

# Rhetoric of Silence in American Studies

## Retoryka ciszy - perspektywa amerykańistyczna

7 (4) 2020 EDITORS: KATARZYNA MOLEK-KOZAKOWSKA, KLARA SZMAŃKO

**ANETA DYBSKA**

INSTITUTE OF ENGLISH STUDIES, UNIVERSITY OF WARSAW

<https://orcid.org/0000-0002-5239-713X>

[adybska@uw.edu.pl](mailto:adybska@uw.edu.pl)

### Silencing Speech: New American Free Speech Debates

#### Wyciszenie mowy: nowe amerykańskie debaty o wolności słowa

#### Abstract

This article investigates the discursive production of “the silent majority” as a collective subject of Right-wing politics in the context of free speech controversies on U.S. college campuses. The discussion that follows examines the way the populist rhetoric, reified in the speech/silence dichotomy, focalizes partisan dissent and resentment and seeks to restore the nation’s past glory that was allegedly lost to political correctness and identity politics.

Artykuł poświęcony jest retoryce populizmu w kontekście bieżących debat dotyczących wolności słowa na amerykańskich uniwersytetach. W szczególności dotyczy on dyskursywnej produkcji zbiorowego podmiotu politycznego zwanego „milczącą większością” (*silent majority*), którego istnienie zasadza się na dychotomii mowy i milczenia. Artykuł analizuje, w jaki sposób retrotopiczne przywołanie świetności narodu amerykańskiego ogniskuje niezgodę i oburzenie na politykę tożsamości i polityczną poprawność.

#### Key words

free speech, hate speech, identity politics, populism, repressive tolerance, silent majority  
wolność słowa, mowa nienawiści, polityka tożsamości, populizm, represywna tolerancja, milcząca większość

#### License

This work is licensed under a Creative Commons Attribution 4.0 international (CC BY 4.0). The content of the license is available at <http://creativecommons.org/licenses/by/4.0/>

Received: April 3, 2020 | Accepted: September 17, 2020

DOI: <https://doi.org/10.29107/rr2020.4.2>

ANETA DYBSKA

INSTITUTE OF ENGLISH STUDIES, UNIVERSITY OF WARSAW

<https://orcid.org/0000-0002-5239-713X>

adybska@uw.edu.pl

## Silencing Speech: New American Free Speech Debates<sup>1</sup>

When Donald Trump was running for president in 2016, he enthusiastically declared: “The silent majority is back, and we’re going to take our country back” (Fandos 2015). His words fell on the receptive ears of conservative publics that felt disenchanted with the federal government’s embrace of multiculturalism, economic and political disempowerment, a decline in social mobility, loss of employment and job prospects, and visible impoverishment. As Katherine J. Cramer has shown in *Politics of Resentment* (2018), Trump’s open criticism of political correctness struck a familiar cord with conservative and rural voters who resented the metropolitan elites and the culture embodied by the university and the government, who felt they were not getting a fair share of power and resources, and who disapproved of increased federal spending on welfare programs. The “silent majority” Cramer investigated for over a decade felt bitter about identity politics for infringing on their personal freedoms and Christian beliefs, for making the white man the perpetual oppressor and never a victim, and for regulating social conduct with speech codes that ban the use of offensive and unkind language.<sup>2</sup>

This paper focuses on the conservative discourse of silencing whose multiple iterations deepen the partisan sentiment in American society today. I will examine the way the populist rhetoric serves to reify “the silent majority” as a collective subject of right-wing politics in the context of free speech controversies on U.S. college campuses.

1. This project would not have been possible without the engagement of Derek L.A. Hackett, who over a period of many months shared with me current newspaper and magazine articles on the American free speech debates. I also want to thank my anonymous reviewers for their many insights and comments that helped me revise this paper.

2. Cramer’s findings partly overlap with Roger Eatwell and Matthew Goodwin’s work on *National Populism: The Revolt Against Liberal Democracy* (Penguin, 2018). The latter argue that the rise of national populism across the Western world (UK, US, France, the Netherlands, Germany, Belgium, Hungary, Poland, etc.) cannot be explained solely in terms of white working class backlash and that questions of culture have been overlooked in discussions of the economic roots of populism. Eatwell and Goodwin explain the rising tide of populism by the Four Ds: *distrust* of the mainstream political parties by ordinary citizens who feel they cannot effectively participate in politics; *destruction* of a traditional national identity by forces of globalization, progress, immigration, fear of the dissolution of identities; *deprivation* as seen in rising income and wealth inequalities, relative loss of status and comfort, compared to others; and finally *dealignment* standing for voters’ dwindling identification with the political establishment, which makes politics more fragmented and less predictable.

Since the mid-2010s, American universities, especially elite college campuses, have become the site of widely publicized free speech controversies linked to identity politics, political correctness, and on-campus limitations on free speech. The American public opinion – be it those siding with the left-leaning or the right-leaning media – has been inundated with scandalizing, hair-raising images of rebelliousness and righteous anger incited by the exercise of acceptable limits on free speech. The circulation of emotionally charged content both reifies and reflects a deep chasm in the American society. In the view of its critics on the Right, identity politics strikes at the very foundations of the American political project.

Controversies over identity politics today do not revolve around the gains made by the civil rights movement, the feminist movement, or the gay rights movement from the 1960s onwards. There seems to be an agreement among liberal scholars and public intellectuals that affirmative action programs in education and employment were a just and necessary measure – a form of redress for the historical wrongs rooted in patriarchy, slavery, and segregation. The recent #BlackLivesMatter and #MeToo movements, challenging institutional racism, police violence, and sexual assault with more impact than ever, have built on those earlier anti-discriminatory struggles and received a strong national resonance, initiating a shift in American cultural norms (Fukuyama 2018, chap. 11). What liberals, such as Francis Fukuyama, Mark Lilla, and Amy Chua, disapprove of are identity claims made by groups such as those formed around nonbinary genders and sexualities, or those that emerge at the intersection of multiple forms of discrimination (e.g. race, gender, and class). It is these groups' demands for recognition that the conservative publics find to be a socially disuniting force that portends conflict in place of harmony, and erosion of citizenship. They see it as a divisive force that cleaves the nation's body politic into fragmented groupings, each with its own political agenda, akin to political tribes.<sup>3</sup> Organized around race, ethnicity, sexuality, or some other difference, these political tribes are believed to be detrimental to a shared civic culture that grows out of the liberal project's concern with individual rights and freedoms, the rule of law, protections against abusive governmental power as well as its "indifference" towards individual or collective identities (Kukathas 290). Thus, when Lilla derides identity politics for encouraging Americans to fashion their "personal identities in terms of the inner homunculus, a unique little thing composed of parts tinted by race, sex, and gender" (2017, chap. 2) rather than civic attitudes and

---

3. Amy Chua's *Political Tribes: Group Instinct and the Fate of the Nations* is an example of such thinking about U.S. politics today: "Today, no group in America feels comfortably dominant. Every group feels attacked, pitted against other groups not just for jobs and spoils but for the right to define the nation's identity. In these conditions, democracy devolves into zero-sum group competition – pure political tribalism" (2018, chap. 8).

patriotism, he sets the limit of liberal commitment to equality at anti-discriminatory policies and programs conceived in the past.

On the other end of the political spectrum is the progressive Left with its embrace of identity politics. This makes them an easy target for the Right's populist critique in the political arena. The Left's commitment to social justice and equality stems precisely from their recognition of the liberal project's enduring importance for American society and politics. In contrast to conservatives who seek to fix the original liberal doctrine in time and calcify it, progressives pursue a much-needed corrective to liberalism's ever-emergent shortcomings, one of them being, as Chantal Mouffe points out in a different context, an inability to "adequately envisage the pluralistic nature of the social world, with the conflicts that pluralism entails" (2009, 11). With its stress on universal consensus arrived at by rational individuals, classical liberalism cannot explain or manage the antagonistic, or even violent, dimension of social relations, collective identities or their relational nature (Mouffe 2009, 11-12).

Higher education can serve as a case in point. Although multicultural curricula, minority studies programs, or gender- and race-sensitive language have become commonplace across the U.S., institutions of higher education, especially private universities, are continually struggling to enhance inclusiveness, equality and dignity.<sup>4</sup> As the student body has become more diverse, university administrators introduce programs designed to level the socio-economic divide that markedly diminishes college experience for students from disadvantaged backgrounds (Roth 2019a).<sup>5</sup> Apart from social and cultural differences, students have become more politically polarized than ever. A culture of violence persists as tolerance for offensive speech in public discourse has grown and negative sentiments towards political correctness have soared (PEN America 2016, 8). To make campuses safe in terms of emotional and physical comfort, university authorities place racist, sexist, and homophobic language beyond the pale of acceptable speech. This is especially important for minority students, some of whom, for the first time ever, are dealing with peers from other social and ethnic backgrounds, as well as those who live with the trauma of racism or sexual assault (Roth 2019a; 2019b, 113-114).

4. *New York Times* journalist Jay Caspian Kang (2019) alerts us to a paradox connected with diversity policies at elite universities: although the percentage of undergraduate black student population has increased in the last decades, the numbers of African Americans whose ancestors lived under slavery are diminishing. Today black students are overrepresented by international students or immigrants from Africa or the Caribbean. Numerically there is more diversity, but "the spirit of affirmative action has been replaced by a largely cosmetic, overly simplified diversity that allows elite institutions to report gains in black and Latino student populations without having to engage in the harder work of undoing systemic inequality."

5. For example, a 2017 *New York Times* interactive study "Some Colleges Have More Students from the Top 1 Percent than the Bottom 60" shows that "at 38 colleges in America, including five in the Ivy League – Dartmouth, Princeton, Yale, Penn and Brown – more students came from the top 1 percent of the income scale [\$630k+] than from the entire bottom 60 percent [<\$65k]."

Hate speech codes are among the most frequent measures taken by institutions of higher education to restrict the use of offensive language. An advocate of speech regulation, Jeremy Waldron, offers a broad definition of hate speech as “the use of words which are deliberately abusive and/or insulting and/or threatening and/or demeaning directed at members of vulnerable minorities, calculated to stir up hatred against them” (2012, 8-9).<sup>6</sup> He frames the harm inflicted by such speech in terms of dignity understood as one’s “status as a member of society in good standing.” Hate speech laws serve to protect the dignity of individuals who, by the fact of citizenship have the right to demand equal treatment and recognition, Waldron argues (59-60). Though in the 1990s as many as 350 colleges and universities adopted hate speech restrictions, speech on public campuses is protected by the First Amendment (Chemerinsky and Gillman 2017, chap. 4).<sup>7</sup> But where hate speech policies are introduced, they stem from an understanding that, without acknowledging the injurious power of utterances and their power to make minority groups vulnerable, divisions and historical inequalities will continue reproducing themselves. To draw attention to the intangible cost of protecting hate speech under the 1st Amendment, Mari J. Matsuda persuasively argues that hate speech violates the equal protection clause, meaning that its victims cannot fully enjoy their right to liberty, their freedom is restricted, their self-regard and a sense of personal security diminished, and dignity infringed upon (44). Tolerance of hate speech, Matsuda observes, is “a psychic tax imposed on those least able to pay” (35), “a choice to burden one group with a disproportionate share of the costs of speech promotion” (73).

This view of speech as having the ability to act and injure aligns with philosopher John L. Austin’s theory of speech acts, which foregrounds the illocutionary (performative) function of language. “The illocutionary speech act performs its deed at the moment of the utterance, and yet to the extent that the moment is ritualized, it is never merely a single moment,” explains Judith Butler in *Excitable Speech*. “[T]he ‘moment’ in ritual is a condensed historicity: it exceeds itself in past and future directions, an effect of prior and future invocations that constitute

6. Earlier definitions of hate speech came from critical race theory scholars in the early 1990s. *Words that Wound. Critical Race Theory, Assaultive Speech, and the First Amendment* (1993) is an often-cited and still valid collection of essays supporting public regulation of racist hate speech, co-authored by Mari J. Matsuda, Charles R. Lawrence III, Richard Delgado, and Kimberlé Williams Crenshaw. Matsuda defines racist hate speech as speech that is a “particularly harmful (...) mechanism of subordination, reinforcing a historical vertical relationship,” but what makes it assaultive speech is the “language that is, and is intended as, persecutory, hateful, and degrading” (1993, 58).

7. Chemerinsky and Gillman show that the courts have found unconstitutional the introduction of hate speech regulations in public colleges and universities. The only categories of speech that are not protected under the First Amendment are: incitement, fighting words, defamation, obscenity, perjury, blackmail, child pornography, true threats, fraud and solicitation to commit crimes.

and escape the instance of utterance” (1997, 3).<sup>8</sup> In line with this understanding, an utterance’s prior citations/iterations, convention, as well as the social and linguistic context can inflict injury. Richard Delgado, a contemporary of Matsuda’s, writes compellingly about the psychological toll of racist hate speech on members of minority groups:

In addition to the harms of immediate emotional distress and infringement of dignity, racial insults inflict psychological harm upon the victim. Racial slurs may cause long-term emotional pain because they draw upon and intensify the effects of the stigmatization, labeling, and disrespectful treatment that the victim has previously undergone. (2018, 94)

While the scope of vulnerable groups today includes immigrants, refugees, Muslims, as well as people with nonbinary genders and sexualities, hate speech regulation continues to be an incendiary political issue. The conservative defenders of free speech use the instances of no-platforming at U.S. elite universities as proof of the silencing of the American majority. But for the Left, speech regulation exemplifies a necessary evolution of liberalism towards equal recognition of all members and the levelling of power differentials, which manifest themselves and are upheld and reproduced, among others, in harmful speech.

During Donald Trump’s presidency, the Right has used the term identity politics in a derogative sense to lambast the progressives’ social justice agenda and counter their alleged assault on free expression.<sup>9</sup> Resorting to the populist rhetoric of polarization (us vs. them), they find regulation of speech on campus to be a violation of basic constitutional liberties, an instance of the censoriousness and authoritarian tendencies of the intellectual elites used against the American majority. Thus construed, the free speech crisis triggers strong emotions on both sides of the political spectrum and displays qualities of a moral panic<sup>10</sup> resembling the fiercely fought 1990s PC wars, which in the words of George Lakoff were indeed “a proxy fight over the whole issue of racial and cultural pluralism in America” (quoted in Kitrosser 2017, 2009).

---

8. In recent years, the understanding of harmful speech has been expanded by research on so-called racial microaggressions. Derald Wing Sue defines them as “brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional that communicate hostile, derogatory, or negative racial slights and insults toward people of color” (2010, 5). Some sample microaggressions would be statements like: “When I look at you I do not see color” when spoken by a white person who wants to deny the importance of race; or asking an Asian American to help them with Math, or else, mistaking a person of color for a service worker. It seems microaggressions are an apt exemplification of Butler’s notion of a “ritualized” utterance.

9. *The Free Speech Project* at Georgetown University, which describes itself as an independent, nonpartisan initiative, offers a useful tool – a Free Speech Tracker – for documenting and examining the extent and nature of challenges to the principle of free speech in the U.S., including a separate category of on-campus free speech controversies.

10. My understanding of moral panic is informed by Angela McRobbie’s definition: “at root the moral panic is about instilling fear in people and, in so doing, encouraging them to try to turn away from the complexity and the visible social problems of everyday life and either to retreat into a ‘fortress mentality’ – a feeling of hopelessness, political powerlessness and paralysis – or to adopt a gung-ho ‘something must be done about it’ attitude. (...) The less able the conservatives and the right are to control these changes, the more frantic their repertoire of moral panics becomes, to the extent that the panics are no longer about social control but rather about the fear of being out of control” (1994, 193). See also Burtenshaw and Jäger (2018).

The free speech crisis focalizes partisan dissent and resentment over identity politics. It has become a rallying cry for those interested in reasserting majority rights over minority rights gains; individual autonomy over social and welfare programs. When seen in terms of what they oppose rather than what they protect, free speech advocates represent a backward-looking idealization of American origins that, driven by nostalgia and a counter-revisionist view of history, appropriates the liberal project for a partisan group, which sees itself as socially distinct in terms of race, religion, and culture from outgroup partisans. The free speech crisis expresses a retrotopic longing for the early American Republic where the freedom to define and forge “we, the people” went along with the security of white privilege.<sup>11</sup> While this orientation towards an idealized utopian past holds an appeal to many, it tends to obfuscate the significant and persistent role of white identity politics in impeding the pursuit of equality by the nation’s non-white population. Mooring U.S. political origin in a fantasy of social harmony and individual liberties, opponents of speech regulation seek to restore the nation’s past glory allegedly lost to political correctness and identity politics.

The conservative advocates of free speech today represent a so-called absolutist approach to free speech,<sup>12</sup> which means that they make an appeal to the pure principle of free speech, without attention to historical context or power relationships (Matsuda et al. 2018, 32), and believe that the free flow of ideas will ensure a thriving democracy. In the words of Heidi Kitrosser, free speech absolutists insist on “the major judicial and academic rationales for free speech – including the notions that truth has the best chance of prevailing in the metaphorical marketplace of ideas, that free speech is essential to individual autonomy and self-realization, and that free speech cultivates the qualities necessary for democratic citizenship” (2017, 1995). For example, Erwin Chemerinsky and Howard Gillman show that, given the Supreme Court rulings on the First Amendment and lower court decisions finding hate speech codes unconstitutional, there exists little legal ground for colleges and universities to regulate hateful expression (2017, chap. 4). Although they seem to accept the “words that wound” argument in favor of speech regulation, foregrounding the physiological and emotional distress caused by harmful or insulting language, they argue that banning hateful, abusive, or demeaning rhetoric would, nonetheless, entail censoring ideas, “granting people in authority the power to censor or punish individuals who insult, stigmatize, or demean others, and it is inevitable that such vague and broad authority will be abused or used in ways that were not contemplated by censorship advocates” (2017, chap. 4).

11. In an exhaustive analysis, historian Sarah Churchwell (2019) argues that identity politics is not a new development and that it has always organized American politics since the republic’s inception.

12. For more go to Timothy J. O’Neill’s entry on “Absolutists” in *The First Amendment Encyclopedia*.

Chemerinsky and Gillman evoke the achievements of the Berkeley Free Speech Movement in the 1960s that mobilized students to stage mass anti-Vietnam War protests and successfully opened campus grounds to the free expression of speech outside the academic context. Had the Civil Rights Movement been silenced by speech censorship, they argue, the American society would be less inclusive than it is today. The marginalized groups would not have made social progress they did if their voice of dissent had been stifled (2017, chap. 3). Positions like these give validity to the view that harmful speech can be battled with more speech – a vantage point that insists on the primacy of free speech as “*the* value on which all other democratic values depend” (Roth 2019b, 91).

In line with these verdicts, conservatives vehemently object to the introduction of hate speech codes on campus. Known for their indignation at free speech regulation, they stigmatize college and university campuses as sites of elitism, as enemies of “the people” and the “the common man.” In this context, they frequently evoke Marxist philosopher Herbert Marcuse’s 1965 essay “Repressive Tolerance,” a New Left manifesto which articulated a vision of social change.<sup>13</sup> Marcuse distinguished between indiscriminate tolerance, a “perverted” kind of tolerance, which conserves the extant power structures and social hierarchies, and a “liberating/discriminating tolerance,” which creates a precondition for effective social change. He reasoned that if a “subversive majority” made up of the New Left intellectuals, students, and minorities was denied the democratic means of expressing dissent and enacting change, they might have to resort to undemocratic means “against the ideology of tolerance which, in reality, favors and fortifies the conservation of the status quo of inequality and discrimination” (1965, 123). In the U.S., where the business and political elites had the financial means to control the mass media and shape public opinion, the majority “perpetuated the vested interests which *made* the majority,” thus turning “free competition and exchange of ideas” into a farce (118-119). If a “free and sovereign majority” (123) was to emerge, if real democracy was to be achieved, Marcuse speculated, a “radical minority” of intellectuals had to resort to discriminating tolerance through the “withdrawal of toleration of speech and assembly” from the elites on the Right because they naturalized inequalities, oppressed marginalized groups, validated jingoism, supported militarism, and defied social solidarity (100). The restoration of representative democracy was contingent on the overhaul of educational institutions, but Marcuse understood education in the broad sense of promoting independent and critical inquiry, as well as preparing autonomous individuals to become the subject of politics, of

---

13. See for example Bauer (2015), Reitz (2016), Tucker (2017), and Lukianoff and Haidt (2018).



self-government (109, 121).<sup>14</sup> Once the liberties of those on the Right were suppressed, the Left, representing the minorities and political radicals, would finally have equal access to freedoms guaranteed by the liberal project (120).

Ironically, Marcuse's concept of discriminating tolerance is experiencing a revival on the Right, albeit in a different political and social context. Repressive tolerance is evoked by conservatives to describe their experience as a "majority" living in thrall to left-wing identity politics. From their perspective, political correctness, speaker disinvitations, and hate speech codes on U.S. campuses exemplify an "illiberal" assault on the Enlightenment foundations of the nation-state.

Free speech controversies are a textbook example of populist rhetoric. Pitting the conservative majority of rational and deliberating subjects against passion-driven "intolerant mobs" that censor and shame dissenters from the "PC orthodoxy" serves to divide the American society into two warring partisan teams and feeds the populist dynamic. As defined by Cas Mudde and Cristobal Rovira Kaltwasser, populism is "a thin-centered ideology" which means that it can attach to or blend into other "thick-centered" or "full" ideologies such as liberalism or nationalism (2017, 19). The opposite of pluralism, populism "considers society to be ultimately separated into two homogeneous and antagonistic camps, 'the pure people' versus 'the corrupt elite,' and argues that politics should be an expression of the *volonté générale* (general will) of the people" (2017, 6). Populism can be also looked at as a communication style that purports to represent "the people," but it does not rely on the preexistence of any homogenous groups. It is through its focus on popular sovereignty and appeal to the interests of "the people," imagined as a homogenous group, that populism brings the majority into being where it may not have existed in the first place (Jagers and Walgrave 2005, 3). As Ruth Wodak put it succinctly, "Populists create a *demos* which exists above and beyond the divides and diversities of social class and religion, gender and generation" (2015, 9). The discussion that follows investigates the discursive production of the "silent majority" in the free speech controversies outlined above. The silencing discourse employs populist rhetoric based on conflict, simplistic dualities, anti-elitist tropes, negative emotions, such as fear and resentment, as well as provocation; it instrumentalizes identity politics and scapegoats left-leaning university students, faculty and administrators as the source of the free speech crisis.<sup>15</sup> Populism mobilizes a collective subject of Right politics that becomes a powerful force of backlash against the inevitable evolution of liberalism, both as a philosophy and a political practice.

14. Since the false consciousness of the dominant class had become "the general consciousness" of the American society, Marcuse argued, the change had to "begin with stopping the words and images that feed this consciousness" (1965, 111).

15. For a comprehensive discussion of populism see, for example, Eatwell and Goodwin (2018), Mudde and Rovira Kaltwasser (2017) and Wodak (2015). Weigel (2016), Sachs (2018), Beauchamp (2018), Sutton (2019) and Malik (2019) offer compelling arguments against the existence of a free speech crisis.

Kirsten Powers's *The Silencing: How the Left Is Killing Free Speech* (2015) is a perfect illustration of the way populist discourse exploits the fundamental free speech/silence dichotomy. Confrontational and accusatory in tone, Powers's rhetoric exemplifies how political partisanship becomes a component of one's social identity and how one's self-image merges with an ingroup bias in a "visceral and tribal" way, not unlike religious or racial prejudice (Mason 2018, chap. 4). Here is a sample of Powers's excoriating language: "The illiberal left is eradicating these 'habits of the heart' so Americans won't even remember what it was like to be able to speak freely without fear of retaliation from a silencing mob or a few disgruntled lefties" (2015, chap. 1). Generating fear of the political outgroup as the ideological progeny of Marcuse, Powers evokes the atmosphere of "coercion and intimidation" (2015, chap. 1), of irrational mobs threatening to destroy the nation's civic life and political traditions. Under the circumstances, free speech offers protection against the Left's "authoritarian impulse to silence" their adversaries (2015, chap. 2).

Powers makes direct references to Marcuse and uses his concept as the backdrop for her argument in the opening chapter, titled "Repressive Tolerance." She accuses the "illiberal left" of the suppression of free speech, and provides ample evidence to support her case in words that essentially demonize the supporters of speech codes and anti-discrimination policies as bigoted "crusaders" and "self-appointed overlords" who impose their rule in violation of individuals' constitutional protections (2015, chap. 1). Using hyperbole and emotional language to impress on her audiences a sense of immediate threat, Powers characterizes her political opponents as follows:

They are most prevalent on college campuses and in the media – not insignificant perches from which to be quashing debate and dissent – but their tentacles are expanding into every sector of society. They consider themselves liberals, but act in direct contradiction to the fundamental liberal values of free speech, debate, and dissent. (2015, chap. 1)

Powers's writing relies on oversimplification and the Manichean logic that gives it a populist appeal. Without venturing into the complex reasons for the introduction of speech codes on campus, a widely discussed issue since the 1990s, she divides the U.S. society into those whose speech offends others and those others who are offended by the former's speech. Powers tendentiously picks examples that, in a *pars pro toto* fashion, serve to illustrate the absurdity of the "intolerance of dissent" on campus, which relies on public shaming or "*unofficial* tactics of ostracizing, smearing and humiliation" (2015, chap. 4). If, in Powers's account, university campuses feature as pockets of a dogmatic "campaign" that stifles creativity, intellectual ferment, and rational exchange, supporters of speech regulations

become agents of “un-enlightenment” – driven by pre-modern “tribal” loyalties and a rigid value system that vilifies non-compliance as “heresy” (2015, chap. 1).<sup>16</sup>

A similar mood of danger and crisis permeates conservative columnist Jonah Goldberg’s 2018 *Suicide of the West: How the Rebirth of Nationalism, Populism, and Identity Politics Is Destroying American Democracy*. In words reminiscent of Francis Fukuyama’s “the end of history” thesis, which holds up liberal democratic capitalism as the end point of humanity’s development, Goldberg sounds the alarm in defense of the “American [political] miracle”, which is devolving into more atavistic, “natural impulses of tribalism” characterizing the pre-Enlightenment era (2018, chap. 2).<sup>17</sup> The sections of the book dealing with contemporary politics zoom in on elite universities as sites of ideological struggle, where the liberal project, identified with the pursuit of dignity and equality of all men, is threatened by “the self-anointed class of academics, activists, writers, and artists [who] claim a monopoly on political virtue.” Akin to the priestly class, “they unilaterally get to decide who is to be anathematized or excommunicated for wrong thinking. And college campuses serve as their most formidable monasteries and citadels” (2018, 224). Triggering Manichean dichotomies, Goldberg implies the existence of a left-wing conspiracy. Though he nuances his discussion to do justice to history, he blames the power-seeking, complacent “new clerisy” on US campuses for endangering the classical liberal project with “tyranny” which, he insists, rests on the arbitrary use of power to set the terms of public debate, to draw the limits of acceptable speech, and importantly to “overturn the status of merit and color-blindness” to validate tribalism and racial authenticity as forms of new essentialism (2018, chap. 10).

This retrotopic vision of America as a political idea, codified in the founding documents and the motto *E pluribus unum*, erases the lived experience of exclusion, second-class citizenship, and power differentials. It nostalgically takes its readers back to a past that was not. Much like Powers, Goldberg evokes a sanitized version of the nation’s past, which simplifies, distorts, and creates new divisions that run across the social body: “The Miracle [of liberal democracy] works on the assumption that the individual is the moral center of our system, and the individual armed with reason, facts, the law, or simply morality (and hopefully all four) on

16. Ham and Benson’s *End of Discussion* (2015) is written in a manner similar to Powers’s *The Silencing*. In a chapter titled “Speech Police Academy” Ham and Benson use the wording and the metaphors reminiscent of Powers’s language. The radical Left on campus is presented as “The Outrage Circus” that with “madness” and “insanity” (65) intimidates and censors the innocent, yet defiant, conservative supporters of liberty and free expression. Like Powers, Ham and Benson, draw an overblown picture of social and political polarization, calculated to spur fear and outrage against the implementation of trigger warnings and microaggressions.

17. In a similar vein *New York Times* columnist Davis Brooks writes: “I came of age in the 1980s. In that time, there was an assumption that though the roots of human society were deep in tribalism, over the past 3,000 years we have developed a system of liberal democracy that gloriously transcended it, that put reason, compassion and compromise atop violence and brute force” (2018).

his side should win any contest with an angry throng shouting with tribal passion” (2018, Introduction). Goldberg identifies identity politics with a radical departure from the morality of the individual, social harmony, and universal justice, as well as a devolution towards primitive loyalties that shows itself in the backlash emergence of a new identity politics on the Right.

Both Goldberg and Powers assume the stability and fixity of liberalism. This political stance becomes an effective strategy of conserving the status quo as well as naturalizing white identity politics as the universal American experience. They deploy a populist rhetoric that intensifies polarization, dehumanizes supporters of identity politics as enemies, and feeds antagonism. This rhetoric constructs a moral panic around a supposed free speech crisis and plays up the fear of authoritarianism through the speech/silencing dichotomy. The political Right uses the Enlightenment provenance of freedom of speech, guaranteed by the First Amendment, to wrench free speech from history. They wish to turn back the clock to retroactively give the assailed nation a chance at a rebirth and a new beginning, once it has coped with the suicidal tendencies of political correctness and identity politics. Yet, to underscore the universal nature of free speech, to evoke the concept’s stability and unfailing moral authority in organizing public life is to inevitably deny liberalism’s open-endedness and the agonistic nature of politics (Mouffe 2009).

President Trump tapped into the silent majority’s grievances with a vehement attack on political correctness on U.S. college and university campuses. On March 21, 2019, he signed an Executive Order titled “Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities,” which threatened the withdrawal of funding from schools that disinvited or boycotted speakers, regardless of how controversial or provocative their message and mode of delivery. Trump positioned himself as a defender of individual liberties, who would quash any seedling of free speech curtailment. When signing the document, he was surrounded by students – the alleged victims of on-campus censorship – whom he lauded for an unwavering pursuit of American values:

You refused to be silenced by powerful institutions and closed-minded critics, of which there are many. You faced down intimidation, pressure and abuse. You did it because you love your country and you believe in truth, justice, and freedom. (...)

Under the guise of “speech codes” and “safe spaces” and “trigger warnings,”<sup>18</sup> these universities have tried to restrict free thought, impose total conformity, and shut down the voices of great young Americans like those here today. These are great people.

---

18. A “trigger warning” is a notice on a syllabus or made by the instructor during class, warning students about potentially disturbing content in the assigned readings. The term “safe space” can be understood variously as “everything from locations where people voluntarily agree to speak openly and without judgment to one another, to places populated by persons who share similar views on social justice issues and are hostile to opposing views, to areas formally or informally designated as meeting spaces for persons from marginalized groups” (Kitrosser 2017, 2018).

All of that changes starting right now. We're dealing with billions and billions and billions of dollars. (Applause.) Taxpayer dollars should not subsidize anti-First Amendment institutions. And that's exactly what they are: anti-First Amendment. Universities that want taxpayer dollars should promote free speech, not silence free speech. (Applause.)

In this oversimplified version of the ideological divide severing the nation's body, President Trump identified federally funded colleges and universities as sites of anti-Americanism, where free speech is silenced. Using the language of victimization, he relied on a logic similar to that of Powers or Goldberg. This approach does not differentiate between giving platform to controversial scholars, who exercise their freedom of inquiry in an educational setting, and provocateurs, such as Richard Spencer, Ben Shapiro or Milo Yiannopoulos, who are using the university to endorse offensive views<sup>19</sup> not aligned with the university's educational goal of scholarly inquiry, critical thinking, and expansion of knowledge (Post 2017). The increasing weaponization of the First Amendment,<sup>20</sup> as exemplified by the "Milo riot" at UC Berkeley in 2017<sup>21</sup> reifies the "silenced majority." American Civil Liberties Union attorney Lee Rowland has no doubt that provocation is a tool of populism that aims to discredit identity politics on university campuses:

A goal of professional provocateurs is to provoke the campus community into trying to silence them. Think of campus trolls as schoolyard bullies. Oh, their words definitely hurt. But the real question is: How do we respond to that hurt? A troll wants you to censor them. It feeds into their power and gives them something to sell. (2018)

If we treat the multiple iterations of the free speech crisis in terms of a moral panic generated by the Right, then it has proved a "powerful emotional strategy," to use Angela McRobbie's words, laying the foundation for the backlash to identity politics and the framing of progressive students, academics, and administrators as folk devils (193).

---

19. Historian Joan Wallach Scott points out that "These attacks have been underwritten by a well-oiled propaganda machine, funded by right-wing individuals, foundations, and institutes (Heritage, Koch, Bradley, Amway, Goldwater) determined to discredit the critical thinking and intense debate long associated with a university education and to replace it with an exclusive emphasis on civility, conservative pedagogy, and vocational training. Many of these deep-pocketed foundations led a concerted campaign during 2017 and 2018 to bring to campuses a succession of controversial speakers (few of them serious academics, most of them right-wing cable news commentators) who – astonishingly – sought to present white conservatives as victims of leftist intolerance" (2019, 4-5). Scott lists Yiannopoulos and Spencer among the provocateurs. Ben Shapiro is one as well, according to Markakis (2016), Tavernise (2017), and "Ben Shapiro is a Trojan Horse" (2018).

20. See Dennyston (2018) on Supreme Court Justice Elena Kagan's dissenting verdict in *Janus v. AFSCME* (2018) where she speaks of the "weaponizing" of First Amendment by the court's majority.

21. On February 1, 2017, UC Berkeley students rallied against the university giving platform to Milo Yiannopoulos, a far-right provocateur invited by a conservative student group to give a speech. The peaceful student protest was disturbed by around 150 antifa group members from outside the campus, who initiated what came to be known as the "Milo" riot, resulting in violence against the peaceful protesters and clashes with the police. Yiannopoulos's speech was cancelled out for concern for public safety. The damage to university property was estimated at \$100,000.

While statistics show that in the last few years a relatively small number of U.S. elite colleges have been sites of free speech controversies around speaker disinvitations and disruptions (Brown, RI; Claremont College, CA; UC Berkeley, CA; Middlebury, Vt.; Evergreen, WA), amplified media accounts of these events have effectively manufactured a nationwide crisis that called for immediate government intervention. Staged as a fierce war over the First Amendment in defense of innocent and helpless college-attending youth in thrall to the progressive orthodoxy of “social justice warriors” and “tenured radicals” (Kimball 1990), free speech controversies thus generated a conflict that paved the way for the executive order and state-level legislation. These legal measures have successfully tipped the scales of partisan disinvitations in favor of the conservative speakers, and discouraged student protest with a threat of expulsion from college. Between 2016 and 2019, the rate of speaker disinvitations on the Left, which was the target of free speech legislation, fell by a third, from 87 percent to 58 percent, while the rate of disinvitations on the Right grew threefold, from 13 percent to 42 percent.<sup>22</sup> This substantial reversal in disinvitation statistics may portend a more significant ideological shift on campus. Provocateurs exercising their right of speech can concurrently undermine democracy and the university’s “commitment to equality and its central purpose of advancing knowledge and respecting the truth” (xv), warns Ulrich Baer in *What Snowflakes Get Right: Free Speech, Truth, and Equality on Campus* (2019).

The free speech/silencing rhetoric in itself is illustrative of hurtful speech. Grounded in populist binaries, it exploits traditional gender hierarchies to shame supporters of speech codes, safe spaces, and trigger warnings as weak, fragile, emotional, coddled snowflakes and risk-averse sissies who need speech protections to function socially.<sup>23</sup> Free speech supporters, by contrast, are identified as strong, resilient, thick-skinned, real men, able to bear confrontation and use rational arguments in open debates. While the latter represent belief in universal humanity, merit, color-blindness, constitutionalism, and the individual as a site of morality and reason, the former are looked down on, if not derided, as embodying tribal passion, group loyalty, and identity politics.

The new American free speech controversies express the ideological divide at the meeting point of progressive academia and the world without. The populist framing of identity politics, including free speech regulation as the folk devil of America’s “backsliding,” pits the rationality of the liberal project against the

22. Aaron Hanlon (2019) notes that “the jump in speaker disinvitations from 2018 to 2019 is mostly a function of a growing tendency among right-leaning students to disinvite speakers, a tendency in line with the illiberal speech policies of the White House and conservative state legislatures.” See also the American Association of University Professors’ report on “Campus Free-Speech Legislation”.

23. The most influential book publication alerting Americans to a perceived generational “crisis” is the bestselling *The Coddling of the American Mind* by Haidt and Lukianoff (2018).

irrationality of tribalism. An effective backlash strategy, it produces a victim – the “silent majority” – that needs protection against the repressive tolerance of on-campus radicals.

## References

- American Association of University Professors.** 2018. “Campus Free-Speech Legislation: History, Progress, Problems.” April. Accessed March 1, 2020. <https://www.aaup.org/report/campus-free-speech-legislation-history-progress-and-problems>
- Austin, J.L.** 1962. *How to Do Things with Words*. Cambridge, Mass.: Harvard University Press.
- Bauer, Fred.** 2015. “The Left and ‘Discriminating Tolerance’.” *National Review*, June 22.
- Baer, Ulrich.** 2019. *What Snowflakes Get Right: Free Speech, Truth, and Equality on Campus*. Oxford: Oxford University Press.
- Butler, Judith.** 1997. *Excitable Speech: A Politics of the Performative*. New York: Routledge.
- Beauchamp, Zack.** 2018. “Data Shows a Surprising Campus Free Speech Problem: Left-wingers Being Fired for Their Opinions.” *Vox.com*, Aug 3.
- “Ben Shapiro is a Trojan Horse for Hatred and Bigotry on Campus.” 2018. *Daily Trojan*, Letter to the Editor. Sept. 30.
- Brooks, David.** 2018. “Understanding Student Mobbists.” *New York Times*, Opinion Section, March 8.
- Burtenshaw, Ronan, and Anton Jäger.** 2018. “The Guardian’s Populist Panic.” *Jacobin*, May 12.
- Chemerinsky, Erwin, and Howard Gillman.** 2017. *Free Speech on Campus*. New Haven: Yale University Press. Ebook.
- Chua, Amy.** 2018. *Political Tribes: Group Instinct and the Fate of the Nations*. New York: Penguin Press. Ebook.
- Churchwell, Sarah.** 2019. “American’s Original Identity Politics.” *New York Review of Books*, Feb. 7.
- Cramer, Katherine J.** 2016. *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker*, Chicago Studies in American Politics. Chicago: University of Chicago Press.
- Delgado, Richard.** 2018 [1993]. “Words that Wound: A Tort Action for Racial Insults, Epithets, and Name Calling.” In *Words that Wound. Critical Race Theory, Assaultive Speech, and the First Amendment*, eds. Mari Matsuda et al., 122-149. New York: Routledge.
- Denniston, Lyle.** 2018. “Has the First Amendment Been “Weaponized”?” *Constitutioncenter.org*, June 27. <https://constitutioncenter.org/blog/has-the-first-amendment-been-weaponized>.
- Downes, Sophie.** 2016. “Trigger Warnings, Safe Spaces and Free Speech, Too.” *New York Times*, Opinion Section, Sept. 10.
- Eatwell, Roger, and Matthew Goodwin.** 2018. *National Populism: The Revolt against Liberal Democracy*. London: Penguin Books Limited.
- Fandos, Nicholas.** 2015. “Donald Trump Defiantly Rallies a New ‘Silent Majority’ in a Visit to Arizona.” *New York Times*, July 11.
- The Free Speech Project*. Georgetown University. <https://freespeechproject.georgetown.edu/>.
- Fukuyama, Francis.** 1989. “The End of History?” *The National Interest* 16: 3-18. [https://www.embl.de/aboutus/science\\_society/discussion/discussion\\_2006/ref1-22june06.pdf](https://www.embl.de/aboutus/science_society/discussion/discussion_2006/ref1-22june06.pdf).
- Fukuyama, Francis.** 2018. *Identity: The Demand for Dignity and the Politics of Resentment*. New York: Farrar, Straus and Giroux. Ebook.
- Goldberg, Jonah.** 2018. *Suicide of the West: How the Rebirth of Nationalism, Populism, and Identity Politics Is Destroying American Democracy*. New York: Crown Forum. Ebook.

- Ham, Mary Katharine, and Guy Benson.** 2015. *End of Discussion: How the Left's Outrage Industry Shuts Down Debate, Manipulates Voters, and Makes America Less Free (and Fun)*. New York: Crown Forum.
- Hanlon, Aaron.** 2019. "The Real Threat to Free Speech on Campus Is Not Coming from the Left" *The Washington Post*, Oct. 15.
- Kang, Jay Caspian.** 2019. "Where Does Affirmative Action Leave Asian-Americans?" *New York Times Magazine*, Aug. 28.
- Kimball, Roger.** 1990. *Tenured Radicals: How Politics Has Corrupted Our Higher Education*. New York: Harper & Row.
- Kitrosser, Heidi.** 2017. "Free Speech, Higher Education, and the PC Narrative." *Minnesota Law Review* 101 (5): 1987-2064.
- Kukathas, Chandran.** 2004. "Liberalism and Multiculturalism." In *Contemporary Political Theory: A Reader*, ed. Colin Farrelly, 288-294. London: Sage Publications.
- Lilla, Mark.** 2017. *The Once and Future Liberal: After Identity Politics*. New York: HarperCollins.
- Lukianoff, Greg, and Jonathan Haidt.** 2018. *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting up a Generation for Failure*. New York: Penguin Press.
- Malik, Nesrine.** 2019. "The Myth of the Free Speech Crisis: How Overblown Fears of Censorship Have Normalized Hate Speech and Silenced Minorities." *The Guardian*, Sept. 3.
- Marcuse, Herbert.** 1965. "Repressive Tolerance." In *A Critique of Pure Tolerance*, ed. Robert P. Wolff, Barrington Moore, Jr., and Herbert Marcuse, 82-123. Boston: Beacon Press.
- Markakis, David.** 2016. "Shapiro is a Provocateur." *Campus Times*, April 8.
- Mason, Liliana.** 2018. *Uncivil Agreement: How Politics Became Our Identity*. Chicago: University of Chicago Press.
- Matsuda, Mari J., Charles R. Lawrence III, Richard Delgado, and Kimberlé Williams Crenshaw.** 2018 [1993]. *Words that Wound. Critical Race Theory, Assaultive Speech, and the First Amendment*. New York: Routledge.
- Matsuda, Mari J.** 2018 [1993]. "Public Response to Racist Speech: Considering a Victim's Story." In *Words that Wound. Critical Race Theory, Assaultive Speech, and the First Amendment*, eds. Mari Matsuda et al., 34-76. New York: Routledge.
- McRobbie, Angela.** 1994. *Postmodernism and Popular Culture*. London: Routledge.
- Mouffe, Chantal.** 2009. "Democratic Politics and Agonistic Pluralism." *Seminario interdisciplinar O(s) Sentido(s) da(s) Cultura(s)*. Consello de Cultura Gallega.
- Mudde, Cas, and Cristobal Rovira Kaltwasser.** 2017. 2nd ed. *Populism: A Very Short Introduction*. New York: Oxford University Press. Ebook.
- O'Neil, Timothy J.** 2009. "Absolutists." *The First Amendment Encyclopedia*. Accessed August 12, 2020. <https://www.mtsu.edu/first-amendment/article/887/absolutists>.
- PEN America.** 2016. "And Campus for All: Diversity, Inclusion and Freedom of Speech at U.S. Universities." Accessed March 1, 2020. [https://pen.org/wp-content/uploads/2017/06/PEN\\_campus\\_report\\_06.15.2017.pdf](https://pen.org/wp-content/uploads/2017/06/PEN_campus_report_06.15.2017.pdf)
- Post, Robert C.** 2017. "There is No 1st Amendment Right to Speak on a College Campus." *Vox.com*, Dec. 31.
- Powers, Kirsten.** 2015. *The Silencing: How the Left is Killing Free Speech*. Washington, D.C.: Regnery Publishing.
- Reitz, Charles.** "Herbert Marcuse and the New Culture Wars: Campus Codes, Hate Speech, and the Critique of Pure Tolerance." *Critical Theory Research Network*. Dec. 6. Accessed March 1, 2020. <http://criticaltheoryresearchnetwork.com/2016/12/06/herbert-marcuse-new-culture-wars-campus-codes-hate-speech-critique-pure-tolerance/>.



- “Remarks by President Trump at Signing of Executive Order, ‘Improving Free Inquiry, Transparency, and Accountability at Colleges and Universities’.” 2019. *Whitehouse.gov*, Briefings & Statements, March 21.
- Roth, Michael S.** 2019a. “Do Not Dismiss ‘Safe Spaces’.” *New York Times*, Opinion Section, Aug. 29.
- Roth, Michael S.** 2019b. *Safe Enough Spaces: A Pragmatist’s Approach to Inclusion, Free Speech, and Political Correctness on College Campuses*. New Haven: Yale University Press.
- Rowland, Lee.** 2018. “Free Speech Can Be Messy, but We Need It.” *American Civil Liberties Union*, March 9. <https://www.aclu.org/blog/free-speech/free-speech-can-be-messy-we-need-it>.
- Sachs, Jeffrey Adam.** 2018. “There Is No Campus Free Speech Crisis: A Close Look and Evidence.” *Niskanen Center Blog*, April 27. <https://niskanencenter.org/blog/there-is-no-campus-free-speech-crisis-a-close-look-at-the-evidence/>.
- Scott, Joan Wallach.** 2019. *Knowledge, Power, and Academic Freedom*. New York: Columbia University Press.
- “Some Colleges Have More Students from the Top 1 Percent than the Bottom 60. Find Yours.” 2017. *New York Times*, Interactive, The Upshot, Jan. 18.
- Sue, Derald Wing.** 2010. *Microaggressions in Everyday Life: Race, Gender and Sexual Orientation*. Hoboken, NJ: John Wiley & Sons.
- Sutton, Halley.** 2019. “Campus Free Speech Is Complicated, but Not a Crisis.” *Campus Security Report*, 16 (2): 9.
- Tavernise, Sabrina.** 2017. “Ben Shapiro, a Provocative ‘Gladiator,’ Battles to Win Young Conservatives.” *New York Times*. Nov. 23.
- Tucker, Jeffrey F.** 2017 “Why Free Speech on Campus is Under Attack: Blame Marcuse.” *Foundation for Economic Education*, April 22.
- Waldron, Jeremy.** 2012. *The Harm in Hate Speech*. Cambridge, MA: Harvard University Press.
- Weigel, Moira.** 2016. “Political Correctness: How the Right Invented a Phantom Enemy.” *Guardian*, Nov. 30.
- Wodak, Ruth.** 2015. *The Politics of Fear. What Right-Wing Populist Discourses Mean*. London: Sage Publications.