

---

## ARTICLE

---

### The Rights and Wrongs of No-Platforming

Victor Tadros\* 

This article offers an account of no-platforming, an investigation of the different considerations that determine why no-platforming is wrong when it is, and how it might be justified. It suggests that no-platforming can be wrong because it violates a person's right to a platform, or because it involves unjustified public denunciation. It then explores when no-platforming is justified by exploring when a person might lose a right to a platform, and when public denunciation is justified. It concludes with a critical assessment of both no-platforming culture and the prospects for legal regulation.

Keywords: No-platforming, free speech, rights, denunciation

---

#### INTRODUCTION

No-platforming is an increasingly prominent response to those who hold views that are deemed deeply wrongful or offensive. Advocates believe that no-platforming is an important tool in the fight against serious injustice. It is condemned by critics as an unwarranted interference in public or academic discourse, and a violation of rights of free speech. The government seeks to regulate no-platforming in the name of protecting free speech (though it is questionable whether that is their real motive), and the Higher Education (Freedom of Speech) Bill that is currently before parliament sets out a proposal for how to do this.

But despite its prominence, no-platforming has received relatively little deep examination. The social and political debate around it is superficial and full of overblown rhetoric. This article attempts to provide more clarity and structure to our thinking about no-platforming. What is no-platforming? What are its morally salient features? What makes it wrong when it is wrong? When is it justified? What kind of culture of no-platforming should we foster? And how should it be legally regulated? My aim is not to answer all these questions fully, let alone to provide a complete guide to who should be

---

\*Professor of Criminal Law and Legal Theory, School of Law, University of Warwick. I am grateful to John Adenitire, James Harrison, Kieran Oberman, and Kartik Upadhyaya for helpful discussion and comments, and to audiences at MANCEPT at the University of Manchester, the Festival of Freedom at Warwick University, and the Graduate Conference in Politics, Philosophy and Law at King's College London, as well as two referees for the Modern Law Review.

no-platformed, but rather to provide a clearer understanding of the considerations that determine when and why no-platforming is wrong, and when it is justified.

The first section offers an account of no-platforming, distinguishing it from other kinds of exclusion from academic and public discourse, and distinguishes different kinds of no-platforming. The second and third sections draw on different features of no-platforming to explain what is wrong with it when it is wrong. The fourth section is concerned with the justification for no-platforming. It is mainly focused on different ways in which people might lose a right to a platform, but also addresses some of the wider questions about no-platforming. In the conclusion, I offer briefer reflections on the culture of no-platforming and its legal regulation.

### WHAT IS NO-PLATFORMING

The term ‘no-platforming’ and the social practice that it describes are relatively new and in flux. To some extent, an account of no-platforming stipulates rather than identifies the boundaries of that emerging social practice. However, we can identify the most salient features of central cases of no-platforming and distinguish it from related phenomena. Doing so fixes our subject matter and focuses our critical attention.

No-platforming involves excluding people from platforms. Such platforms provide opportunities to participate in public or academic discussion and debate. Examples include public lectures, academic conferences and workshops, public broadcasts aimed at discussion and debate, columns in newspapers and social media platforms.

Excluding a person from a platform, though, is insufficient for no-platforming. Suppose that X holds an event to discuss some subject. Y believes they are an expert, and wishes to be included in the discussion, to have a chance to express their views, challenge others, and to revise their views in the light being challenged. X does not invite Y, because places are limited, and others have more to contribute. Y is excluded and may feel aggrieved. If this decision was made well, Y is not wronged. If X’s judgement was mistaken, perhaps Y is wronged, and appropriately feels aggrieved. But Y has not been no-platformed.

It might be argued that no-platforming involves excluding people based on the content of their beliefs, rather than based on their expertise. This distinction is hard to draw. Suppose that flat-earthers are not invited to a geography conference with limited spaces, which is surely typically justified. If they are excluded because their beliefs are ridiculous, making them hopeless interlocutors at the conference, are they excluded for their beliefs, or their expertise? It’s hard to know. But excluding them on this basis is often permitted. No-platformers are sometimes criticised for their unwillingness to discuss controversial and unpopular ideas. But not every controversial and unpopular idea is worth discussing – many are controversial and unpopular because they are ridiculous – and even if there is sometimes good reason to discuss ideas that we find ridiculous, because they might turn out not to be, or because discovering why they are ridiculous

can enhance knowledge and understanding, we surely don't need to discuss these ideas at *every* event.

Furthermore, it is sometimes justified to restrict platforms to people with certain beliefs. Consider a conference designed to evaluate the comparative merits of different versions of compatibilism about free will. That conversation might best be had between different compatibilists, so those with sceptical or libertarian views will not be invited. It will be important for compatibilists to engage with sceptical and libertarian arguments, but again, they need not do so at every event. At any rate, whatever the justification, sceptics and libertarians are not no-platformed even though they are excluded because of their beliefs.

One distinguishing feature of no-platforming is that people are excluded because (it is believed) they, or their views, have certain moral qualities. We can distinguish two kinds of no-platforming on this basis. Communication-targeted no-platforming excludes people to prevent them from expressing views with certain moral qualities, such as discriminatory views, or those showing deep disrespect for others, or views whose expression will cause offence or harm. Person-targeted no-platforming, in contrast, excludes people from platforms because they are believed to have moral qualities that (it is believed) make it inappropriate for them to have, or share, a platform. Many cases will be both communication-targeted and person-targeted. An example of a purely person-targeted case is an expert physicist who is prevented from giving a public lecture on physics because they are a racist, or a sexual predator, where these things have no bearing on what they will say.

Excluding a person from a platform on moral grounds is still insufficient for no-platforming. People are often excluded from platforms on the basis of private conversation about their moral qualities, or their views. Bullies, racists, and sexual predators are often not invited to academic conferences or workshops, for example, because of individual decisions or private discussion between organisers. Private exclusion raises moral questions, some of which I will address. But no-platforming additionally involves public communication. What kind of public communication? That varies between cases. A central case involves public communication of the perceived moral reason for excluding the person, along with denunciation of that person and/or their views. Not all no-platforming is sincere – people might publicly denounce others, or their views, and exclude them, with various degrees of commitment to the relevant reasons, including none. They may act to 'virtue signal', or to escape criticism and reprisals. Such behaviour is one of the costs of a culture of no-platforming.

What is public denunciation? It is not just public expression of a negative assessment; to echo T.M. Scanlon, public denunciation is not simply pointless public assignment of moral grades.<sup>1</sup> Two further things are typically involved in no-platforming. No-platformers communicate that the person is outside the realm of public dialogue, and a committed moral judgement about the person is offered (sincerely or not) to explain why.

---

1 T.M. Scanlon, *Moral Dimensions: Permissibility, Meaning, Blame* (Cambridge, MA: Harvard University Press, 2008) 127. Scanlon is concerned with blame rather than denunciation.

There are different possible moral judgements that might underpin the thinking of no-platformers. No-platformers do not typically justify their conduct simply on instrumental grounds. Potential speakers are excluded because of what they have done, or what they believe, or who they are, as such. However, different views that have been distinguished in, for example, the philosophy of punishment will often not be clearly distinguished in the minds of no-platformers. More precise views include the idea that the person deserves to be excluded from dialogue; or does not deserve to be a participant; or that dialogue with such a person, or about their views, is inappropriate; or that the person has lost their right to participate because of their moral qualities, or their past behaviour.

Before evaluating no-platforming, I introduce a further distinction that will be important later— between primary and secondary no-platformers. Primary no-platformers have direct *de facto* authority over platforms – organisers of public lectures, for example. Secondary no-platformers influence those with such authority to get them to exclude speakers. Protesters at public lectures who pressure organisers to stop the lecture going ahead are an example of secondary no-platformers.

In summary, then, no-platforming involves exclusion of speakers from platforms accompanied by moral denunciation, where that moral denunciation is given as a justification for excluding the person from the platform.

## WHAT IS WRONG WITH WRONGFUL NO-PLATFORMING I: WRONGFUL EXCLUSION

No-platforming can wrong potential speakers, audiences, and others who benefit from public discourse. I will mainly focus on wrongs to potential speakers. But doing so helps us address the wider range of stakeholders.

Here is a core generic case of wrongful no-platforming that helps illuminate different wrong-making features of the practice, when it is wrong:

*Wrongful No-Platform:* X holds true moral beliefs about some subject, *f*, and intends to communicate those beliefs publicly in an appropriate way. Communicating in this way is valuable for X, the audience, and the wider public. Y is in charge of a public communicative platform. Y excludes X from this platform because Y believes that X's beliefs about *f* are discriminatory and abhorrent. Y publicly communicates that this is why X is excluded and denounces X and their views.

In the next section, I will focus on wrongful denunciation. Here I focus on exclusion. These arguments apply to private exclusion as well as no-platforming.

### Interests, rights and scepticism

Focus first on the interest that potential speakers have in a platform. They include having their ideas subject to critical scrutiny, disseminating ideas and

research and advancing knowledge, contributing to valuable public debate, and through that participating in the development of social and political culture and practice, and gaining motivation to do further research. These interests are at least sometimes sufficiently powerful, in principle, to ground a right to speak. Negative rights of free speech that are violated by restricting or sanctioning speech, which are widely endorsed, suggest that these interests can ground rights. Of course, legal free speech rights can also be justified on the basis of the value of people having such legal rights to society more generally. But the intuition that potential speakers are wronged by free speech restrictions is powerful.

No-platforming, it might be argued, is concerned with positive rights to speak – rights that others provide people with opportunities to speak. Those with authority over platforms, for example, exclude speakers from opportunities within their control rather than preventing people from speaking. And that, it might be argued, makes no-platforming easier to justify than, for example, sanctioning speech. Whilst speakers have interests in opportunities to speak, it might be argued, they lack rights to such opportunities.

### Consider this argument

#### *The Sceptical View*

- (1) Erroneously excluding a person from a platform wrongs them only if they have a right to speak on that platform.
- (2) People lack rights to speak on the platforms that are involved in no-platforming.
- (3) Therefore, no-platforming does not wrong people by excluding them, even if they are erroneously excluded.

(1) seems initially compelling. There is a strong relationship between wronging a person and their rights. Even if that relationship is not uniform, as some have argued,<sup>2</sup> it is initially plausible that excluding a person from speaking on a platform depends on their having a right to speak. Suppose, for example, that I am the best potential speaker for some public lecture at some university (admittedly, unlikely). I ought to be invited to speak. But it seems doubtful that the organisers wrong me by erroneously failing to invite me unless I have a right to speak. The mere fact that the exercise of good judgement would result in my being invited does not establish that I have that right.

This example provides some initial support for (2). The intuition that best-placed speakers don't have a right to speak is strong. However, there is at least some initial reason to doubt (2). Given that speakers have a powerful interest in speaking, why does this interest not ground positive rights to provide a person with a platform as well as negative rights not to restrict them from speaking?

Negative rights are often stronger than positive rights. Furthermore, an interest might sometimes be sufficiently important to ground a negative right,

---

<sup>2</sup> For an argument that a person can be wronged without having a right infringed or violated, see N. Cornell, 'Wrongs, Rights, and Third Parties' (2015) 43 *Philosophy and Public Affairs* 109.

but not to ground a positive right – others might have reasons rather than duties to satisfy the interest through positive action, but duties not to prevent it from being satisfied. And things other than the interests of a person, such as the importance of independence, ground some negative rights where there is no corresponding positive right.

But powerful interests often ground positive rights, at least where satisfying the correlative duties is not costly. And we have already seen that speakers have powerful interests in speaking. Allowing people to speak on platforms does not seem especially costly. Why, then, are free-speech rights often conceived of as negative and not positive rights?

Here is an argument for (2) that accepts that the interests of speakers can in principle ground a right to speak: individual speakers lack rights to speak on any particular platform because there are, for good reason, limited platforms of a certain kind and quality – too few to accommodate those people who have powerful interests in speaking on such platforms. The number of platforms of a certain kind is restricted, for example, to ensure adequate audiences at talks, to prevent fatigue of audiences, and to ensure that discussion is focused and engaged. Thus, selection of speakers based on the qualities of the expected content of speech is pervasive, not just in the academy but beyond.<sup>3</sup> Whereas everyone can be free of restrictions from speaking, and so everyone has negative rights of free speech, not everyone can be given a platform, so people normally lack positive rights to speak.<sup>4</sup> This argument might help to vindicate the *Sceptical View* for almost all platforms – perhaps exclusion from social media is the exception.

I offer three responses to this argument that explain why exclusion can make no-platforming wrong.

### **The right not to be wrongly excluded**

First, wrongful exclusion does not depend on a right to speak. The argument that I offered for (2) in the *Sceptical View* has the following general form. Suppose that there is some large group of equally placed people  $\{X_1 \dots X_n\}$ , and a smaller number of indivisible opportunities. And suppose that each X has an interest in an opportunity that would be sufficiently important to ground a right were there no competitors for such opportunities. Then, each X lacks a right to an opportunity.

---

3 Compare R. Simpson and A. Srinivasan, 'No-Platforming' in J. Lackey, *Academic Freedom* (Oxford: OUP, 2018); R. Simpson, 'The Relation Between Academic Freedom and Free Speech (2020) 130 *Ethics* 287. In these pieces, Simpson and Srinivasan point to the permissibility of selection based on content as an argument to support no-platforming, and its consistency with liberal values. But they fail to attend to the range of factors that make no-platforming more morally troubling than mere selection by content.

4 Some other arguments for free speech explain the focus on negative rights in a different way. For example, Ronald Dworkin thinks that one value that explains some free speech rights is the value of ethical independence. But if that is right, it more plausibly grounds negative not positive rights. See R. Dworkin, *Justice for Hedgehogs* (Cambridge, MA: Harvard University Press, 2011) 371-374.

One obvious response is that such opportunities must be allocated fairly. And others must not undermine the fair allocation of opportunities. If X loses out in a fair system of allocation their rights are not violated. But their rights are violated if they are unfairly excluded. A fair system for the allocation of opportunities to speak is one that considers the value of opportunities to speakers and others, including how they are distributed amongst eligible candidates, subject to practical constraints such as epistemic and time constraints. In *Wrongful No-Platform*, X is not given a fair chance of speaking – because of Y’s mistaken views about X, X’s merits as a potential speaker are never considered, and not because of reasonable epistemic and time constraints. Thus, X is wronged by being denied a fair opportunity to speak.

Some might respond that invitations to speak are a bit like dinner invitations, where those with responsibility for giving such invitations have broad latitude to act on personal preferences to determine whom to invite. But although organisers may often think they have this latitude, that is not true, at least for the main platforms that have been the subject of no-platforming practices, such as opportunities to speak in universities or on political programmes in the mainstream media. These opportunities are needed to ensure that public institutions execute central public functions, they are sustained and regulated for the public good, and they are important in determining the prospects of people with interests in public debate.

Furthermore, there are fairness constraints on the allocation of such platforms. Inviting people based on friendship, for example, unfairly skews opportunities to people with social capital, and entrenches the already serious disadvantages that victims of systematic discrimination face in contributing to public debate. It also tends to result in public debate becoming overly conservative. Just as we are not permitted to make employment or promotion decisions based on personal preference, we are not permitted to allocate significant public platforms based on personal preference. The idea that duties of fairness apply to the allocation of speaking opportunities is widely recognised in academic life, even if only a relatively narrow set of duties is typically affirmed. For example, many people recognise the duty to include junior academics and underrepresented groups in conferences and workshops.

It might be argued that in such cases, X is wronged only if X would have merited at least a chance of selection in a fair process. Suppose that X is no-platformed in circumstances like *Wrongful No-Platform* but another person, Z, is better qualified to speak at the event in question, and has had fewer speaking opportunities, so a fair process would have selected Z. Is X then wrongly excluded?

They are. X is wronged when the wrong considerations cause them to be excluded from a platform even where their exclusion does not counterfactually depend on the wrong considerations having this consequence. Compare gender discrimination in employment:

*Sexist Employer.* X applies for a job. Employer thinks that only men can do the job. X, a woman, is the second-best candidate, after Y, a man. But X’s merits are never considered. Her application is rejected at the outset because X is a woman. Had

Employer considered her merits fairly they would nevertheless have given the job to Y.

There is a type of exclusion – exclusion for the right reasons – that is permitted. But this does not imply that any exclusion is permitted – exclusion for discriminatory reasons is not. When X is excluded for discriminatory reasons, X is wronged.<sup>5</sup> The nature of the wrong is disputed – perhaps the wrong X suffers is just to do with the wrongful process, and not with exclusion from the job as such. Or perhaps X is wrongly denied the job, even though there were grounds to reject. We need not resolve this dispute here. X is wronged either way.

Is this case special because X is excluded based on the kinds of protected characteristics that are familiar from discrimination law – those where systematic discrimination exists?<sup>6</sup> Even if so, some no-platforming might be wrong when it is based on mistaken moral perceptions, because no-platformers might wrongly discriminate based on such characteristics. In familiar intense conflicts, accusations of discrimination are made on both sides – those fighting for Palestinian rights are accused of anti-Semitism and those fighting for Jewish rights in Israel are accused of anti-Arab racism; those fighting for trans women to be included in women-only spaces are accused of discriminating against cis women and those fighting against inclusion are accused of transphobia. Sometimes, such accusations are themselves discriminatory, and no-platforming on the relevant basis will then involve exclusion on the basis of a protected characteristic.

For example, a non-discriminatory Arab fighting for Palestinian rights might be excluded for being anti-Semitic, and the perception that the Arab is anti-Semitic might itself stem from anti-Arab racism; or a non-discriminatory Jewish person fighting for Jewish rights in Israel might be accused of anti-Arab racism, and the perception that they are a racist might be anti-Semitic. Wrongful accusations of discrimination are often discriminatory.

But exclusion can be wrongful even when it is not based on protected characteristics. Compare mistaken judgement about a person's discriminatory views in employment:

*Mistaken Employer.* X applies for an academic job and is the second-best candidate after Y. Employer thinks that X holds deeply discriminatory views that ought not to be expressed in a university. X's views are not discriminatory. X would teach well and appropriately. Had Employer considered X's merits against Y's, without wrongly believing X's views are discriminatory, they would still have offered the job to Y.

---

5 See, also, T. Parr and A. Slavny, 'Harmless Discrimination' (2015) 21 *Legal Theory* 100. I draw, here, on the more general view about the significance of intentions defended in V. Tadros, *The Ends of Harm: The Moral Foundations of Criminal Law* (Oxford: OUP, 2011) ch 7; *To Do, To Die, To Reason Why: Individual Ethics in War* (Oxford: OUP, 2020) ch 6.

6 Scanlon, for example, thinks that in general intentions are not relevant to permissibility, but that certain kinds of discrimination are an exception because they reinforce wider disadvantages and because of their meaning. See n 1 above, 69–74.

Employer wrongly excludes X from employment, even if this wrong is not as grave as that in *Sexist Employer*. Being a victim of more systematic injustice can make exclusion based on a characteristic worse; it is not necessary to make it wrong.

What, then, is the wrong basis for excluding a person from a platform? We are focused on a limited aspect of this question for the moment – that concerned with exclusion on the basis of perceived wrongdoing, or wrongful views. Obviously, if a person is excluded based of wrongful views that they do not hold, or on the basis that their views are wrongful when they are not, the person is wrongly excluded. As we will see later, a person might also be wrongly excluded where they have wrongful, or even offensive, views.

### **Rights to particular platforms**

A second response is that the argument offered for (2) in the *Sceptical View* does not apply to all cases, because sometimes only one particular person can speak on a platform. No-platforming that person would set back an interest sufficient to ground a right, and no one else can take the opportunity. That person then has a right to speak on that platform. This can be true in familiar cases of no-platforming where invitations are withdrawn.

Consider:

*Withdrawal:* X is invited to speak, there is a protest based on the misperception that X's views are discriminatory, and X is excluded. There is no adequate speaker available at short notice to take X's place.

Suppose that X lacked a right to speak before being invited because of other available sufficiently qualified speakers, but X's interests in speaking would otherwise be sufficient to ground a right to speak. As X is now the only available speaker, their interest grounds a right to speak.

Furthermore, invitations might ground rights to speak more directly. This view depends on whether and why people have the power to withdraw invitations. In some contexts, invitations can be withdrawn for any reason without compensation – the invitation to have sex, for example, can be withdrawn for any reason, and withdrawing the invitation is decisive. Some invitations can be withdrawn but compensation must be provided. Some contractual obligations are like this. Other invitations cannot be withdrawn at all. If you rely on my invitation to drive you to the airport, and you will miss your flight, and there are no powerful countervailing reasons, I must drive you. In some contexts, then, there is a general right to withdraw invitations; in others withdrawing an invitation is permissible only if there are powerful reasons to do so.

Speakers sometimes rely on invitations – they turn down other invitations, for example, as a result of prior invitations. This can affect the stringency of the rights generated by invitations. But invitations to speak generate quite stringent rights, even where the invitee has not relied on the invitation. If Y has invited X to speak, and X has accepted, Y needs a strong reason to withdraw the invitation.

Suppose that Y only has one speaking opportunity available – an annual public lecture that they are in charge of organising. They invite X to speak. Soon after, even though X has not relied on Y's invitation, Z, a much better speaker, unexpectedly becomes available. It would normally be wrong for Y to withdraw X's invitation. The difference between X and Z would have to be very great, and even then, the invitation could be withdrawn only if some alternative could be offered to X. Thus, invitations generate significant rights to speak – rights that cannot be overridden simply by more valuable speech.

It is worth noting that X's interest in speaking still plays a role in grounding their right in this case. Quite generally, the stringency of the rights generated by invitations, promises, requests, and so on depends on the value of these things to the recipient, and the value in this case is in speech. So, the stringency of the right depends on both the exercise of a normative power and the interest that the person has in the relevant duty being satisfied. Some might then wonder whether free speech rights are engaged. Once we understand the source of the right, though, we have a full understanding of X's moral right to speak. There are remaining questions about whether legal or constitutional rights of free speech are engaged, but how such rights are best conceived is not my topic here.

### **Negative rights and no-platforming**

A further response to the *Sceptical View* is that a great deal of no-platforming engages negative rather than positive rights because a great deal of no-platforming is secondary in the sense outlined above: people without *de facto* authority encourage or pressure those with *de facto* authority to exclude speakers. They do not merely fail to provide potential speakers with platforms; they contribute to preventing them from accessing platforms.

Consider:

*Secondary No-Platforming:* Y is disposed to provide X with a platform until Z forcefully impresses on Y that X's views are discriminatory. As a result, Y decides to exclude X. X's views are appropriate and true. X has a strong interest in speaking.

Z's conduct has resulted in X being deprived of a speaking opportunity. As X's views are appropriate and true, Z has wrongfully caused Y to deprive X of a platform. And that engages X's negative rights.

Against this, some might argue that as X lacks a negative right against Y to be provided with a platform, X must lack a negative right against Z as well. But that is false. Indeed, a person's rights can be violated where another is prevented from helping them even where that person has no right to assistance at all. Compare:

*Supererogation:* X will suffer a severe illness if nothing is done. Y is disposed to assist X even though doing so is supererogatory. Z prevents Y from assisting X for no good reason.

Z violates X's rights, X's lack of a right to be assisted by Y notwithstanding.

Some might argue that Z wrongs Y, but not X. But this view is not plausible. X has a right to Y's assistance *if Y is willing and able to give it*. Here is a way of reinforcing this view. In general, we have interests in certain normative facts; an interest not only in controlling what others do, but what rights and duties others have. Exactly why is disputed, but the data to be explained is powerfully intuitive.<sup>7</sup> Now consider the case where Y wishes their personal resources to be available for X to be saved. Where Y wishes this to be true, they act for the sake of X. Normally, they would also then want X's interests to ground a duty on others not to interfere to prevent these resources being used. X's interests ground that duty only on condition that Y is willing and able to act for the sake of X; that enables X's interests to ground the duty. But where this condition is satisfied, X's interests explain why others have the duty, not just Y's. But where X's interests ground the relevant duty, the duty is normally owed to X. So, where X interferes with Y, X wrongs Z as well as Y.

Perhaps it might be argued that things are different in *Secondary No-Platforming* because Z persuades rather than compels Y not to provide a platform to X. But that difference is not decisive either. Perhaps Z does not violate X's negative rights where Z persuades Y to refrain from benefiting X by emphasising the significance of something true. Compare a variation on *Supererogation* where Z persuades Y not to assist X by pointing out the significance of the costs to Y. Then, Z does not violate X's rights.

Things are different where Z persuades Y of something false. Suppose, for example, that in a further variation on *Supererogation*, Z persuades Y not to assist X by making them believe that X will not become ill. Z violates X's right that Y is not persuaded of this in this way, resulting in X not being rescued. In *Secondary No-Platforming*, Z gets Y to withdraw a speaking opportunity that X has an interest in. Whether this involves persuading Y to withdraw that opportunity by wrongly persuading them that X is an unsuitable speaker, or pressuring, or compelling them to do so, Z violates X's right.

Another objection is that Y's intervening agency ensures that Z does not violate X's rights. But even if intervening agency is morally significant in determining whether rights are violated in general, which is doubtful,<sup>8</sup> it is not significant where that agency is activated by the intervening agent being persuaded of something false. Overall, then, by persuading Y to no-platform X on a false basis, Y violates X's negative rights.

## WHAT IS WRONG WITH WRONGFUL NO-PLATFORMING II: WRONGFUL DENUNCIATION

We have seen several ways in which no-platforming can involve wrongly excluding potential speakers from platforms, violating their rights. My account of

7 See, for discussion, D. Owens, *Shaping the Normative Landscape* (Oxford: OUP, 2012); R. Chang, 'Do We Have Normative Powers?' (2020) 94 *Aristotelian Society Supplementary Volume* 275; V. Tadros, 'Appropriate Normative Powers' (2020) 94 *Aristotelian Society Supplementary Volume* 301.

8 See V. Tadros, 'Permissibility in a World of Wrongdoing' (2016) 44 *Philosophy and Public Affairs* 101.

no-platforming has a further feature that can also make no-platforming wrong – those who are no-platformed are denounced as well as excluded. Public denunciation of a person, or their conduct, is sometimes justified. But it is subject to substantive and evidential standards. More controversial are process-based duties that govern permissible denunciation. And denunciation is only justified if it does not inflict disproportionate costs on those denounced (and others).

### **What wrongs can be publicly denounced**

The most obvious kind of wrongful public denunciation involves denouncing an innocent person – a person who has done nothing morally problematic. Doing this wrongs that person even if that person bears no costs. Suppose that X publicly denounces Y for holding racist views where Y's views are appropriate and non-racist. X wrongs Y even if Y bears no costs, for example because no one believes X.

What wrongs warrant public denunciation? If, by public denunciation, we mean simply denunciation in public, it is tempting to think that all wrongs do. Moral wrongdoing is of interest to us all, and it is appropriate to denounce it publicly, however trivial it is, and however niche the interests it sets back. Furthermore, public denunciation of certain wrongful beliefs – racist beliefs for example – is as warranted as public denunciation of wrongful conduct. Of course, the tone of the denunciation should reflect the gravity of the wrong. Trivial wrongs warrant only relatively light-hearted denunciation. But even trivial wrongs warrant a bit of public denunciation.

We then need to know which beliefs are wrongful, and that is hard to determine. In many cases people with discriminatory views hold those views due to character flaws or problematic motivations about those they discriminate against. In that case, denouncing the person for their views seems warranted because their beliefs are attributable to these deeper flaws.

A much more general view is that if X believes  $p$ , and  $p$  is a proposition about morality, and  $p$  is false, X has a wrongful belief. This view, though, is too capacious. Not all false moral beliefs are wrongful in a way that warrants public denunciation. For example, we wouldn't be warranted in denouncing people for false metaethical views, or false general views in normative theory, where the person has arrived at these views by considering the arguments and getting things wrong. The discovery of decisive arguments against utilitarianism, for example, would not warrant denunciation of all utilitarians.

Now consider the person who holds mistaken general moral views and draws specific conclusions about the rights of individuals from those general views. The explanation for the person's problematic views in this case might just be intellectual too. For example, a person with a certain utilitarian view might have views about disability rights that are implied by their more general view that fail properly to recognise the moral significance of people with disabilities. Is denunciation warranted based on the person's more particular failure?

I'm not sure. If the person acted on these beliefs in a way that failed to respect the rights of a disabled person, I think they would appropriately be

denounced for doing so. Or, at least, any remaining doubts about this are to do with blameworthiness rather than about what they did.<sup>9</sup> If a person can be denounced for their wrongful conduct where they act wrongly simply due to intellectual failure, why not also conclude that holding and expressing the relevant beliefs is also wrongful? So perhaps holding wrongful views about the basic rights of others is itself the kind of thing that a person can be publicly denounced for. I remain hesitant about this conclusion, and I'm not sure how to make progress.

What further conditions might there be on the kind of conduct that can be publicly denounced? In the context of criminal law, some think that only public wrongs warrant denunciation by the state. And there are different views about which wrongs are public.<sup>10</sup> But even if this view is right, it is right because the criminal law is an arm of the state, and there are limits to what the state can denounce given that it speaks for the polity as a whole. Private individuals are not bound by these limits, even when they speak in public.

But the case of no-platforming does raise a problem similar to that of the criminal law. When no-platformers publicly denounce people, do they speak in their own voice, or in a public voice? If the latter, they publicly denounce in a different sense – in the name of the public. Then, they might be constrained by limits on the public voice like those that have been defended in the context of criminal law. For example, public universities and public broadcasters, such as the BBC, must uphold public values. When those with authority over platforms generated by those institutions denounce potential speakers, they arguably speak in a public voice. And there are restrictions on what they can say when speaking in that voice. Even private bodies, such as private universities, might be constrained by similar norms. These universities, although privately owned, might carry out public functions, which subjects them to the same constraints as public institutions.

Exactly what restrictions this imposes on denunciation is a matter of dispute that engages different liberal views. For example, on a roughly Rawlsian view, certain wrongs cannot be denounced in a public voice because the values that make the conduct wrong are beyond the kind of overlapping consensus that is needed ensure stability and that citizens are not alienated from the institutions that govern them.<sup>11</sup> Alternatively, one might argue in a more piecemeal way for

9 For the view that ignorance of moral wrongdoing makes a person blameless, see G. Rosen, 'Culpability and Ignorance' (2003) 103 *Proceedings of the Aristotelian Society* 61. For doubts, see E. Harman, 'Does Moral Ignorance Exculpate?' (2011) 24 *Ratio* 443.

10 The most influential view of this kind is defended in R.A. Duff, *Answering for Crime* (Oxford: Hart, 2007) and *The Realm of the Criminal Law* (Oxford: OUP, 2018). For discussion, see for example M.M. Dempsey, 'Public Wrongs and the "Criminal Law's Business": When Victims Won't Share' in R. Cruft, M.H. Kramer and M.R. Reiff, *Crime, Punishment and Responsibility: The Jurisprudence of Antony Duff* (Oxford: OUP, 2011); V. Tadros, *Wrongs and Crimes* (Oxford: OUP, 2016) ch 7; P. Tomlin, 'Duffing Up the Criminal Law?' *Criminal Law and Philosophy* (forthcoming).

11 This draws on J. Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 1993). For different views of its significance for public wrongdoing and the criminal law, see M. Matravers, 'Political Neutrality and Punishment' (2013) 7 *Criminal Law and Philosophy* 217; Tadros, *ibid*, ch 8.

certain kinds of institutional relationship that provide authority to denounce different kinds of wrong.<sup>12</sup>

I cannot make significant progress on how the content of the public voice is restricted here. I will say, though, that people are normally no-platformed in the belief that their views are seriously discriminatory. If no-platformers are wrong about this, their conduct is wrong simply due to their error. If they are right, though, the attitudes and conduct that they target will normally fall within the ambit of legitimate public concern.

### Epistemic standards

A more important issue practically concerns the epistemic standards of public denunciation. Suppose that X has committed some wrong that is an appropriate matter of public concern. What epistemic standard must Y meet to warrant publicly condemning X? A standard view in the criminal and civil law is that knowledge is required for punishment, but not for compensation. And that view is sometimes defended on the basis that punishment involves public condemnation, which is warranted only if one has knowledge, where compensation does not.<sup>13</sup>

This is a plausible view about condemnation or denunciation in general, public or private. Suppose, for example, that I don't know whether you have performed some wrongful act where that act would merit public denunciation. I have strong evidence that you have committed the wrong, but not enough for knowledge. It is now inappropriate for me to say: 'what you did was abhorrent.' At most, I can appropriately say: 'if you did this, and there is strong evidence that you did, what you did was abhorrent' – a kind of conditional denunciation.

Furthermore, I am at least tempted by the view that epistemic standards apply not only to the facts that make a person's conduct wrong, but also to the wrongness of the conduct. For example, suppose that I know that you have killed one person as a side-effect of saving three others. I think that this is wrong, but I am unsure. Arguments about the prohibition on killing when compared with letting die are finely balanced, and it is hard to know whether any such prohibition makes your conduct wrong. Again, my condemning you seems unwarranted, as I don't meet the appropriate epistemic standard for condemnation, even if your conduct is wrong.<sup>14</sup> But perhaps this view is too restrictive. It certainly seems to make a great deal of public denunciation unwarranted. Perhaps justified confidence in the correct view is enough to warrant denunciation, even where that is short of knowledge.

---

12 See for example Duff, *The Realm of the Criminal Law* n 10 above for a view like this.

13 For defence of the view that knowledge is the appropriate standard, see, for example R.A. Duff, L. Farmer, S.E. Marshall and V. Tadros, *The Trial on Trial: Volume 3* (Oxford: Hart, 2007); S. Moss, 'Knowledge and Legal Proof' in *Oxford Studies in Epistemology vol 7* (Oxford: OUP, forthcoming). For the more ambitious view that one must only assert what one knows, see T. Williamson, *Knowledge and its Limits* (Oxford: OUP, 2000) ch 11.

14 Compare Patrick Tomlin's views about the presumption of innocence, outlined in P. Tomlin, 'Extending the Golden Thread? Criminalisation and the presumption of innocence' (2013) 21 *Journal of Political Philosophy* 44.

One problem with the culture of no-platforming is that it puts people under pressure to denounce others in an unqualified way without meeting the appropriate epistemic standards. People are sometimes condemned based on internet testimony, which can be quite compelling, but which is often insufficient for knowledge. And people are condemned without grounds for knowledge that the views of the person condemned are wrong.

This problem is often even more profound with respect to person-targeted no-platforming than communication-targeted no-platforming. We may have justified confidence that a person has communicated views worth condemning but lack confidence that the person communicating them should be denounced. Appropriate denunciation of the views that a person has communicated only requires knowledge about those views. Appropriate denunciation of the person who has communicated them, in contrast, requires knowledge about the person and why they communicated them – their responsibility for their communications. We would need, for example, to know more about any excuses they might have for communicating them, and that will depend on facts about the person. There is plenty of room for dispute about what might diminish or undermine responsibility for communicating offensive views. Furthermore, we might doubt that there is much additional reason to denounce a person *qua* person, rather than just what they have said, or would say, so there wouldn't be much reason to no-platform in a person-focused way.

Consider, for example, Tim Hunt's infamous speech on 'problems with girls in science', which may have been intended to be self-deprecating and ironic, but which was taken literally. Suppose that his intentions were to be self-deprecating and ironic, and he was in fact challenging sexist views in this way rather than endorsing them. We can condemn the fact that what was communicated was deeply sexist, and criticise his failure to make his ironic intent sufficiently clear. But we would need to know more to determine what it is appropriate to say about him. Just why had he communicated something that he did not intend, if he did that? To what extent was his sexist communication attributable to more deeply held sexist views, attitudes, and dispositions?

We can denounce what Hunt communicated without denouncing Hunt himself, and we have sufficient evidence to do that, it might be argued. Denouncing what is communicated, without denouncing Hunt, shows solidarity with the victims of sexism in science, and challenges sexist norms, attitudes and practices that have been pervasive. So perhaps we should stop at that. Of course, there is a question whether inept communication makes a person lose a right to a platform (let alone to employment – Hunt was pressured or compelled to resign from various positions due to his speech). But that is not our topic in this section – we are just concerned, here, with what warrants public denunciation.

## Process and denunciation

Here is an even more difficult question. There are restrictions on warranted denunciation based on who is doing the denouncing and through what process. Hypocrites, for example, are often thought to lack standing to publicly condemn others, at least if they fail to self-criticise at the same time.<sup>15</sup> That is so even if they would condemn others for wrongdoing with sufficient evidence.

Here is a more general idea. In the context of criminal trials, some argue that public condemnation is warranted only if it is the culmination of a process where the wrongdoer is engaged with as a responsible agent. Criminal trials, on this view, do not merely aim to ensure that condemnation meets the appropriate epistemic standards. They have value in themselves. Condemnation, on this view, is the culmination of a process where potential wrongdoers are called to account for their wrongdoing, and where they have an opportunity to answer.<sup>16</sup> And they should have the opportunity to question both the accountability process and those who call them to account.<sup>17</sup>

Suppose that a similar idea has force in the case of speakers with abhorrent views. We might then draw the conclusion that no-platforming is normally wrong. A speaker with abhorrent views should be given the opportunity to speak, and to respond to accusations that their views are abhorrent. At the culmination of this communicative process, those who have engaged with them may appropriately denounce them for their views, but not before.

Again, there is more to say about this view than I have space for. I believe that it has some force. But I also think that it only makes no-platforming wrong in some cases. One preliminary issue is whether a person can meet the appropriate epistemic standards for public denunciation without such a process. They clearly can. We meet the epistemic standards needed to denounce Hitler, for example, without having engaged him in a process where he is called to account and given the right to answer.

Now suppose that there are good moral reasons to engage a person in a process of calling to account, even where we can meet the relevant epistemic standards without doing so, which seems true. A person has a right to be engaged with, and to attempt to answer charges made against them, even where we know they will fail to offer adequate answers. But this right only exists where there is an appropriate process available. The platform that a person is on will sometimes be valuable in this way. But not always. The person might have too

---

15 There is a growing literature on this problem, and I cannot address it any further here. See, for example, R.J. Wallace, 'Hypocrisy, Moral Address and the Equal Standing of Persons' (2010) 38 *Philosophy and Public Affairs* 307; M. Bell, 'The Standing to Blame: A Critique' in D.J. Coates and N.A. Tognazzini, *Blame: Its Nature and Norms* (Oxford: OUP, 2013); P. Todd, 'A Unified Account of the Moral Standing to Blame' (2019) 53 *Nous* 375; K. Upadhyaya, *What's Wrong with Hypocrisy* PhD Thesis, University of Warwick 2020.

16 See Duff, Farmer, Marshall and Tadros, n 13 above, building on R.A. Duff, *Trials and Punishments* (Cambridge: CUP, 1986), for a defence of this view.

17 See, further, Duff, Farmer, Marshall and Tadros, *ibid*, and, in this context, P. Billingham and T. Parr, 'Enforcing Social Norms: The Morality of Public Shaming' (2020) 28 *European Journal of Philosophy* 997 and 'Online Public Shaming: Virtues and Vices' (2020) 51 *Journal of Social Philosophy* 371.

much opportunity to subvert the process by evading questions, or attempting to turn the tables, to make the communicative process valuable as a process of calling out the person's views. Or the attempt to call the person to account during the process might be too time consuming, reducing the opportunities that others have to speak and test their views.

In that case, those with authority over platforms cannot be expected secure the additional value that arises through a process of calling the person to account. Public denunciation without such a process may still be warranted, sub-optimal though that is.

### Costly denunciation

Warranted public denunciation can also be wrong because of the costs. A great deal of public denunciation is wrong for these reasons.<sup>18</sup> We live in highly punitive societies, where overreaction to some kinds of minor wrongdoing is common. Many people who are publicly denounced for wrongdoing are subject to disproportionate abuse, and that tendency has only increased in the internet age. One way in which denunciation may become disproportionate is through its repetition. There comes a point where repetition of public denunciation imposes unjustified psychological costs on a wrongdoer and creates the unwarranted impression that there is nothing more to them as a person than their wrongdoing.

Again, some may doubt that denunciation is wrong for these reasons, because the denouncers are not responsible for the wrongs that others commit as a result of their denunciation. But that idea rests on an implausible view about the significance of intervening agency. To see this, suppose that if I denounce a person for a minor wrong, that person will be executed by a baying mob. Obviously, it would be wrong to denounce the person. Similarly, suppose that if I publicly denounce a person for a relatively minor wrong, they will be socially ostracised for many years at great cost to them psychologically, socially, and professionally. I ought not to denounce them even if my denunciation, taken alone, would be warranted and proportionate. At most, intervening agency makes a difference to the stringency of the duty not to denounce people, given the harm that doing so will cause. And I doubt even that is true.<sup>19</sup>

## JUSTIFIABLE EXCLUSION

I have explored two facts that make no-platforming wrong when it is wrong – wrongful exclusion from a platform, and wrongful denunciation. These things do not show that no-platforming is always wrong, even *pro tanto*. Obviously, no-platforming is only at most *pro tanto* wrong. In principle, at least, the good that

18 I will mostly leave aside further investigation of this problem, not because it is unimportant, but rather because I don't have much to add to the analysis in Billingham and Parr 'Enforcing Social Norms' *ibid*.

19 See Tadros, n 8 above.

no-platforming does might justify infringing the rights of potential speakers. Here I restrict my attention to several ways in which a person might come to lack a right not to be no-platformed.

### **When dialogue lacks value**

The right to a public platform centrally depends on a person's interests in participating in public speech, we have seen. The value to a speaker of participating in public dialogue has two main sources: first, in influencing the views of others; second, in having their views influenced. In some cases, securing a platform will advance neither interest.

What gives a person an interest of the first kind? A core case is a person who has done deep and careful research to develop their knowledge about something important, explains their findings to others, who then acquire the knowledge. The fact that they have shared their knowledge with others is an achievement that they have reason to value. Consider the sense of achievement that an academic rightly has in influencing their field in a positive way.

Achievements on this kind do not depend on a person having knowledge prior to, or even after, securing a platform. A person can make a positive contribution to public dialogue through participation in debate where their views are false (at least let's hope so!). Consider a piece of work that provides a new and plausible defence of a false view. The author can contribute to knowledge by encouraging others to find better defences of the true view, which advances knowledge. All of this is familiar from philosophical debate. But this also suggests that a person might have a right to a platform in order to influence debate even where their views are morally wrong. Such a person can make a contribution to the development of knowledge.

Those with false moral views have an even stronger interest in having their views subjected to critical scrutiny through public debate, in order that they change those views. That is obvious from the interest that people have in knowing the truth about important moral matters. And the more abhorrent a person's views, the stronger their interest of this kind.

In response, it might be argued that these interests can be advanced by no-platforming as well. No-platforming, I noted, has a communicative dimension, and the person denounced is one of the recipients. However, denunciation typically serves the interests of speakers less well than dialogue. Denunciation is not normally accompanied by the development or articulation of argument, or even a very clear articulation of reasons for the denunciation. The person denounced will have less opportunity for reflection on their own views in the light of counterargument and will have less opportunity to contribute to public discourse. Furthermore, and partly for this reason, denunciation tends to entrench false views. A person who is denounced without explanation may be more likely to see the denouncers as misguided and unjust, leading to them doubling down on their mistaken views.

In the light of this, a person with deeply offensive views that merit harsh public denunciation might nevertheless have a right against no-platforming that is

grounded in the additional value that communicative interaction might provide, both with respect to improving the views of the speaker, and others, over denunciation.

The magnitude of that additional value, though, varies from case to case. In some cases, a person has false views, they are not amenable to revising them in the light of critical discussion, and discussion of their views will not enhance knowledge of the audience, or it will not do so in the right way for the speaker to treat their acquisition of knowledge as an achievement. For example, a person might have an absurd view about some empirical or moral matter; they may be intransigent, and thus not amenable to altering that view in the light of critical investigation; and the only knowledge that an audience would gain through engaging with them is about failings of the speaker. In that case, the speaker has little interest in having their views subject to critical investigation, and the audience's interest in acquiring knowledge does not concern facts that the speaker is attempting to communicate. Thus, even if knowledge would be enhanced by providing the speaker with a platform, the speaker wouldn't achieve anything that could give them a right to speak.

There are difficult empirical questions that arise that I cannot fully answer, about when speakers with mistaken and offensive views have interests to platforms and when they don't. I will illustrate the issue with a pair of plausible examples: a philosopher who denies that human beings with severe cognitive disabilities have higher moral status than non-human animals, and a holocaust denier. Suppose that both views are both false, and deeply disrespectful. Suppose that both beliefs are honestly held. And suppose that discriminatory attitudes or dispositions partly explain why the speakers hold these views – the holocaust denier holds their belief partly because they are disgusted by Jews; the person who denies the moral status of humans with severe cognitive disabilities holds their belief because they recoil at those with disabilities. What is the difference in value to speakers and listeners in no-platforming those with such views?

In the case of holocaust denial, it is doubtful that communicative dialogue typically adds much over simple denunciation, for two reasons. First, the dispute is simply about the facts, and communicative dialogue is not usually the best way of presenting evidence in a complete and convincing way, so speakers and listeners who are already convinced by their views are unlikely to change them in the light of dialogue; second, there are complete and convincing accounts of the evidence that are widely available, that the speaker and listeners have adequate access to.

In the case of the moral status of those with severe cognitive disabilities, things are often different. Even if we assume that the view under consideration is clearly false and offensive, there are deep disputes about why: we can be confident that some view is false without being confident why. Arguing with those with the offensive view, then, is likely to advance knowledge by encouraging the development of more sophisticated arguments for the view that we are supposing is correct, as well as helping us to find the reasons why the true view is true. Those with the offensive view, where it is honestly held, and where the person participates in debate, can gain knowledge by being presented with arguments that they had not considered to revise their view, and can help those

with the correct view to support it more effectively by providing a foil for them to defend their view. They thus have a significant interest in a platform.

In some cases, then, no-platforming does not violate the right of a potential speaker because a) the person's views merit denunciation; and b) a communicative platform provides no significant extra value to the acquisition of knowledge, either by the potential speaker or the audience when compared with denunciation. We have also seen, though, that some whose views merit denunciation nevertheless have interests in a platform that are sufficiently important to ground rights.

### **Forfeiting one's right to a platform I: threats, harms and wrongs**

I have suggested that rights are grounded in part in interests. But a person whose interests are sufficiently powerful to ground a right may nevertheless lack that right. The person might consent, or waive their right, or forfeit it. For example, a culpable attacker has a powerful interest in not being harmed to avert the threat they pose – that interest is normally sufficiently powerful to ground a right not to be harmed – but they have forfeited their right. Similarly, it might be argued that those who will express offensive views forfeit their rights against being no-platformed, even where they have an interest in a platform that is sufficiently important to ground a right.<sup>20</sup>

I doubt that the intention to express offensive views is sufficient on its own for a person to forfeit the right to a platform. The normal way in which a person forfeits their rights is by affecting others, or by acting in a way that will affect others. What kind of effect on others can result in the forfeit of a right to a platform? Following one interpretation of John Stuart Mill, some might think that rights to speech can be forfeited only where speech is harmful. They may also think that speech is not harmful, and that therefore speakers cannot forfeit their rights.

Neither thing is true. First focus on whether speech can be harmful. Admittedly, exaggerated claims are sometimes made about the harm caused by the expression of discriminatory views. But, obviously enough, speech can result in harm through the conduct of others. And, as I have already suggested, unless one adopts an implausible view about the significance of intervening agency, that can be sufficient to make speech wrong. It can also be sufficient for a person to forfeit their right to a platform. I have no right to speak, even given communicative interests that I have in speaking, where my doing so will result in someone suffering physical violence as a result, for example. That suggests that a person will often forfeit their right to incite unjustified violence, or even to speak in a way that will result in unjustified violence as a side-effect.<sup>21</sup>

Often, though, offensive speech does not result in harms that are anywhere near that grave. In determining whether potential speakers forfeit their rights,

---

20 The idea that there are helpful parallels for thinking about free speech and rights to defensive harm or punishment is nicely developed in J. Howard, 'Dangerous Speech' (2019) 47 *Philosophy and Public Affairs* 208.

21 See, for a more detailed argument for this conclusion, Howard, *ibid.*

we must balance the gravity and likelihood of harm against the speaker's interests in speaking. These interests are often significant, and so trivial harms will not normally result in a person forfeiting the right to speak. Furthermore, potential harms from speaking must be considered in the light of benefits to others. Perhaps these benefits need to be greater than the harms caused to justify speaking, and to result in a person retaining their right to speak. That may be so as a result of the principle of doing and allowing. But the value of speech to others will often be sufficient to outweigh any harm caused, ensuring that the right to speak is not forfeited.

Second, focus on whether a person can lose their rights without threatening harm. This is difficult to establish, because the currency of harm is disputed.<sup>22</sup> But on the best view of what makes conduct harmful, there are serious non-harmful rights violations. Examples that have been given include sexual penetration of an unconscious person,<sup>23</sup> preventing a person from sacrificing themselves for the sake of a goal they value; paternalistic interference;<sup>24</sup> sleeping in a person's bed without them knowing;<sup>25</sup> taking a person's clothes which they will never wear again,<sup>26</sup> and stealing the lids from coffins containing corpses of people about to be cremated.<sup>27</sup>

Now consider a group of people who are heavily discriminated against in a society, for their race, their religious beliefs, their disabilities, or something similar. The abhorrent beliefs that underpin the discrimination are widespread, though there are also those who resist those beliefs. A speaker wishes to reinforce the discriminatory beliefs, but by being exposed to critical responses to their views this person will benefit from a platform. Does this person forfeit their right to a platform if their speech will reinforce the relevant discriminatory beliefs overall?

One reason why is that the speech will result in members of the group being harmed. And, as we have already seen, there are disputes about what might harm them. But suppose they are not harmed. They may nevertheless be wronged by the speech. It may contribute to their preventing non-harm-based rights from being satisfied. For example, such beliefs may contribute to their being prevented from gaining employment and education opportunities. These things can be wrong even where they are not harmful, as we have seen.

Now focus on the idea that a person expressing deeply discriminatory views can contribute to fostering and reinforcing discriminatory views in others. It is not hard to find examples. Indeed, racist political speech has been the most powerful way to foster and reinforce racist beliefs in large populations, sometimes with catastrophic effects. Can a person forfeit their rights where their conduct will have this result, independently of any harm that they cause? They

22 I explore different views in *Wrongs and Crimes* n 10 above, ch 10.

23 See J. Gardner and S. Shute, 'The Wrongness of Rape' in J. Gardner, *Offences and Defences: Selected Essays in the Philosophy of Criminal Law* (Oxford: OUP, 2007).

24 For both examples, see Tadros, n 10 above, 203–204.

25 See A. Ripstein, 'Beyond the Harm Principle' (2006) 36 *Philosophy and Public Affairs* 215.

26 Gardner and Shute, n 23 above; A.P. Simester and G.R. Sullivan 'The Nature and Rationale of Property Offences' in R.A. Duff and S.P. Green, *Defining Crimes: Essays on the Special Part of the Criminal Law* (Oxford: OUP, 2005).

27 This occurred in *Dewar v HM Advocate* 1945 SLT 114.

can. We have powerful interests in living in a society where others recognise our moral worth. States have a duty not only to achieve just practical outcomes, but to foster a just ethos of mutual respect. Eroding that ethos hampers a state in satisfying its duties of justice, grounded in the interests of citizens, and that makes a person lose their right to a platform.

Eliminating potential harms and wrongs that speakers cause is only one dimension of no-platforming. No-platforming might also play a positive role in eliminating harm, in preventing non-harmful wrongdoing, and in changing beliefs. For example, the no-platforming of apartheid supporters in UK universities in the 1980s may well have contributed to the fight against apartheid and its eventual downfall. That can contribute to its justification.

It might be objected that this cannot contribute to the justification of no-platforming, because those who are no-platformed are used to achieve the ends of the no platformers. But there are exceptions to the principle that it is wrong to use people for our ends. One is where the person used has a sufficiently stringent duty to serve the relevant end – a duty they have even though executing it is costly for them.<sup>28</sup> Apartheid supporters had a duty to contribute to the downfall of apartheid, and that duty was made more stringent by the fact that they contributed to apartheid. Their objection to being used to eliminate apartheid is, in that case, weak. And this also implies that people can lose their right against being no-platformed – those with the duty to bear the costs of not speaking for the sake of the end that no-platformers further lack a right to speak.

There are difficult empirical questions here about how effective no-platforming is. In some cases, no-platforming will only entrench beliefs and unhelpfully polarise people. In others, it will be more effective than open discussion of ideas in contributing to the fight against injustice. A great deal, here, depends on the social and political context. I suspect that it is easier to justify no-platforming in social conditions where wrongful views and conduct are deeply socially and politically entrenched, and where the avenues to make progress through open discussion are more limited.

That is often true where those who are discriminated have few opportunities to participate meaningfully in open discussion, or where discrimination results in their views being dismissed. Those who decry no-platforming based on the idea that we should favour engaged debate over protest often fail to notice that opportunities to participate in engaged debate are not available to everyone on an equal basis, and that can be true because of the conduct of those no platformed.

### **Forfeiting one's right to a platform II: signalling and sharing**

A further possibility is that a person might lose a right to a platform because admitting them sends out the wrong signals to those who they have wronged,

---

28 This idea was first outlined briefly in W. Quinn, 'Actions, intentions and consequences: the Doctrine of Double Effect' in *Morality and Action* (Cambridge: CUP, 1993). For further defence and discussion, see Tadros, n 5 above and V. Tadros, 'Wrongful Intentions Without Closeness' (2015) 43 *Philosophy and Public Affairs* 52.

or those who they hold wrongful views about. It might be argued that including a person in public dialogue implies that their views are worth debating or discussing. It might also be argued that it is appropriate to distance oneself from, or shun, certain wrongdoers, and that including them implies that their wrongs do not merit this kind of reaction. Those they attack may, then, get the impression that the person's wrongdoing, or their wrongful views and attitudes, are not taken seriously.

Some think a similar thing about punishment – if a wrongdoer is not punished, the signal is sent out that their wrongdoing is not taken seriously, or that their victims are unimportant, and that can be both disrespectful and alienating. This is a common theme in expressive theories of punishment – theories that justify punishment because of what it expresses to wrongdoers, victims, and the wider political community.<sup>29</sup> No-platforming, then, might be thought of as a form of punishment; no-platformers sometimes see it this way.

This justification of no-platforming raises large themes that I cannot do full justice to here, but here are some brief remarks. One question is whether it is appropriate to distance oneself from wrongdoers. Those who think this might draw on Scanlon's view of blame. Scanlon argues that wrongdoers deserve blame, where blame involves a range of distancing attitudes and actions. These include 'withholding or modifying trust and reliance, seeing the person as not eligible, or less eligible, to be a friend or participant in cooperative relations, changing the meaning one assigns to the person's actions and to one's interactions with him or her, or even ceasing to be disposed to be pleased when things go well for the person, and ceasing to hope that they will go well.'<sup>30</sup>

Some doubt that this is an adequate account of blame.<sup>31</sup> But that is not relevant to our topic. The question is whether these reactions are deserved, and what follows for no-platforming if they are.

I doubt they are deserved. Some of the reactions in Scanlon's account are warranted, but not deserved. For example, if a person is not trustworthy, it is warranted not to trust the person. And the fact that they have acted wrongly may be evidence that the person is not trustworthy. It is hard to see how wrongdoing plays more than an evidential role in modifying relations of trust. Suppose that a person has acted wrongly, but there is no reason to regard them as anything other than trustworthy now, say because their attitudes have modified, or because the particular project we are concerned with does not concern the facts that resulted in the person acting wrongly. It is then unwarranted to withhold or modify trust or reliance.

Similarly, the value of certain relations cannot be advanced with some wrongdoers. For example, the value of friendship requires friends to be confident in

29 See for examples of this kind of view J. Glasgow, 'The Expressivist Theory of Punishment Defended' (2015) 34 *Law and Philosophy* 601; B. Wringer, 'Rethinking expressive theories of punishment: why denunciation is a better bet than communication or pure expression' (2017) 174 *Philosophical Studies* 681. For doubts, see Tadros, n 5 above, ch 5.

30 Scanlon, n 1 above, 187. See, also, T.M. Scanlon, 'Interpreting Blame' in D.J. Coates and N.A. Tognazzini, *Blame: Its Nature and Norms* (Oxford: OUP, 2013).

31 See for example S. Wolf, 'Blame, Italian Style' and R.J. Wallace, 'Dispassionate Opprobrium: On Blame and the Reactive Sentiments' both in R.J. Wallace, R. Kumar and S. Freeman, *Reasons and Recognition: Essays on the Philosophy of T.M. Scanlon* (Oxford: OUP, 2011).

reciprocal concern and respect. If so, valuable friendship is impossible with those who cannot generate that confidence in us because of their dispositions and attitudes. But again, it is hard to see why a wrongdoer deserves to be treated as less eligible for friendship because of their wrongdoing even where these values can be respected. And this kind of reciprocity is not needed on shared platforms.

This leaves the idea that we do not hope that things go well for wrongdoers or hope that they go less well. This strikes me as the opposite of the truth. The lives of wrongdoers go worse simply because of their wrongdoing, and this provides a reason to hope that they go well in other respects, to ensure that their lives overall have value.<sup>32</sup> Scanlon's view is inconsistent with the basic idea of respect for all persons. A person's life does not matter less from a moral point of view, nor does it merit less emotional attention, because the person has acted wrongly. The idea that some people are morally unworthy, and that they are inappropriate interlocutors for the morally worthy is hard to support.

A better argument for a person losing their right to a platform draws on the idea that by sharing a platform with a person, we inevitably give their views credibility. As those sharing a platform with a person have a right not to be involved in giving their views credibility, they have a right not to share a platform with these people. This more communication-targeted argument for no-platforming is more plausible. But it only succeeds in some contexts.

Here is a general argument in support of this view. Those with authority over platforms normally select from a large pool of people who will benefit from a platform. There is good reason for the public to believe that the credibility of the speaker, or their views, is a strong criterion of selection. So, when a speaker is selected, the impression is created that those with authority consider the person selected, or their views, to be credible.

This argument, though, is doubtful. Those with authority have many different reasons to include people on platforms, and this fact can be made publicly available. They also sometimes have good reason to include people on platforms whose views are not credible. Exposing popular but non-credible views to public critical scrutiny is sometimes the best way of undermining support for such views. Including those with such views on platforms is often crucial to this enterprise, so that it can be seen that prominent defenders of such views have little to offer in support of them. It isn't difficult to make the public aware of this rationale.

Still, this reply only shows that the argument offered for no-platforming fails in some contexts. In some contexts, including a person on a platform will result in the impression being created that the speaker's views are credible. Consider the position of an anti-racist activist who is given the opportunity to share a platform with a racist in a deeply racist community. If the activist continues to speak, they have two options – either to ridicule racist views, which might entrench the racism of the racist audience, or to engage with the racist without ridiculing them, in which case they give the impression that racist views are worth arguing with, and hence credible. The activist has a right not to be put

---

32 See further V. Tadros, 'Distributing Responsibility' (2020) 48 *Philosophy and Public Affairs* 223.

in this position, and that might result in the racist forfeiting their right to a platform.

Furthermore, racists sometimes use wrongful strategies to give the impression that those they share a platform with regard them as credible. Here is an example. In 2009, the BBC decided to include Nick Griffin, who was then leader of the British National Party (BNP), on *Question Time* – its most prominent televised political discussion programme. The reason given was that the BNP, at the time, had attracted sufficient support that would normally give rise to an appearance – around six per cent of the national vote in European Parliament Elections. The programme was watched by around eight million people. But the decision to include Griffin sparked significant public debate.

All of those who Griffin shared the platform with were strongly opposed to his views. They included Secretary of State for Justice Jack Straw, Shadow Minister for Community Cohesion Sayeeda Warsi, Liberal Democrat Home Affairs Spokesperson Chris Huhne, and playwright and actor Bonnie Greer. Warsi is a British Muslim woman and Greer is an African-American living in the UK.

Griffin used the opportunity to attempt to ensure that his party, which was rightly treated by mainstream politicians and the media as a bunch of racist crackpots, gained credibility by presenting himself as a reasonable politician with arguments focused on British culture rather than race. But his racism, and the racism that he sought to reinforce and incite in others, was thinly disguised.

One strategy that he used to gain credibility was to laugh and agree with the other panel members whenever the opportunity arose, in an attempt to create the impression that they were friendly members of the same political community. This included Warsi and Greer who were the victims of Griffin's racism, and who visibly recoiled from his conduct. It's hard to know what impact this had on racist views in the UK. This attempt may well have failed – Griffin came across as a bit unhinged and ridiculous. Furthermore, everyone on the programme, including the other panel members and the audience, attacked Griffin and his party.

One reason why it is hard to know what effect the programme had is that the BNP was soon to fall away from the British political landscape. For various reasons, such as infighting, corruption, and the rise of the UK Independence Party (which was more effective in making their racist views seem credible), the BNP more or less collapsed soon after the programme was aired. But had Griffin been more effective, the other panel members would have been co-opted into Griffin's project of shoring up the BNP's credibility.

There are difficult questions about whether the BBC's decision to include Griffin was justified overall. It was fairly predictable that Griffin would be ineffective, and that his views would be exposed as hopeless. Furthermore, Griffin was better at presenting himself as the rational face of the BNP when he had control over his own media appearances than when he was exposed to critical scrutiny. Perhaps, then, including Griffin was good overall in the fight against racism.

But whether his inclusion was good overall, Griffin had no right to a platform, even if he might have benefited from it, given his intention (which was

also predictable) to use his opportunity to co-opt others in this way. The fact that his inclusion was good overall does not support his right to a platform. Suppose that some people supported Griffin, who otherwise would not have done, by his co-opting other panel members into his project, but he also lost some supporters by having his views exposed to public criticism. And suppose that, overall, his racist project had less support than it otherwise would as a result of his appearing. Nevertheless, the other panel members might object to the fact that they have been co-opted into encouraging the racist views of some people. The fact that this was counterbalanced by others being discouraged from racism may not fully meet their objection to being treated thus.

And there are further effects that a person with obnoxious views can have on those who share the platform. The first question from the audience on *Question Time* was whether it was wrong for the BNP to co-opt images of Winston Churchill in support of their cause. Griffin claimed that the BNP was the only political party represented on the panel that would have had Churchill as a member, given Churchill's views on, for example, immigration.

Accusations that Churchill held racist views are often met with anger and outrage in Britain, despite clear evidence.<sup>33</sup> But no members of the panel expressed any criticism of Churchill for these acts and attitudes. They rather talked about the importance of fighting against Nazism, and the fact that black and Indian people fought alongside white people in WWII. Their views about Churchill are hard to know, but criticism of Churchill would have played into the hands of Griffin, who would have used this to foster support for his party by aligning them with a national hero. Griffin's strategy, then, significantly hampered the freedom of others on the panel to express their views.

Overall, I doubt that sharing a platform necessarily involves creating the impression that the views of an opponent are credible. The other panel members on *Question Time* didn't do this, and nor did the BBC. But nevertheless, those with abhorrent views can use their platform as an opportunity to create that impression. That may result in their losing the right to a platform, for doing this involves violating the rights of others not to be co-opted into a project of reinforcing and promoting abhorrent views. And others, who must either share a platform with them or relinquish their opportunity to speak, may have a right that those with offensive views are excluded from a platform to avoid their being co-opted into wrongful projects.

## CONCLUSIONS

The permissibility of no-platforming depends on a wide range of issues that are heavily contested in the literature, making particular cases hard to resolve. But I hope to have helped to structure our thinking about this, by identifying more clearly what characterises the practice, and the moral issues it raises.

---

33 I'm no historian, but the charge that Churchill held a range of racist views is hard to deny after reading the balanced account in R. Toye, *Churchill's Empire: The World that Made Him and the World He Made* (London: MacMillan, 2010).

In central cases, no-platforming is justified only where speakers have lost the right to a platform, and where public denunciation of them is warranted. Some people, because of what they have done, or what their views are, merit public denunciation. Such people can also lack the right to platform. That might be so either because they lack a significant interest in a platform, or because the harms or wrongs that will result from them being included are sufficiently significant that they have forfeited their rights. There is no simple test to establish when these things are true.

I end by commenting not on individual instances of no-platforming, but on the culture of no-platforming, and the role of the law. I have mentioned the culture more than once. Just as we can assess discrete actions for their moral qualities, so we can assess attitudes, cultures and practices. Attitudes, cultures and practices may be inevitably imperfect. A culture encouraging no-platforming may result in too much no-platforming, including some unjustified no-platforming against the interests of both speakers and audiences; a culture of anti-no-platforming may no-platform too little, resulting in people without rights having the opportunity to speak, to the detriment of those who need protecting from the harms and wrongs that result from offensive speech. And it may be impossible, or too difficult, to develop a goldilocks culture.

The relationship between culture and the acts that it influences is familiar in other contexts. In the context of criminalisation, for example, many people now reject most versions of the Harm Principle as a fundamental principle that governs what we may criminalise. But some nevertheless think that the Harm Principle is a good rule of thumb for legislators.<sup>34</sup> Even though that principle ideally admits exceptions, abiding by it in practice, some claim, is the best attitude for legislators to have given the harm that criminalisation almost inevitably causes.<sup>35</sup> I have doubts about this view, but it is plausible. Similarly, some think that although there may be exceptional cases where torture is permitted in principle, states should treat the prohibition on torture as absolute because a failure to do so will result in a lot of unjustified torture. And this is a credible view.<sup>36</sup>

Is something like this true of a principle restricting no-platforming? We have seen a range of considerations that determine when no-platforming is justified – sometimes it is; sometimes it isn't. But, it might be argued, a culture that is opposed to no-platforming is best to stop a great deal of unwarranted no-platforming. There are difficult empirical questions about what the right attitude is, and that may vary from context to context. A lot depends on how much warranted no-platforming there is, and the complexity of the problem makes that hard to assess.

34 The deontic status of rules of thumb does, though, require careful work. See, Tadros, n 10 above, 94–96 for discussion.

35 See for example L. Green, 'The Nature of Limited Government' in J. Keown and R.P. George (eds.), *Reason, Morality, and Law: The Philosophy of John Finnis* (Oxford: OUP, 2013); J. Edwards, 'Master Principles of Criminalisation' (2016) 7 *Jurisprudence* 138.

36 See especially D. Luban, 'Liberalism, Torture, and the Ticking Bomb' (2005) 91 *Virginia Law Review* 1425.

Here is my best guess. In reasonably favourable social and political conditions, we should develop a culture that restricts no-platforming to cases where the moral arguments very clearly point in a single conclusion and the person no-platformed has clearly abhorrent moral views; where there is little dispute about what the best moral arguments for that conclusion are; and especially where the person no-platformed makes absurd factual claims to promote their false moral views. In the light of that attitude, we might restrict no-platforming to, for example, holocaust deniers, those who claim that some races are intellectually inferior to others, or those who aim to spread patently false rumours that they have won elections (mentioning no names).

Cases involving the moral status of those with disabilities, or transgender rights, or the Arab-Israeli conflict, are often not best met with no-platforming, or they are only in the most extreme cases. Some people, in these cases, have views and attitudes, or will perform actions, that result in their lacking a right to a platform. But even so, I am cautious about no-platforming, because there are still arguments to be had, and to learn from, some of which come from those with offensive views. Their interests, as well as ours, are set back by a culture of no-platforming. And no-platforming will often be no better in advancing just causes of no-platformers than forceful participation in debate.

Things are different where opportunities for dialogic challenge to offensive views by the victims of those views are severely limited, and where providing platforms to those with wrongful beliefs will reinforce discriminatory views, attitudes and practices, that are heavily entrenched in a society. In such cases, no-platforming may more likely to be effective in achieving political change than reasoned political debate. Those who have expressed the relevant views and who are no-platformed will often lack a complaint, for their contribution to discrimination gives them a duty to support the change that no-platformers contribute to.

Now let us focus on legal regulation. In practice, I suspect that quite a bit of the no-platforming that has occurred is wrong, and legal regulation to prevent that no-platforming from occurring might be justified in principle. But I have doubts that legal regulation is the way forward in current conditions in the UK or in many other self-styled liberal democracies. We could rely on the judgements of no-platformers to decide whom to no-platform. No doubt, they will sometimes get this wrong. But regulation of no-platforming relies on the judgements of other people – the regulators – to determine which no-platforming to restrict. And it is doubtful that regulators will do a better job than no-platformers in making those decisions. This is especially so in the current climate, where the regulators are likely to have dubious political views of their own, and to be subject to political pressure from a government that lacks a moral compass.

Furthermore, no-platforming is itself sometimes an important form of communication, and there might be a good case for no-platformers to be given significant latitude in practice to communicate, even if this sometimes results in

---

the violation of the rights of speakers. It might even be argued that the right of free speech, for that reason, protects the rights of people to no-platform.<sup>37</sup>

Finally, most no-platforming does not prevent people who are no-platformed from speaking altogether. It only denies them certain opportunities to do so. Even if their rights are violated, and their speech is to some extent restricted as a result, they may have adequate opportunities to speak. This is certainly true of some of the more prominent figures who have recently been no-platformed. So, whilst unjustified no-platforming is a problem that is in principle a proper subject of legal regulation, in practice there are doubts that it occurs sufficiently frequently and with sufficient costs to warrant such regulation. And legal regulation, I suspect, will come with too high a cost to justify it.

---

37 For a defence of this view, see J.O. Adenitire, 'A Liberal Defence of No-Platforming' (unpublished ms).