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**Is the concept of “cancel culture” a legitimate way to hold individuals accountable,
or does it stifle free expression and promote intolerance?**

What is “cancel culture”? The word is most often used by rightwing influencers or politicians to criticize strong responses to their statements and behavior (Hobbes and Marshall). Yet it is important to recognize that each instance of cancellation contains both a series of public claims about someone’s behavior, identity, or statements; and, potentially, public punishment. Consider Justine Sacco, a 30-year-old senior director of corporate communications at IAC, who posted a brief, ill-advised tweet to her 170 followers before a flight (Ronson 52). She was accused by others of racism. A punishment then followed - she was stalked (online and offline), her employer was encouraged to (and eventually did) fire her.

Were these accusations right? Was the punishment appropriate? In this essay, I analyze the case of Xianzi in China, and Justine Sacco in the USA. I argue that this distinction is important, because making these claims publicly is an important part of social critique, especially after other avenues have been exhausted. However, punishing people on the basis of these allegations, without due process, is not legitimate. I then consider whether it would be feasible or preferable for the government to intervene.

Public Claims

In 2018, Xianzi posted a long article on her WeChat Moments. The article alleged that in 2014, as a 21-year-old intern at Chinese state broadcaster CCTV, she was sexually harassed by Zhu Jun, a popular presenter, “for about 50 minutes despite her attempts to block him” in a dressing room (Feng and Wong). This incident was then reposted on Weibo by one of her friends. A public outcry, on behalf of both her and the broadcaster, followed.

Was Xianzi wrong to make this allegation publicly? No. Xianzi, like many others who make these kinds of claims publicly, did so because the institutions (the state broadcaster, the

police) that might have intervened had failed her. Xianzi had gone to the police the day after the alleged assault. They declined to prosecute her case. The police claimed that this was because there was insufficient and inconclusive evidence (Wu). This is often the case with sexual harassment, where claims are likely to rely on the testimony of one party against another.

What should people to whom this happens do? Accept this? The online support Xianzi received helped her to file a case for ‘violation of personality rights’ against Zhu (Wu). Zhu was also removed from his public role at CCTV. Yet the case took on a significance that went far beyond the individuals involved. In publicizing her accusations, Xianzi engaged in social critique. Her accusations pointed to the broader difficulty of pursuing people for sexual harassment in China, at a critical moment in China’s #MeToo movement. In 2020 the Civil Code was revised to explicitly address this (Wang 3). Her accusations also highlighted the failures of CCTV in declining to fire him or investigate his behavior. While belated, she also potentially sought to prevent further harm to other vulnerable interns. Social critique and the prevention of further harm are clearly important goals of free expression.

Moreover, Xianzi’s actions were legitimate because she could be held legally liable for making false allegations using civil law. Indeed, she was. In 2018, Zhu sued Xianzi and the friend who had shared the article on Weibo for damaging his reputation (Feng and Wong). Xianzi’s punishment was not limited to this lawsuit. Like Zhu, she was also harassed online and in public.

Would this claim have been equally acceptable if Xianzi had not first attempted to contact the police or the CCTV? There may be special reasons why people are afraid of or feel they cannot go through institutional channels first, including fear of reprisal, or urgent broader critiques. Yet, in general, in functioning states, making allegations of this kind publicly should generally follow from a failed or slowed institutional attempt.

Repeating the Claims of Others

I have so far argued that making allegations publicly can be an important part of free expression and even the improvement of society when done by the people directly concerned. But what about those who repeat these allegations? What of Xianzi's friend, or the commenters who shared and retweeted the claims that Justine Sacco was a racist?

Perhaps we can reframe the question as follows - when should we believe the claims of others? Clifford argues that, as individuals, our beliefs are not to be judged as right or wrong because of their consequences. Instead, we have an obligation to seek the truth. We should therefore only believe when we have sufficient evidence to do so and should investigate when we do not. For Clifford this obligation is fundamental to the development of human society and knowledge. Clifford addresses his argument to us as individuals, rather than seeking to impose this as law.

Should we believe the testimony of others? Clifford explicitly addresses this, arguing "we may believe the statement of another person, when there is reasonable ground for supposing that he knows the matter of which he speaks, and that he is speaking the truth so far as he knows it (10)." Might this apply to Xianzi? Or Zhu Jun? Both are likely to have full knowledge of the incident. Their incentives to tell the truth are more complex. Xianzi might be pursuing fame, or we might decide that it is so unpleasant to come forward with these allegations that she must be telling the truth. Zhu's incentives were also unclear. There were few additional witnesses and there had been multiple claims (including Xianzi's) that pressure was brought to bear on the case. Perhaps if more people were to accuse Zhu of similar incidents, as Xianzi claimed they had done privately, then, taken together, their testimony might seem more credible, although it is not clear to what extent this should make any specific instance more likely. Our obligation here would seem to be to investigate and withhold having a belief about the case until we have done so. It would be morally wrong to repeat this claim if that entailed suggesting it was true.

Given that there is limited additional evidence publicly available, it seems unlikely that most, if any, of the people repeating Xianzi's claims would have sufficient direct evidence of the

claim to believe. This does not just apply to Xianzi's case. Justine Sacco's tweet ('the evidence') was publicly available, as was a record of her tweets. While this would be sufficient evidence for a claim of the following type: Justine Sacco made a tweet that could be construed as racist; it is less than clear that it is sufficient evidence to claim that Justine Sacco *is* racist. This second kind of claim requires more evidence than is likely to be publicly available, especially for thousands of people who have never met her. We would therefore again have an obligation to withhold having a belief (and reposting).

One counter argument might be to claim that repeating a claim is only amplification. Reposting Xianzi's claims about Zhu could be a way of ensuring that more people see it, without commenting on its truth. This kind of amplification might only be equivalent to saying that it is appropriate or even necessary that this claim or the broader questions it raises be discussed in public. If we want to have a society in which public opinion is formed through evidence and rational argument outside government, as Habermas argues in his discussion of the public sphere, then these cases might prove important in understanding contemporary issues. Indeed, Xianzi's case was used by many to reflect on the #MeToo movement and the position of women in China. However, it is likely to be unusual that those who repost these claims successfully withhold judgment on the truth. Presumably, it would be detrimental to a #MeToo movement if Xianzi's claims were to prove false, as the Court found (Wu), and thus one would only republicize them if they believed they were true.

Of course, most repetitions of the initial allegation do not stop at amplifying. After Justine Sacco posted her tweet, people online sent mean tweets such as: "How did @JustineSacco get a PR job?! Her level of racist ignorance belongs on Fox News. #AIDS can affect anyone!" "I'm an IAC employee and I don't want @JustineSacco doing any communications on our behalf ever again. Ever." (Ronson 53) These tweets are not just repetitions of the initial claim. They include requests for punishment, with the latter suggesting that Justine Sacco should be fired by IAC. Ronson even argues that they are a form of

punishment in and of themselves. Public knowledge of the accusation has followed Justine Sacco around. She feels unable to date or find a new job because she knows that other people will see her as the person from that incident. Does the person tweeting the first tweet know Justine Sacco well enough to assess “her level of racist ignorance”? These retweeters clearly do not meet the standards Clifford suggests for holding the related belief.

Punishing People Properly

To establish whether or not Justine Sacco is racist (and the extent to which this ought to affect her employment), or whether Zhu sexually harassed Xianzi, requires the collection and impartial assessment of evidence. To decide on an appropriate punishment requires reviewing comparable cases and reflecting on the purpose of that punishment. This could take place at IAC in Justine Sacco’s case, or through the police and the legal system in Xianzi’s case. Free expression should not mean that there are no consequences for what we say, but that the consequences are the product of a thorough impartial review. It is conceivable that, after thorough investigation, warning, or perhaps even firing Justine Sacco might have been a proportionate response - after all, the premise of her holding a job in communications was that she was good at communications. This thorough investigation does not seem to have happened. Justine Sacco tweeted on a Friday before her flight to South Africa for vacation. On Saturday she had been fired by IAC for ‘hateful statements’ (Pilkington).

So, what should we do about the people who attempt to cancel others, outside of this process? Some already are punished. Xianzi was sued by Zhu and lost her claim. She was harassed online repeatedly for her blog post. These kinds of defamation lawsuits are normally brought by individuals rather than the state. If the state were to attempt to enforce this on free speech it would be an enormous task, and this represents the same kind of presumption of infallibility that J.S. Mill warns us against (18).

What about those not directly involved who amplify or repeat or seek punishment?

Clearly, these people do not seem to think it is important to only believe what they have sufficient evidence for. Indeed, it has become quite common for people to say or believe things online without concrete evidence, perhaps because they believe that they will be anonymous or that it does not matter. Only one of the people who shared Xianzi's posts was sued by Zhu (Au). Given the thousands of people who likely participated in this instance of public shaming, it would likely prove extremely difficult for the state to pursue them individually and might scare others into not expressing their opinion more generally.

Conclusion

Is cancel culture legitimate? I have argued that people making claims about the things that directly involve them online can be an important part of social critique. They are responsible for these claims and can be held accountable for them by individuals through the law. It is therefore an important and legitimate part of free expression. Those who repeat these claims, or call for punishment because of these claims, are likely to be morally wrong, given that they hold beliefs for which they have insufficient evidence. Yet punishing them is at best infeasible and at worst would constitute governmental erosion of free speech.

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