to increasing opportunities for more people in more fields, but it still holds to the idea of a meritocracy, whether of ideas or skills. For the “More Specific” signers, however, <justice> cannot be achieved within the current system since it is inextricably linked to <privilege> and <elitism>. They assert that “A Letter” uses “seductive but nebulous concepts and coded language...in what seems like an attempt to control...the ongoing debate about who gets to have a platform” (para. 6). Even though “A Letter” talks about <justice> and other ideals, “their words reflect a stubbornness to let go the elitism that still pervades the media industry, an unwillingness to dismantle systems that keep people like them in and the rest of us out” (para. 6). For the “More Specific” writers, <justice> entails a commitment to pull down the systems that they believe have created the current problems.

“A Letter” briefly lists some general instances where the authors claim a person either fired or forced from their jobs over their points of view. The writers warned against such “disproportionate punishments” (para. 2). In their rebuttal, the “More Specific” writers attempt to infer which specific events are alluded to in “A Letter” and to give context that provides evidence for one of four things: the people referred to did not actually lose their jobs, the situation may have happened but was atypical, the people deserved it because of their views, or the people have no right to complain because similar things have happened or continue to happen to <marginalized> writers. This presents a view of <justice> that is irregular, personal, and somewhat retaliatory in nature. The “More Specific” concept of <justice> depends primarily on whether the event dismantles or upholds the system.

<Power> and <public>. The “More Specific” signers are very concerned with <power>, characterized by <elitism> and <privilege>, and the systems which uphold it. In the words <justice> and <open debate> used in “A Letter,” the “More Specific” writers see “nebulous concepts and coded language” that are part of the “institutional norms that have protected bigotry” (para. 6). They fault “A Letter” for failing to “deal with the problem of power: who has it and who does not” (para. 3). The <marginalized> section generally outlines who has power and who does not: the former group are white, cisgendered, wealthy (and probably male), while the latter group are Black and brown, LGBTQ+, and generally enjoy fewer resources and less access. These writers argue that the “A Letter” signatories use their <power> to “harass others into silence” by “perpetuating a culture of fear...among writers who, for the most part, do not look like the majority of the signatories” (paras. 20 & 24). The “More Specific” signers think the other group could better use their <power> to highlight the plight of <marginalized> voices and be “advocates of the issues that concern us [the “More Specific writers] here” (para. 19) “during this moment of widespread reckoning with oppressive social systems” (para. 26). Like <justice>, <power> should be used to dismantle systems, that is, to uproot wealthy, white, cisgendered voices and replace them with those who are <marginalized>. Interestingly, “More Specific” does not mention the <public> either specifically or obliquely. Since their focus is on <power>, they take aim solely at the signers of “A Letter” without any mention of average citizens and how cancel culture may affect them. While this rebuttal calls the “A Letter” signers out for their hypocrisy, they choose not to respond to the “A Letter” argument that a lack of <freedom of speech> affects people at all levels of society, but those with less power more than others. The “More Specific” signatories seem unaware that there are people with even less power than they have, and that the average citizen would likely consider them to be <elites>. This discussion of

<power> in “More Specific” seems more concerned with co-opting systems of power for the <marginalized> than they are about reducing <power> generally or distributing it throughout society at every level.

Sites of Tension in the <Freedom of Speech> Debate. The purpose of synchronic analysis according to McGee (1980) is to describe the places where “circumstance forces us to sense that the structure” of the ideograph “is not consonant,” that is, where the commitments of two associated ideographs shift in meaning and ascendancy (p. 13). This renegotiation between meanings is what Condit and Lucaites (1993) describe as

the rhetorical process of public argumentation in which various organized and articulate interest groups negotiate the problems of resource distribution in the collective life of the community, and there is a shared rhetorical culture out of which they all draw as they strive to express their particular interests. The end result of this rhetorical process is generally some form of “the law” that ultimately governs relationships in the community, but that law is not a dominant ideology so much as it is a temporary compromise between competing ideological interests. (pp. xiv-xv)

This aptly describes the subject of this study, especially considering the professional rhetors who composed “A Letter” and “More Specific.” Building on McGee’s original diachronic and synchronic dimensions, Lucaites (1984) expands the analysis to include the “functional dimensions” of the ideographs or the “substantive or regulative commitments of the community” (Lucaites, 1984, p. 52). He explains, “ideographs function substantively when they are asserted in arguments as intrinsic values for a particular community” and “ideographs function regulatively when they exist in arguments as a means of balancing sets or configurations of potentially conflicting substantive ideographic commitments” (p. 52). Using these definitions,

this section will discuss the sites of tension around <freedom of speech> as identified through the substantive and regulative uses of the ideographs in “A Letter” and “More Specific.” In general—but not always—the ideographs used in “A Letter” will function substantively. This is because the writers are operating from the <marketplace of ideas> paradigm, which has been the dominant paradigm. In general—but again not always—the ideographs used in “More Specific” will function regulatively. This is because “More Specific” is a response to “A Letter” and its rhetorical terms are being used precisely to reconfigure those used in “A Letter.” In addition, many of them will function regulatively because the “More Specific” writers are operating in marketplace failure and other historically less-dominant paradigms.

<Open debate> and <marginalized>. This first pairing of ideographs is relatively obvious: “A Letter” wants to assert the term <open debate> as an intrinsic value for the academic, philanthropic, journalism, and art communities. They imply that their ability to continue to function in those sectors is dependent on the maintenance of the culture of <open debate>. Without it, there will be “risk aversion among writers, artists, and journalists” and it will make “everyone less capable of democratic participation” (paras. 2 & 3). They also use other ideographs regulatively to show which synchronic relationships they believe should have ascendancy in the network surrounding <open debate>. These regulatively functioning ideographs are <democracy> and <tolerance>. These perform a balancing function with the <justice> element of <open debate> in the sense that the writers are reminding their audience that all people and ideas should be able to participate in <open debate>, even when they may transgress against the current trend toward <justice>, especially <justice> that is disproportionate and rushed. More discussion of <justice> will follow. The “More Specific” writers use <marginalized> regulatively to try and rebalance <open debate> with the interests of Black,

brown, and LGBTQ+ people, who they argue have been historically silenced. This <marginalization> may have to be remedied by contractions in the scope of <open debate> to exclude ideas the “More Specific” writers feel are harmful to these <marginalized> groups. Intrinsic in these arguments are disagreements over the <marketplace of ideas>.

<*Marketplace of ideas*>. Both editorials reference Mill’s (1859) <marketplace of ideas> concept. “A Letter” holds to the traditional view that bad ideas are rooted out through “exposure, argument, and persuasion” (para. 3), while “More Specific” brings up access imbalance to argue that the <marketplace of ideas> is a failure. In addition, the “More Specific” writers rebut the “A Letter” idea that “all viewpoints should be published...with no limits on what those viewpoints might be” (para. 8). They question “A Letter” for “asking for unrestricted freedom to espouse their points of view” (para. 24). They single out one “A Letter” signatory for “attempting to refute or discredit” the “claims and reputations” of trans journalists, academics, and other writers” (para. 22). These criticisms of the <marketplace of ideas> show a fundamental disagreement between the two groups on what the marketplace is and what it should be. This disagreement goes beyond the simple disjunct between the ideal marketplace that should include everyone and the real marketplace that does not. That would be the materialist case for showing that the <marketplace of ideas> is merely a hollow ideograph, not grounded in reality. The marketplace failure lack of access argument mirrors this typical structure. However, the “More Specific” authors seem to be going further. Beyond showing that the marketplace ideal is not achieved in reality, they reject the methods of the marketplace altogether when they question whether all opinions should be heard and that “attempting to refute or discredit” another’s claims is somehow intrinsically harmful, rather than just part of the process of public debate (para. 22).

This refutation of the system goes beyond the postmodern idea that no one idea or process can claim authority and moves toward irreconcilable differences surrounding <freedom of speech>.

<**Justice**>. Another striking source of tension is <justice> and its relation to <freedom of speech>. Both communities use <justice> substantively to express their intrinsic commitments. Using regulative ideographs, the two groups show which aspects of <justice> they believe should have ascendancy. The writers of “A Letter” use <justice> substantively to emphasize their community’s commitment to increasing “equality and inclusion across our society” (para. 1). “A Letter” uses <open debate> (and its regulative ideographs, <democracy> and <tolerance>) to create balance between <justice> and <freedom of speech>. <Democracy> and <tolerance> shift the weight of meaning toward acceptance of many ideas and people and forgiveness for what they call “clumsy mistakes” (para. 2). They also use <illiberalism> regulatively to argue that a shift toward <dogma> or <coercion> to attain intellectual conformity does not comport with their use of <justice> at all.

“More Specific” also uses <justice> substantively to express their community’s commitment to advocating and promoting the causes of <marginalized> groups. The “More Specific” writers use <elitism> and <privilege> to shift the balance of meaning toward those who have been relatively powerless in the past and away from any current <elite> writer benefitting from <privilege> who may want to limit the authors’ use of <justice> to make up for past wrongs. Because they connect <justice> synchronically with <elitism> and <privilege> it allows them to define <justice> as anything that dismantles social systems the writers consider oppressive.

This underlying difference about the term <justice> presents another substantial challenge to a negotiation of <freedom of speech>. The “A Letter” writers present a nonspecific

list of those who have been affected by cancel culture, which the “More Specific” writers then try to make specific. As they outline the cases they presume to be referred to in “A Letter,” they discount each event in one of four ways: the people did not lose their jobs, the situation was atypical, the people deserved it because of their views, or the people have no right to complain because of what happens to <marginalized> writers. It was asserted earlier that the “More Specific” idea of <justice> is committed to any action that dismantles “oppressive social systems” (para. 26). It is here, while comparing <justice> between the two groups, that this can be elaborated further. Interestingly, while “A Letter” keeps the events nonspecific, the writers simultaneously argue for <justice> on behalf of individuals, noting that “the restriction of debate...invariably hurts those who lack power and makes everyone less capable of democratic participation” (para. 3). <Democratic> here reminds the audience that individual-level participation is at stake. Conversely, “More Specific” makes the events specific, but the writers use the vignettes to argue for group <justice> and the destruction of oppressive systems. A specific editor was forced to resign, but “Black, brown, and trans editors don’t wield the same kind of power as white editors” (para. 8); a specific author’s book was removed from shelves for inauthenticity, but “even when Black and brown authors do have book deals, they are not compensated at anywhere close to the same rates as their white colleagues” (para. 9); a specific (possibly black) journalist was barred from writing a certain story, but that is nothing new— “Black and brown journalists have been barred from writing on certain topics...for decades” (para. 10); the list could go on. By turning the focus of each story from the individual to <marginalized> groups and unjust systems, they justify the individuals’ real-life consequences as steps toward systemic <justice>. This illustrates a major tension that asks whether <freedom of speech> is an individual or a collective right.

<Power> and <public>. The tension over <justice> is related to both <power> and <public>. “A Letter” uses <power> regulatively to give ascendancy to the <democracy> aspect of <open debate> and the <marketplace of ideas> when they reference “those who lack power,” rather than those who have it (para. 3). This reflects the idea that in <open debate> and the <marketplace of ideas> all should be able to participate. They argue that the narrowing of “the boundaries of what can be said without the threat of reprisal” will ultimately harm those without the means to defend themselves (para. 2). Implicit in this definition of <power> is the commitment to using <power> to benefit those with less of it. The “A Letter” writers use <power> in this case to create an alliance with the <public>, proclaiming themselves to be on the side of the <public> and hoping that the <public> will be on their side in turn.

<Power> functions substantively in “More Specific.” Articulating the “problem of power: who has it and who does not” is an intrinsic value for the “More Specific” writers (para. 3). Again, they use <marginalized>, <elite>, and <privilege> regulatively to give ascendancy to the changing nature of <power> in society symbolized by the “diversifying...media industry” (para. 6). They advocate for the shift of <power> from traditional <elites> to a new class of “journalists, academics, and authors marginalized by their respective industries for years” (para. 16). As with <justice>, gaining <power> is considered a collective endeavor. While the collective is largely based on identity groups (i.e., Black, brown and LGBTQ+ people), it is also based on attitudes and beliefs. For example, a Black signatory of “A Letter” is not considered part of the collective endeavor to gain <power> for the <marginalized>, because he “believes ‘that racism at once persists and is also capable of being transcended’” which does not comport fully with the beliefs of the “More Specific” signers (para. 3). <Power> should be attained with

the goal of uplifting <marginalized> people, but as discussed above, <marginalized> is a narrower category than is <public> from “A Letter.”

As with <marketplace of ideas> and <justice>, here again is a basic disagreement about what constitutes <power>, on what basis it should be distributed, and about what obligations are associated with it. Because of these different conceptions, <power> turns the “A Letter” writers toward those less powerful, regardless of whether they are <marginalized>, while it turns the “More Specific” specific writers toward those more powerful, who cannot possibly be <marginalized>. <Justice>, regulatively bolstered by the concept of <marginalized> creates a warrant for the <power> to dismantle systems, regardless of its effect on the <public>.

Tensions in society. To many people, these ideographic tension sites appear to be a squabble between the elite and the super elite, but it is one that can have real consequences in the realm of the average. As discussed in the introduction, those on the progressive left often claim that cancel culture does not truly exist because oftentimes celebrities or other wealthy people do not lose their jobs or, if they do, they are eventually given other opportunities. This narrow focus on celebrities and other wealthy people diverts their audience away from real problems that have root in cancel culture among the <elite> but whose tendrils are entwined throughout society and among the <public>. “[P]eople who already have large followings and plenty of opportunity to make their views heard” should not “complain that they’re being silenced” (“More Specific,” para. 3). The suggestion is that those with <privilege> do not need to protect their rights, because their <privilege> stands in for, and makes them invulnerable to, the loss of rights. While this may sometimes be the case, when rights are taken away from the those with <privilege>, they are likewise taken from the <public>, even if the full effect of losing the rights is not exercised on the <elite>. It bears repeating that, to most members of the <public>, the “More Specific”

authors would also be seen as <elite>. They are employed in academia, journalism, and publishing, jobs that carry certain prestige and class markers in society. And, while their access and platforms may not be as large as those of the “A Letter” writers, they are vastly larger than those of an average member of the <public>. In addition, the hyper-material focus on jobs and money misses another aspect of the cancel culture phenomenon that disproportionately affects the <public>. The quality of one’s life is not merely material and is not solely dependent on one’s income. For an average member of the <public> targeted by cancel culture, there is also a loss of reputation and community standing. <Elites> of any level have more resources with which to defend against attacks on their reputations and to rehabilitate their images than would any member of the <public>. There are other non-material benefits from working, such as self-fulfillment and workplace camaraderie that cannot be quantified and which are not easily replaced.

The fundamental disagreements presented as sites of tension in this synchronic review raise questions of societal division. As McGee (1980) points out in his original essay, “[language] usages both unite and separate human beings” and “the functions of uniting and separating would be represented by specific vocabularies, actual words or terms. With regard to political union and separation, such vocabularies...consist of ideographs” (p. 8). The ideographic analysis of “A Letter” and “More Specific” calls attention to important issues for liberal societies. First, the problem of irreconcilability and ideographs: if two groups disagree fundamentally on the meaning and commitments associated with ideographs, can they stay part of the same political union? And, if so, at what cost? Second, how do tensions arise among ideographs and what can be done to manage or resolve them? Finally, what are the repercussions of the two

rhetorical visions presented in the letters and how does a society choose between them? The final three sections of this study address these issues.

Discussion

Irreconcilability and Ideographs. Moore (1993) examines the paradoxical nature of ideographs to show how their usage may exacerbate conflict and even lead to irreconcilability. He takes special note of the synecdochic nature of ideographs as first described by McGee (1980): while they are linguistic and rhetorical terms, they also contain political motives or social commitments, which makes them representational. Disparity between the ideograph's claims and the experience of reality gives the terms a material dimension. The representational and the material dimensions cannot be separated. In public debate, certain terms can act as synecdoche within the larger debate, providing context and "an organizing principle for its orientation" (Moore, 1993, p. 259). These synecdochic terms "reflect and distinguish opposing views, they also create a reality of their own based on the ultimate, 'God' terms that the tropes represent for the group as a whole" (p. 259). This concept is similar to Lucaites's (1984) regulative function, where the conversation around ideographs is modified using other ideographs to alter focus and ascendancy within the ultimate terms and their clusters. Moore (1993) points out that the dual realities backing the synecdochic terms in a debate may, however, contribute to increased division. "Whereas an ideograph...may be an 'ultimate term' materialized in a culture, an ideograph in synecdochic form...may signify an 'ultimate conflict,' since differing representational forms may reflect divergent, and even incommensurable realities" (p. 260). He further states that synecdochic ideographs "can also limit discourse to a part of the problem that does not resolve the conflict" (p. 260), and this results in the paradox: "enduring social conflicts can only be managed with and articulated through rhetorical figures...such as synecdoche and

the ideograph, but their existence also creates the conditions of irreconcilability.... [C]ontroversy is generated as well as limited by the form (synecdoche) and meaning (ideograph)...articulated by competing groups, these competing groups maintain controversy by perpetuating their individual forms and meanings” (p. 260). In “A Letter” and “More Specific,” <justice> serves as synecdoche in the debate over <freedom of speech> and may contribute to increased conflict and even irreconcilability.

<Justice> as Synecdoche. Present in both editorial titles, each group claims <justice> as a substantive term for their community, and yet it is also clear from the outset that <justice> is also functioning regulatively to modify, or give different focus to, <open debate> (<freedom of speech>). Each group of writers uses their editorial to expound on their own “forms and meanings” of <justice> (Moore, 1983, p. 260). This regulative use signifies that <justice> also functions as synecdoche in the <freedom of speech> debate between these groups. Both groups use <justice> to support their positions in the <freedom of speech> debate, and those positions constitute a fight for <justice>. For the “A Letter” writers, <justice> means <democracy> and continued progress toward “equality and inclusion” within the system as it currently exists (para. 1). This system includes <open debate> where there is <democratic> participation with “robust and even caustic counter-speech from all quarters” where “bad ideas” can be defeated “by exposure, argument, and persuasion” (paras. 2 & 3). <Justice> is administered on an individual level and should consist in “considered reforms” not “hasty and disproportionate punishments” (para. 2). <Justice> extends to the <public>, regardless of whether they are <marginalized>. For the “More Specific” writers, <justice> means righting the wrongs of the past for <marginalized> groups by “starting to challenge institutional norms that have protected bigotry” (para. 6). It includes seeking collective <power> and eliminating <elitism> by focusing on those with more

<power> to point out the hypocrisy of idealistic terms that do not always hold true. <Justice> necessarily narrows <open debate> because “marginalized voices have been silenced for generations” and curtailing the speech of those with <privilege> moves toward correcting for the past (para. 3). <Justice> is administered collectively on behalf of <marginalized> groups, and individuals affected in the process are less important than is the dismantling of the “oppressive social systems” that have harmed those groups (para.26). <Justice> is focused on <marginalized> groups, which are based on racial and sexual identities, and also on certain attitudes and beliefs.

Using the synecdochic ideograph <justice> as the orientation for the <freedom of speech> debate has several implications. First, it automatically limits the possibility of resolving the conflict because historical injustices between groups are political issues that remain themselves unresolved. A disputed political term or issue is an unstable foundation upon which to debate the solution to another political issue. Second, because the groups’ definitions of <justice> diverge at the individual/collective dichotomy, they likewise diverge in the commitments associated with <justice>. <Freedom of speech> questions also depend on whether it is an individual or collective right. If <justice> is collective, then the narrowing of <freedom of speech> for certain groups is warranted. If <justice> is individual, however, then <freedom of speech> must also be individual. Third, if <justice> can be achieved through the system as it currently stands, then <freedom of speech> as it has been defined within the system should also stand. But, if <justice> can only be accomplished by rejecting the system, then <freedom of speech>, insofar as it has participated in a corrupt system, is open to dismantling as well. Finally, if <justice> is based on a <marginalized> group identity that consists of racial and sexual identity

and specific beliefs and attitudes, then limiting the <freedom of speech> of those who are not <marginalized> is warranted by that <justice>.

Making <justice> the locus of the <freedom of speech> debate contributes significantly to the conflict and possible irreconcilability. The renegotiation of <justice> must occur somehow separately and yet simultaneously with that of <freedom of speech>. It should be recognized, however, that <freedom of speech> is likely prerequisite to any renegotiation of meaning within societies and so holds an “ultimate term” status that makes using any other term as synecdoche in this debate counterproductive. This contradiction reveals what Lee (2005) calls “political irony” (p. 321). It also highlights a regressive element to the <freedom of speech> debate in that it may be curtailed in the name of progress for <marginalized> groups, but the curtailment would ultimately harm those same groups if they were to be displaced from their <marginalized> status.

Why the Renegotiation of <Freedom of Speech>? McGee (1980) introduces the ideograph as “link between rhetoric and ideology,” meaning that political consciousness is created and maintained through the use of these terms which are “definitive of the society which we have inherited, they are *conditions* of the society into which each of us is born, material ideas which we must accept to ‘belong’” (pp. 1 & 9, emphasis in original). He conceives this political consciousness as a false ideology “as much an influence on the belief and behavior of the ruler as on the ruled” (p. 5). Under this definition, it is not obvious how the meanings of ideographs change, for if every member of a society is trapped in the ideograph’s false consciousness, how could the meanings evolve? Condit and Lucaites (1993) begin to answer this question when they define ideograph as a “culturally biased, abstract word or phrase, drawn from ordinary language, which...represent[s] in condensed form the normative, collective commitments of the members of a public” (p. xii). They continue:

To participate in a rhetorical culture one thus must pay allegiance to its ideographs, employing them in ways that audiences can judge to be reasonable. This does not mean, however, that rhetors need *necessarily* pay allegiance to any *particular* usage or interpretation of an ideograph in a particular context. (p. xiii)

Recognizing that such change does in fact occur within societies, these authors also altered the concept of ideology—from false consciousness to “the rhetorical process of public argumentation in which various groups...negotiate the problems...in the collective life of the community” (pp. xiv-xv)—to better reflect the process of evolution of terms evident in societies. Lee (2005) says that ideographic analysis is “interested in examining the discourse as a symptom of changes in ideology and, thus, public consciousness” (p. 319). These modifications in terminology occur as different ideographs move in and out of ascendancy in their substantive and regulative functions in a community (Lucaites, 1984). As we have seen, <freedom of speech> is in the middle of one of these renegotiation periods presently.

Lee (2005) sees changes in ideographs as symptomatic of changes in ideology and says that the cause of the changes in ideology are “beyond the scope of rhetorical analysis” (p. 319). It is certainly beyond the reach of one study to explain all the causes of any phenomenon, but to say that no causes can be explored seems too sweeping. At least one root cause for ideological change is embedded in McGee’s theory itself. He says that ideographs “have the capacity both to control ‘power’ and to influence (if not determine) the shape and texture of each individual’s reality” in other words, they entail certain actions or commitments (p. 5). It is this material component which interests McGee and those who have subsequently developed his theory. And it is this material component that, at least partially, generates change. For example, Lucaites and Condit (1990) show how the difference in material reality shaped the rhetorics of Martin Luther

King Jr. and Malcolm X. The disparity between a society's ideographic commitments and the reality of their execution is one cause for shifting ideographs and ideology.

One of these disparities has already been discussed in the context of "A Letter" and "More Specific." The authors of the latter point out the discrimination historically, and even currently, faced by <marginalized> groups. In part, their lack of access has caused them to change their ideology around the concept of <freedom of speech>, and thus their rhetoric. Similarly, the increasing incidence of intolerance between groups on the left caused the "A Letter" authors to reiterate their commitment to <open debate>. These aspects of the current renegotiation have been thoroughly discussed previously.

Another disparity is embedded in the postmodern worldview that questions the legitimacy of grand narratives to explain phenomena (Lyotard, 1984). Baker (1978) points out the problems this skepticism gives rise to with respect to <freedom of speech>, especially as it relates to the <marketplace of ideas>. In general, ideographs are representative of the grand narratives that form societies and as such are immediately suspect to the postmodernist. This suspicion is particularly detrimental to the renegotiation of <freedom of speech> because renegotiation *relies* on speech to happen. This conundrum is represented by the idea that <marginalized> groups want to curtail the speech of other groups because of their mistrust of the commitments entailed in <freedom of speech>, but that same curtailment may eventually be used against those same <marginalized> groups (or individuals therein) if they ever fall out of line with the definition of <marginalized>. This already happens when the cancelers subsequently become the canceled (see Robertson, 2021; Morris, 2021). Again, the "More Specific" writers go beyond the distrust of ultimate authority from the postmodern view as they advocate for the revolution of the system. The traditional conception of <freedom of speech> has relatively clear

boundaries between protected and unprotected speech. The new conception of <freedom of speech> based on <justice> for <marginalized> groups has no such clear boundaries, a worry that is prompting concern about cancel culture and what it means for society.

A final cause to be discussed in this study again returns to McGee (1980) and his assertion that an ideograph is “a high-order abstraction representing a collective commitment to a particular but equivocal and ill-defined normative goal” (p. 15). Of particular interest here is the qualifier “ill-defined.” This is a large part of McGee’s critical stance toward ideographic terms. He went so far as to suggest a theory and methodology for the thorough examination of the terms to be able to discover their materiality, to define them. His critique of ideographs as mere slogans is a valid one. It is a critique that Mill (1859) predicts in *On Liberty* when he says

However unwillingly a person who has a strong opinion may admit the possibility that his opinion may be false, he ought to be moved by the consideration that however true it may be, if it is not fully, frequently, and fearlessly discussed, it will be held as a dead dogma, not a living truth. (p. 64)

Perhaps because <freedom of speech> has not been challenged and well-defended in the eyes of at least the youngest two generations, it is seen as dead dogma, not living truth. The powerful who wish to gain the benefits of using ideographs without ever doing the difficult work of defending them against challenges, will eventually earn those ideas the label of slogan (McGee) or dogma (Mill). This is the late realization of the “A Letter” writers when they say, “if we won’t defend the very thing on which our work depends, we shouldn’t expect the public or the state to defend it for us” (para. 3). And it is this sloganistic aspect that the “More Specific” writers allude to when they assert the other writers “use seductive but nebulous concepts and coded language to obscure the actual meaning behind their words” (para. 6). Unfortunately, even the best ideas

become dead when they demand to go unchallenged, for it is challenge that revitalizes ideas. The value of the <marketplace of ideas> has gone unchallenged for too long and it appears to be merely a slogan to a society uneducated in the real, though never perfect, advantages of <freedom of speech> as it has been defined in the last 100 years. And this raises yet another contradiction: perhaps this current threat to <freedom of speech> will be the remedy that revivifies and ultimately saves it—if its defenders do not shy away from the challenge but face it boldly and with eloquence and with an acknowledgement of where and how they have failed to do so in the past. There is cause for hope.

Two Visions and Their Consequences. Again, when foundational, constitutive terms are undergoing renegotiation it bears scrutinizing the process of arriving at new meanings and the consequences those meanings carry. Such scrutiny is important because ambiguity can be used either innocently or strategically. In the case of much of public debate, it is used in both ways. When the public debate is over moral terms, as much ambiguity should be eliminated as can be, especially when the terms are used as organizing principles (Gess, 1999). (Like Gess asserts, “moral” in this context does not denote religious or Christian theology, but rather terms associated with something good and differentiated from something bad.) The resulting clarity allows for people to make the most informed decisions regarding the causes they support. Gess expresses this necessity clearly when speaking about ideographs involved in social movements and social change: “Each of these terms could represent something we believe in; each could also be a vehicle for social or political transformation that we disagree with emphatically” (p. 63). This concern about ambiguity was demonstrated in this study through the examination of <justice>. Since both groups used the same term, each group’s definition had to be discovered

and its consequences for <freedom of speech> extrapolated. Apprehensions over ambiguity lead to the reasons against using <justice> as a synecdoche in this debate.

The culmination of this analysis has been the elucidation of two conflicting visions of <freedom of speech> and its value in liberal society. So, what is to be done with the two visions? In the <marketplace of ideas> paradigm, they would now be discussed rationally with various parties arguing and defending each point. And, in the end, that is what the writers of “A Letter” and “More Specific” are doing with their editorials. Paradoxically, this discussion is occurring even while different parties to the discussion place varying values on the marketplace paradigm. And yet, what is the working alternative to the marketplace? How should a society go about negotiating “the problems of resource distribution in the collective life of the community” (Condit & Lucaites, 1993, p. xv)? Perhaps, just a doctrine handed down by some version of the <elite>, expected to be adopted without discussion? This seems a poor alternative. And while it seems the <marketplace of ideas> may simply be one facet of some grand narrative, it happens to be the facet that allowed for challenges to the grand narratives in the first place. In short, although imperfect, it has largely worked as a means of societal negotiation.

When Baker (1978) offers his critique of the <marketplace of ideas>, it rests on the disputed point that there is an objective truth that exists and is waiting for humans to discover as they wrangle in the marketplace. He clearly explains why this is a shaky foundation for guaranteeing <freedom of speech> but does not suggest that members of society should otherwise negotiate with one another. In fact, he argues that all speech that serves the purpose of “self-fulfillment and participation in change” (p. 991) should be protected, which protects more speech acts and expressive actions of the individual, not fewer. For the marketplace to work at

any level, there must be <freedom of speech>. And today, the <marketplace of ideas> is broader than ever.

If the <marketplace of ideas> has a location, the internet is that place. The internet has democratized the creation and dissemination of information. The two editorials were released on the internet and the public discussion surrounding them is happening there as well. The medium itself contributes to the renegotiation of <freedom of speech> as has been the case with other new communicative media and actions of the past such as radio, motion pictures, and even organized labor strikes. Each time a new medium ascends in cultural capital, <freedom of speech> is reexamined to see whether speech on that medium should also be protected. Seemingly, some today want to assert with the majority from *Mutual Film Corporation v. Industrial Commission* that a medium can be “too effective to be protected by a constitutional provision intended to protect methods of expression” (Gibson, 1986, p. 324). The “A Letter” authors write repeatedly in defense of the open marketplace and “democratic participation” (para. 3), while the “More Specific” authors are disturbed by the suggestion that “all viewpoints should be published,” especially those perceived as harmful to <marginalized> groups (para. 8). This argument highlights the anxiety of some over the internet because it affords all people and ideas—even bad ones—a voice at some level, even if not one of equal influence or prominence. The internet also blurs the lines between personal and political speech because people often use the internet to publish both simultaneously and interchangeably. This results in every post or tweet being scrutinized for political motives, even if the poster in question is or was a young teenager at the time the speech was published. When all speech is considered political, it is reacted to politically with public calls for penance and retribution, as if the average social media user were a public figure. This assumption and reaction also allow for speech to be greatly

curtailed on social media platforms. These issues show the importance of Baker's (1978) theory that speech should be protected based on its value to the individual, not its content, its reach, or its contribution (or lack thereof) to the public discourse. The historical commitments of <freedom of speech> are toward individuals' autonomy and ideas and have been trending more that way in recent history. The "More Specific" view of <freedom of speech> as tempered through their concept of <justice> for the <marginalized> is a departure from the American tradition.

This focus results in what "A Letter" authors describe as a narrowing of "the boundaries of what can be said without the threat of reprisal" (para. 2), or in other words a contraction of the culture of free speech. It is important that this discussion is being had in the culture because this contraction is coming largely by way of social tyranny, not governmental (Mill, 1859). For some, since this shrinking of free speech does not seem to materially affect the <elite>, then it should not be given credence as a problem, especially among the list of other problems facing society. And yet, as has been discussed, the effects on the average person's livelihood, reputation, and self-fulfillment can be substantial. In the end, curtailing <freedom of speech> affects worst those least able to fight against it. In addition, when society begins to devalue <freedom of speech> it facilitates greater restrictions imposed by governments, whether because they have the support of the people even for odious principles, or because they can use groups or corporations as proxies for diminished speech protections without seeming to transgress first amendment norms. There is some evidence that this encroachment is already happening (e.g., see Klar, 2021).

In the end, a choice must be made between the two visions, because at root they are irreconcilable, and in a single political union where two visions are so divergent, one vision must win out. An important step in this process is to not only hear arguments from all sides, but to

have the arguments analyzed and the ideographs and their attendant commitments explained as has been attempted in this study. Each editorial presents a moral vision with its own hierarchy of values. “A Letter” argues for <open debate> characterized by <democracy> and <tolerance> and supported by a <justice> that seeks to continue progress toward greater equality and inclusion without hasty and irreversible judgments that will end up harming the <public>, or those with the least <power>. “More Specific” argues for collective <justice> characterized by the reassignment of <power> from the <elites> to <marginalized> groups and by some loss of protection for individuals and ideas that might harm <marginalized> groups as it serves the goals of dismantling oppressive social systems and creating a more equitable society. The former vision seeks to diffuse <power> through the inclusion of many voices and discussion of many ideas about how to order society, while the latter vision seeks to use <power> to promote a certain idea of what society should be. Each letter sets up its vision in moral opposition to the other and each suggests a set of commitments that will affect all of society. It remains now for people to place themselves within each vision and decide which <justice> they consent to be a party to, and which, in good conscience, they could wield.

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Appendix 1

A Letter on Justice and Open Debate, July 7, 2020

Our cultural institutions are facing a moment of trial. Powerful protests for racial and social justice are leading to overdue demands for police reform, along with wider calls for greater equality and inclusion across our society, not least in higher education, journalism, philanthropy, and the arts. But this needed reckoning has also intensified a new set of moral attitudes and political commitments that tend to weaken our norms of open debate and toleration of differences in favor of ideological conformity. As we applaud the first development, we also raise our voices against the second. The forces of illiberalism are gaining strength throughout the world and have a powerful ally in Donald Trump, who represents a real threat to democracy. But resistance must not be allowed to harden into its own brand of dogma or coercion—which right-wing demagogues are already exploiting. The democratic inclusion we want can be achieved only if we speak out against the intolerant climate that has set in on all sides.

The free exchange of information and ideas, the lifeblood of a liberal society, is daily becoming more constricted. While we have come to expect this on the radical right, censoriousness is also spreading more widely in our culture: an intolerance of opposing views, a vogue for public shaming and ostracism, and the tendency to dissolve complex policy issues in a blinding moral certainty. We uphold the value of robust and even caustic counter-speech from all quarters. But it is now all too common to hear calls for swift and severe retribution in response to perceived transgressions of speech and thought. More troubling still, institutional leaders, in a spirit of panicked damage control, are delivering hasty and disproportionate punishments instead of considered reforms. Editors are fired for running controversial pieces; books are withdrawn for alleged inauthenticity; journalists are barred from writing on certain topics; professors are investigated for quoting works of literature in class; a researcher is fired for circulating a peer-reviewed academic study; and the heads of organizations are ousted for what are sometimes just clumsy mistakes. Whatever the arguments around each particular incident, the result has been to steadily narrow the boundaries of what can be said without the threat of reprisal. We are already paying the price in greater risk aversion among writers, artists, and journalists who fear for their livelihoods if they depart from the consensus, or even lack sufficient zeal in agreement.

This stifling atmosphere will ultimately harm the most vital causes of our time. The restriction of debate, whether by a repressive government or an intolerant society, invariably hurts those who lack power and makes everyone less capable of democratic participation. The way to defeat bad ideas is by exposure, argument, and persuasion, not by trying to silence or wish them away. We refuse any false choice between justice and freedom, which cannot exist without each other. As writers we need a culture that leaves us room for experimentation, risk taking, and even mistakes. We need to preserve the possibility of good-faith disagreement without dire professional consequences. If we won't defend the very thing on which our work depends, we shouldn't expect the public or the state to defend it for us.

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Paul Berman, writer
Sheri Berman, Barnard College
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Neil Blair, agent
David W. Blight, Yale University
Jennifer Finney Boylan, author
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David Brooks, columnist
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Ambassador Frances D. Cook, ret.
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Meghan Daum, writer
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Jeffrey Eugenides, writer
Dexter Filkins
Federico Finchelstein, The New School
Caitlin Flanagan
Richard T. Ford, Stanford Law School
Kmele Foster
David Frum, journalist
Francis Fukuyama, Stanford University
Atul Gawande, Harvard University
Todd Gitlin, Columbia University
Kim Ghattas
Malcolm Gladwell
Michelle Goldberg, columnist
Rebecca Goldstein, writer
Anthony Grafton, Princeton University
David Greenberg, Rutgers University
Linda Greenhouse
Rinne B. Groff, playwright
Sarah Haider, activist
Jonathan Haidt, NYU-Stern
Roya Hakakian, writer

Shadi Hamid, Brookings Institution
Jeet Heer, The Nation
Katie Herzog, podcast host
Susannah Heschel, Dartmouth College
Adam Hochschild, author
Arlie Russell Hochschild, author
Eva Hoffman, writer
Coleman Hughes, writer/Manhattan Institute
Hussein Ibish, Arab Gulf States Institute
Michael Ignatieff
Zaid Jilani, journalist
Bill T. Jones, New York Live Arts
Wendy Kaminer, writer
Matthew Karp, Princeton University
Garry Kasparov, Renew Democracy Initiative
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Joy Ladin, Yeshiva University
Nicholas Lemann, Columbia University
Mark Lilla, Columbia University
Susie Linfield, New York University
Damon Linker, writer
Dahlia Lithwick, Slate
Steven Lukes, New York University
John R. MacArthur, publisher, writer
Susan Madrak, writer
Phoebe Maltz Bovy, writer
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Kati Marton, author
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Andrew Moravcsik, Princeton University
Yascha Mounk, Persuasion
Samuel Moyn, Yale University
Meera Nanda, writer and teacher
Cary Nelson, University of Illinois at Urbana-Champaign
Olivia Nuzzi, New York Magazine

Mark Oppenheimer, Yale University
Dael Orlandersmith, writer/performer
George Packer
Nell Irvin Painter, Princeton University (emerita)
Greg Pardlo, Rutgers University – Camden
Orlando Patterson, Harvard University
Steven Pinker, Harvard University
Letty Cottin Pogrebin
Katha Pollitt, writer
Claire Bond Potter, The New School
Taufiq Rahim
Zia Haider Rahman, writer
Jennifer Ratner-Rosenhagen, University of Wisconsin
Jonathan Rauch, Brookings Institution/The Atlantic
Neil Roberts, political theorist
Melvin Rogers, Brown University
Kat Rosenfield, writer
Loretta J. Ross, Smith College
J.K. Rowling
Salman Rushdie, New York University
Karim Sadjadpour, Carnegie Endowment
Daryl Michael Scott, Howard University
Diana Senechal, teacher and writer
Jennifer Senior, columnist
Judith Shulevitz, writer
Jesse Singal, journalist
Anne-Marie Slaughter
Andrew Solomon, writer
Deborah Solomon, critic and biographer
Allison Stanger, Middlebury College
Paul Starr, American Prospect/Princeton University
Wendell Steavenson, writer
Gloria Steinem, writer and activist
Nadine Strossen, New York Law School
Ronald S. Sullivan Jr., Harvard Law School
Kian Tajbakhsh, Columbia University
Zephyr Teachout, Fordham University
Cynthia Tucker, University of South Alabama
Adaner Usmani, Harvard University
Chloe Valdary
Helen Vendler, Harvard University
Judy B. Walzer
Michael Walzer
Eric K. Washington, historian
Caroline Weber, historian
Randi Weingarten, American Federation of Teachers

Bari Weiss
Cornel West
Sean Wilentz, Princeton University
Garry Wills
Thomas Chatterton Williams, writer
Robert F. Worth, journalist and author
Molly Worthen, University of North Carolina at Chapel Hill
Matthew Yglesias
Emily Yoffe, journalist
Cathy Young, journalist
Fareed Zakaria

Appendix 2

A More Specific Letter on Justice and Open Debate, July 10, 2020

On Tuesday, 153 of the most prominent journalists, authors, and writers, including J. K. Rowling, Malcolm Gladwell, and David Brooks, published an open call for civility in Harper's Magazine. They write, in the pages of a prominent magazine that's infamous for being anti-union, not paying its interns, and firing editors over editorial disagreements with the publisher: "The free exchange of information and ideas, the lifeblood of a liberal society, is daily becoming more constricted."

The signatories, many of them white, wealthy, and endowed with massive platforms, argue that they are afraid of being silenced, that so-called cancel culture is out of control, and that they fear for their jobs and free exchange of ideas, even as they speak from one of the most prestigious magazines in the country.

The letter was spearheaded by Thomas Chatterton Williams, a Black writer who believes "that racism at once persists and is also capable of being transcended—especially at the interpersonal level." Since the letter was published, some commentators have used Williams's presence and the presence of other non-white writers to argue that the letter presents a selection of diverse voices. But they miss the point: the irony of the piece is that nowhere in it do the signatories mention how marginalized voices have been silenced for generations in journalism, academia, and publishing.

Some of the problems they bring up are real and concerning — for example, they seem to be referencing a researcher being fired for sharing a study on Twitter. But they are not trends — at least not in the way that the signatories suggest. In reality, their argument alludes to but does not clearly lay out specific examples, and undermines the very cause they have appointed themselves to uphold. In truth, Black, brown, and LGBTQ+ people — particularly Black and trans people — can now critique elites publicly and hold them accountable socially; this seems to be the letter's greatest concern. What's perhaps even more grating to many of the signatories is that a critique of their long held views is persuasive.

The content of the letter also does not deal with the problem of power: who has it and who does not. Harper's is a prestigious institution, backed by money and influence. Harper's has decided to bestow its platform not to marginalized people but to people who already have large followings and plenty of opportunities to make their views heard. Ironically, these influential people then use that platform to complain that they're being silenced. Many of the signatories have coworkers in their own newsrooms who are deeply concerned with the letter, some who feel comfortable speaking out and others who do not.

The letter reads as a caustic reaction to a diversifying industry — one that's starting to challenge institutional norms that have protected bigotry. The writers of the letter use seductive but nebulous concepts and coded language to obscure the actual meaning behind their words, in what seems like an attempt to control and derail the ongoing debate about who gets to have a platform. They are afforded the type of cultural capital from social media that institutions like Harper's

have traditionally conferred to mostly white, cisgender people. Their words reflect a stubbornness to let go of the elitism that still pervades the media industry, an unwillingness to dismantle systems that keep people like them in and the rest of us out.

The Harper's letter cites six nonspecific examples to justify their argument. It's possible to guess what incidents the signatories might be referring to, and it's likely that if they listed specific examples, most wouldn't hold water. But the instances they reference are not part of a new trend at all, as we explain below.

1. Editors are fired for running controversial pieces?

When the signatories claim that “editors are fired for running controversial pieces,” they seem to be arguing it's a problem that James Bennet, the former Opinion editor of the New York Times, was fired. In reality, Bennet resigned because Black staffers risked their jobs to publicly point out that Bennet had signed off on an opinion piece that called for the use of the nation's military against its own citizenry for exercising their First Amendment rights. Bennet first defended the piece, then admitted to not reading it before publication. The Times itself admitted that the piece was not up to its own editorial standards and its publisher said in a letter to staff that the piece was emblematic of a “significant breakdown” in the editing process. The signatories of the letter seem to be suggesting that all viewpoints should be published in opinion pages, with no limits on what those viewpoints might be. They never tell us why opinion pages, like the ones in the New York Times, shouldn't publish opinion pieces by flat-earthers or explicit calls for violence. The answer is simple: Newspapers have editorial judgment and set the tone for what is published in their opinion pages. The Times chose to solicit and amplify a perspective from a senator, and backlash ensued, which is similar to what's happening in the Harper's letter — prominent people with huge platforms complaining they don't have enough latitude to share their views. A large number of Black, brown, and trans editors don't wield the same kind of power as white editors, because most newsrooms are already led by a primarily white and male workforce.

2. Books are withdrawn for alleged inauthenticity?

The signatories claim that “books are withdrawn for alleged inauthenticity.” This could be a reference to *American Dirt*, a book by Jeanine Cummins — a non-Mexican white woman who recently began identifying as Puerto Rican — about a Mexican bookseller, which was roundly criticized by Latinx writers and authors like Myriam Gurba and Los Angeles Times writer Esmeralda Bermudez. That book was featured as a part of Oprah's Book Club, despite the fact that Latinx journalists like Bermudez said the story was a far cry from real-life immigrant experiences. It could also be a reference to *A Propos of Nothing*, Woody Allen's book that was dropped by Hachette, a major publisher, after employees protested Allen's history of sexual assault allegations. The book was later picked up by a different publisher.

Manuscripts for books written by nonwhite authors are not given such leniency. A recent Twitter hashtag highlighted that even when Black and brown authors do have book deals, they are not compensated at anywhere close to the same rates as their white colleagues. Additionally, the top ten banned young adult books in 2019 are ones that feature trans main characters, as journalist Katelyn Burns has pointed out. Rainbow Rowell, who wrote a book widely decried by Asian American book critics for its inaccurate portrayal of Korean culture, is now having that book adapted into a movie — with a Japanese director.

3. Journalists are barred from writing on certain topics?

The signatories claim that “journalists are barred from writing on certain topics.” Here, they could be talking about how just last month, at the Pittsburgh Post-Gazette, a Black journalist was told she could not cover protests because she was biased because of one tweet on protests. But if this is the example they are referencing, then they misunderstand the situation entirely. Alexis Johnson’s situation is not unique, nor is it a new phenomenon for a Black writer to be silenced by her editors. Black and brown journalists have been barred from writing on certain topics because of our perceived lack of “objectivity” for decades.

4. Professors are investigated for quoting works of literature in class?

The signatories claim that “professors are investigated for quoting works of literature in class.” This could be a reference to Laurie Sheck, a New School Professor, who said the N-word when referencing a James Baldwin piece in class. Yet, she is still employed and has classes listed for spring 2021. A similar incident occurred with Princeton professor Lawrence Rosen, whom Princeton defended. He ended up canceling the class, but he was backed by his institution. Black, brown, and trans professors have been harassed by conservative websites, threatened, and had careers ruined for speaking about our own experiences or confronting systemic racism.

5. A researcher fired for circulating a peer-reviewed academic study?

The signatories claim that a researcher was “fired for circulating a peer-reviewed academic study.” This is likely about David Shor, who tweeted a summary of an academic paper by Professor Omar Wasow and was then fired from his job at Civis Analytics, a nonpartisan, nonprofit research firm. It could very well be true that Shor was fired for posting the study. The facts of the situation are unclear and the company has said it will not comment on personnel matters. If Shor was fired simply for posting an academic article, that is indefensible, and anomalous.

6. The heads of organizations are ousted for what are sometimes just clumsy mistakes?

The signatories claim that “the heads of organizations are ousted for what are sometimes just clumsy mistakes.” This is so vague that it seems hard to pick out a specific example, although in New York Times coverage of the Harper’s letter, Williams cites resignations at the National Books Critics Circle and the Poetry Foundation. The Poetry Foundation’s president and board chair resigned after prominent Black poets criticized its recent four-sentence Black Lives Matter statement, writing that the organization had failed to tangibly support marginalized communities. The board of the National Book Critics Circle was not removed, but resigned after a former president made the racist suggestion that he had seen “far more of white people helping black writers than of black people helping white writers.”

It could also be about Bon Appétit editor in chief Adam Rapoport, who was pushed to step down after a writer shared a photo of Rapoport in brownface — in a racist Halloween costume as a Puerto Rican — and accusations of creating a toxic work culture by underpaying BIPOC staff. It could also be a reference to the resignation of the CEO of CrossFit or to several CEOs of fashion and lifestyle companies who stepped down after reckonings with racism in their workplaces. The vagueness of the letter confers protection from criticism most especially in this section. You can read a specific list of examples here. None of the CEOs who stepped down made “clumsy

mistakes”; many of them were deeply involved in creating racist and exploitative work environments that are just now being unveiled after years in which they collected paychecks and acclaim.

Not only is there no significant evidence of inappropriate censure linking these instances, it’s unclear what examples the authors, some of whom are considered writing icons, are even drawing from to make their point. Exactly as Osita Nwanevu wrote recently in the *New Republic*: “Viral stories and anecdotes that people focused on the major issues of our day might consider marginal are, for [Bari] Weiss and her ideological peers, the central crises of contemporary politics.”

What the signatories are describing are things that have happened to journalists, academics, and authors marginalized by their respective industries for years — just not in the ways the signatories want to highlight. The problem they are describing is for the most part a rare one for privileged writers, but it is constant for the voices that have been most often shut out of the room. When Black and brown writers are hired by prominent media institutes, NDAs and social media policies are used to prevent them from talking about toxic workplace experiences.

The letter talks about none of this.

While the Harper’s letter is couched in the events of the last few weeks, it doesn’t exist in a vacuum. It is actively informed by the actions of its writers, many of whom have championed the free market of ideas, but actively ensured that it is free only for them. It’s ironic that the letter gives highly sought-out space to some of the most well-paid and visible people in media, academia, and publishing. These are the same people who possess the money and prestige to have their ideas shared in just about any elite publication, outlet, or journal. There will always be a place for them to have their voices heard. Some even started yet another publication last week. Most writers and journalists from backgrounds historically left out of the industry are not in the same position.

We recognize a few of the signatories of the Harper’s letter have been advocates of the issues that concern us here, which is, in part, the root of our hurt and dismay. Yet, everyone who signed the letter has reinforced the actions and beliefs of its most prominent signatories, some of whom have gone out of their way to harass trans writers or pedantically criticize Black writers.

In fact, a number of the signatories have made a point of punishing people who have spoken out against them, including Bari Weiss (who made a name for herself as a Columbia University undergrad by harassing and infringing upon the speech of professors she considered to be anti-Israel, and later attempted to shame multiple media outlets into firing freelance journalist Erin Biba for her tweets), Katha Pollitt (whose transphobic rhetoric has extended to trying to deny trans journalists access to professional networking tools), Emily Yoffe (who has spoken out against sexual-assault survivors expressing their free speech rights), Anne-Marie Slaughter (who terminated her Google-funded organization’s partnership with a Google critic), and Cary Nelson (whose support of free speech, apparently, does not extend to everyone) — just to name a few. What gives them the right to use their platforms to harass others into silence, especially writers

with smaller platforms and less institutional support, while preaching that silencing writers is a problem?

Rowling, one of the signers, has spouted transphobic and transmisogynist rhetoric, mocking the idea that trans men could exist, and likening transition-related medical care such as hormone replacement therapy to conversion therapy. She directly interacts with fans on Twitter, publishes letters littered with transphobic rhetoric, and gets away with platforming violent anti-trans speakers to her 14 million followers.

Jesse Singal, another signer, is a cis man infamous for advancing his career by writing derogatorily about trans issues. In 2018, Singal had a cover story in *The Atlantic* expressing skepticism about the benefits of gender-affirming care for trans youth. No trans writer has been afforded the same space. Singal often faces and dismisses criticism from trans people, but he has a much larger platform than any trans journalist. In fact, a 2018 Jezebel report found that Singal was part of a closed Google listserv of more than 400 left-leaning media elites who praised his work, with not a single out trans person in the group. He also has an antagonistic history with trans journalists, academics, and other writers, dedicating many Medium posts to attempting to refute or discredit their claims and reputations.

It's also clear that the organizers of the letter did not communicate clearly and honestly with all the signatories. One invited professor, who did not sign the Harper's letter, said that he was asked to sign a letter "arguing for bolder, more meaningful efforts at racial and gender inclusion in journalism, academia, and the arts." The letter in its final form fails to make this argument at all. Another of the signers, author and professor Jennifer Finney Boylan, who is also a trans woman, said on Twitter that she did not know who else had signed it until it was published. Another signatory, Lucia Martinez Valdivia, said in a Medium post: "When I asked to know who the other signatories were, the names I was shown were those of people of color from all over the political spectrum, and not those of people who have taken gender-critical or trans-exclusionary positions."

Under the guise of free speech and free exchange of ideas, the letter appears to be asking for unrestricted freedom to espouse their points of view free from consequence or criticism. There are only so many outlets, and while these individuals have the ability to write in them, they have no intention of sharing that space or acknowledging their role in perpetuating a culture of fear and silence among writers who, for the most part, do not look like the majority of the signatories. When they demand debates, it is on their terms, on their turf.

The signatories call for a refusal of "any false choice between justice and freedom." It seems at best obtuse and inappropriate, and at worst actively racist, to mention the ongoing protests calling for policing reform and abolition and then proceed to argue that it is the signatories who are "paying the price in greater risk aversion." It's particularly insulting that they've chosen now, a time marked by, as they describe, "powerful protests for racial and social justice," to detract from the public conversation about who gets to have a platform.

It is impossible to see how these signatories are contributing to "the most vital causes of our time" during this moment of widespread reckoning with oppressive social systems. Their letter

seeks to uphold a “stifling atmosphere” and prioritizes signal-blasting their discomfort in the face of valid criticism. The intellectual freedom of cis white intellectuals has never been under threat en masse, especially when compared to how writers from marginalized groups have been treated for generations. In fact, they have never faced serious consequences — only momentary discomfort.

About this letter

This letter was a group effort, started by journalists of color with contributions from the larger journalism, academic, and publishing community. While a few of us organized the writing process, our role was to facilitate the group’s voice, not set the content or direction.

Contributions were seen by all the collaborators and accepted through consensus. There is no particular order to this list of signatories, nor did any one person do the bulk of the work in writing the letter.

Many signatories on our list noted their institutional affiliation but not their name, fearful of professional retaliation. It is a sad fact, and in part why we wrote the letter.

Signed

Unsigned/NDA, Journalism, NBC News
Brooke Binkowski, Journalism
Jonathan Dresner, Ph.D., Academia, Pittsburg State University, Kansas
Aída Chávez, Journalism, The Intercept
Joseph Hernandez, Journalism, Bon Appétit
Ev Crunden, Journalism
Stacia Ryder, Academia
Holly Piepenburg, Journalism
Shannon Clark, Academia, American University
Unsigned/NDA, Journalism, NBC News
Alan Henry, Journalism
Michael Waters, Journalism, Freelance
Dawn Rhodes, Journalism, Block Club Chicago
Sydette Harry, Research/Freelance, USC
Arionne Nettles, Academia, Northwestern University
Andrea González-Ramírez, Journalism, GEN
Solomon Gustavo, Journalism, MinnPost
Tommy Christopher, Journalism, Mediaite
Unsigned, Journalism
Alex Zaragoza, Journalism, VICE Media
Adriana Heldiz, Journalism, Voice of San Diego
Wil Williams, Journalism, Podcast Problems LLC
Rosalie Chan, Journalism
Janelle Salanga, Journalism
Gabe Schneider, Journalism, MinnPost
Joseph Hankins, Academia, University of California, San Diego
Unsigned/NDA, Journalism, Verizon Media

Jasmine Snow, Journalism, Minnesota Daily
Karen Attiah, Journalism
Shoshana Wodinsky, Journalism, Gizmodo
Joan Summers, Journalism, Jezebel
Marina Fang, Journalism, HuffPost
Tauhid Chappell, Journalism, Free Press
Mel Plaut, Author
Nicholas Trevino, Government Oversight
Naoko Shibusawa, Academia, Brown University
Jack Herrera, Journalism, Freelance Reporter
Carlos Maza, Journalism, Freelance
Azucena Rasilla, Journalism
Malaika Jabali, Journalism
Marzena Zukowska, Nonprofit, Radical Communicators Network / freelance writer
Mutale Nkonde, Journalism
Melissa Martin, Filmmaker/Academic, Freelance/Carnegie Mellon University
Mahsa Alimardani, Academia
Chia-Yi Hou, Journalism, The Hill
Joshua Eaton, Journalism, Freelance Investigative Reporter
Unsigned/NDA, Journalism, E.W. Scripps
Sarah Weinman, Author
Jessica Schulberg, Journalism, HuffPost
Sarah J. Jackson, Academia, University of Pennsylvania
Tim Barribeau, Journalism, Wirecutter
Vasuki Nesiah, Academia, NYU
Kimber Streams, Journalism
Unsigned/NDA, Journalism, Public Radio
Sarah Jones, Journalism, New York Magazine
Alyza Enriquez, Journalism, VICE
Unsigned, Journalism, The Hill
Siobhán McGuirk, Journalism, Red Pepper magazine (UK)
Elon Green, Journalism, Freelance
Razzan Nakhlawi, Journalism
Brandy N. Carie, Theatre & Film, Freelance Writer & Director
Pravin Wilkins, Playwright, City Books Writer-in-Residence
Unsigned/NDA, Journalism, Wirecutter
Laura Wagner, Journalism, VICE
Joseph Hefner, Writer/Filmmaker/Stage Director, Freelance
Chelsea Cirruzzo, Journalism
Janet Towle, Author
Jaz Twersky, Podcaster
Cassius Adair, Academia and Journalism, NYU Media Culture and Communication + Freelance
Princess Ojiaku, Journalism / Civic Tech
Unsigned/NDA, NPR
Nick Guy, Journalism

Chanda Prescod-Weinstein, Academia, University of New Hampshire
Unsigned/NDA, Journalism, New York Times
Sasha Costanza-Chock, Academia, Massachusetts Institute of Technology
Wendy Lu, Journalism, HuffPost
Unsigned, Academia, NYU
Ryan Mac, Journalism
Lucy Diavolo, Journalism, Teen Vogue
Lyz Lenz, Author, The Cedar Rapids Gazette
Unsigned/NDA, Colorado Public Radio News
Lisa Nakamura, Academia
Lizz Huerta, Author
Smitha Khorana, Journalism
Miho Watabe, Archivism
Ben Schaefer, Academia, University of Illinois at Chicago
Callie Wright, Journalism
Tris Mamone, Journalism, Freelance Writer
Dawn Ennis, Journalism, Outsports
Akela Lacy, Journalism, The Intercept
Alexander Lee, Publishing, W.W. Norton & Company
Unsigned, Screenwriter
Angela Misri, Journalism
Minnah Zaheer, Journalism
Cordelia Yu, Civic tech, Corgi & Bun
Maya Srikrishnan, Journalism, Voice of San Diego
Unsigned/NDA, Journalism, The New York Times
Kameron Burns, Journalism, WIRED
Adrienne Shih, Journalism
Carrie Gillon, Alt-ac, Freelance
Daniel Varghese, Journalism, GQ
Adrienne Mahsa Varkiani, Journalism
Shelby Weldon, Journalism, Outsports
Sarah Ruiz-Grossman, Journalism, HuffPost
Gaby Del Valle, Journalism, Freelance Writer
Kristine White, Journalism, Freelance Writer
Marlee Baldridge, Academia, University of Missouri
Unsigned/NDA, Journalism, Slate Magazine
Michael Izquierdo, Journalism, Freelancer
Izz LaMagdeleine, Journalism, Freelance
Ella Chen, Journalism, The Triton/UCSD
Talia Lavin, Journalism, Freelancer
Ethan Edward Coston, Journalism
Unsigned/NDA, Journalism, POLITICO
Kelsey D. Atherton, Journalism, Freelance writer
Unsigned, Journalism, Public Media
Amal Ahmed, Journalism, Texas Observer

Siri Chilukuri, Journalism, Block Club Chicago
Dylan Miettinen, Journalism, The Minnesota Daily
Unsigned/NDA, Journalism, The New York Times
Ashley Feinberg, Journalism
Julia Llinas Goodman, Journalism
Jacob Sutherland, Journalism, Catalyst.cm
Lilly Irani, Academia, UC San Diego
NDA, Journalism, The Hill
Unsigned/NDA, Journalism, McClatchy
Paula Chakravartty, Academia, NYU
Robert Mejia, Academia, North Dakota State University
Unassigned/NDA, Journalism, Wirecutter
Thom Dunn, Journalism, BoingBoing
Anna Merlan, Journalism
Hunter Boone, Journalism, Wirecutter/NYT
Tanvi Misra, Journalism
Zachary Clein, Entertainment (Theatre/Film/TV), Freelance writer
Maxwell Strachan, Journalism
Julie Owono, NGO
Unsigned/NDA, Journalism, NPR
Marie Cruz Soto, Academia, NYU
Unsigned/NDA, Journalism, NPR
Ariana Wilson, Journalism, Freelance
Myra Washington, Academia, University of Utah
Sameena Mustafa, Journalism, Hand Her the Mic LLC
Edward Ongweso JR, Journalism Motherboard, VICE Media
Nicole Cooke, Academia, University of South Carolina
Kerri Greenidge, Academia
Noah Berlatsky, Journalism, Freelance writer
Peter Odell Campbell, Academia, University of Pittsburgh
Thomas Wilburn, Journalism, NPR
Minh-Ha T. Pham, Academia, Graduate Program in Media Studies, Pratt Institute
Ritty Lukose, Academia, New York University
Unsigned, Journalism, Condé Nast
P. Claire Dodson, Journalism, Teen Vogue
Khemani Gibson, Academia, New York University
Bridget Read, Journalism, New York Magazine
Shamira Ibrahim, Journalism, Freelance Writer
Tiffany Bui, Journalism, The Minnesota Daily
Aria Velasquez, Journalism
Unsigned, Academia, University of Illinois, Urbana-Champaign
Naseem Jamnia, Academia/Freelance Writer, University of Nevada
Anjali Vats, Academia, Boston College
Jordan Coley, Journalism
Joshua Lyon, Author

Kerry Jo Green, Academia, Brandeis University