

A century of cancellation: what price freedom of expression?

In a free society, accommodating artists with challenging views poses questions for our democracy. But understanding the history of cancellation of artists may help us avoid the mistakes of the past and lead to a better society suggests **Philip Kolvin KC**

At the Glastonbury Festival in 2025, performances by the Irish hip hop band Kneecap and the punk-rap duo Bob Vylan drew comment from the Prime Minister, the Culture Secretary and the Israeli Embassy, led to investigation by the police, and helped to cause the resignation of the Director General of the BBC.

The case was prominent but not unique, instead highlighting the complex and opaque structures for handling the balance between artistic freedom of expression and protection of societal laws and norms and the rights of others.

In this article,¹ I shall take examples from the last century on either side of the Atlantic to illustrate the source and types of action employed to control and cancel venues and artists. It is a necessarily selective account, chosen to depict themes and inform my conclusions as to a better way forward.

I shall then make some tentative suggestions for the future handling of issues. Critically, I conclude, based on some historical examples, that artists themselves hold some responsibility for the protection of the eco-system in which they operate.

New York Cabaret Law: regulation by moral outrage

One hundred years ago, in 1926, on a Tuesday afternoon, the Aldermanic Branch of the Municipal Assembly of the City of New York met at City Hall to consider the report of the Committee on Local Laws which had concluded its two public hearings convened to consider a new law to regulate dance halls and cabaret. The debate clustered around traditional lines: on the side of rectitude, were police and licensing commissioners, “clergymen of various religious denominations” and “citizens interested in social and recreational work”; while on the dark side were owners of cabarets “personally and by their attorneys” and representatives of musical organisations.

¹ The idea for this article came from a panel session at the Institute of Licensing’s National Training Conference in Stratford-upon-Avon in 2025. The author extends his gratitude to the other participants in the session, John Collins and Gary Grant, respectively a Patron and Vice Chair of the Institute.

The judgment of the committee was as terse as it was conclusive, dripping with excoriation and high-mindedness: “These night clubs or cabarets are simply dance halls, where food is served at exorbitant prices to the tune of jazz and tabloid entertainments.” The committee opined that there had been “altogether too much running wild in some of these nightclubs ... and the wild stranger and the foolish native should have the check-rein applied a little bit.” In a judgment foreshadowing the binary of high and popular culture, the committee deplored the “wild strangers” who:

... are not at all interested in our great museums of art and history, in our magnificent churches and public libraries, our splendid parks and public monuments. They are interested in speak-easies and dance halls and return to their native heaths to slander New York.

The committee also wished to avoid the vista of these savages “tumbling out of these resorts at six or seven o’clock in the morning to the scandal and annoyance of decent residents on their way to daily employment.”

Needing no further encouragement, the aldermen voted to pass a new law by 58 votes to 2. The club law placed responsibility for licensing in the hands of the “commissioner of licenses” who was accorded the widest of discretions since no grounds for refusal were laid out in the instrument. However, licences could be revoked on grounds of legal violations or “disorderly, obscene or immoral conduct” permitted on the premises. Furthermore, in a cut-off prefiguring special hours certificates in England and Wales and the lock-out laws in New South Wales, clubs had to close at 3am.

The law was passed during the Harlem Renaissance, when lawmakers were trying to find a way to exercise control over speakeasies following the repeal of prohibition.²

Properly handled, the law could have been used to promote clubs conducted in accordance with the law and so as to be

² See ‘New York City’s Bizarre Law Against Dancing’, Jacob Golan, *Journal of Intellectual Property and Entertainment Law*, April 2018.

sensitive to their neighbours. But, in truth, that is not why the law was passed. It came from a sense of moral outrage at the kind of freedom of conduct and expression which the clubs embodied. Harlem represented one of the few places where people of different races could mix, and the free form of the music, the sensuous beating of the drums, the wailing of saxophones and the sweaty writhing on the dance floors proved too much for the sensibilities of New York's ruling class. Not for the last time, the edginess of the night propelled the regulators' quill.

The New York Cabaret Law is an example of what may be termed **regulation by moral outrage**.

The club card: regulatory overreach for improper purposes

Then matters took a turn for the worse. In 1931, regulation under the cabaret laws was passed to the New York Police Department (NYPD), who arrogated to themselves the power to ban employment in clubs to those who did not carry a "cabaret employee's identity card". This requirement soon extended to musicians,³ who had to be photographed and fingerprinted, undergo a criminal record check, be interrogated about their private life and receive the approval of a police officer before being permitted to play or sing in a licensed club. The power was exercised to exclude notable Black artists such as Thelonious Monk and Charlie Parker. Denied a card, Charlie Parker pleaded: "My right to pursue my chosen profession has been taken away, and my wife and three children who are innocent of any wrongdoing are suffering."

In 1939, Billie Holliday recorded the totemic protest anthem *Strange Fruit*, forcing the USA to confront its history of extrajudicial killing of Black people known as lynching: "Southern trees bear a strange fruit / Blood on the leaves and blood at the root / Black bodies swingin' in the Southern breeze / Strange fruit hangin' from the poplar trees...". Lady Day's inclusion of the song in her club performances in New York roused the ire of the authorities and following a conviction for drug use (for which her supporters maintain she was framed) she was imprisoned and in 1948, upon her release, denied a licence, so ending her club career. Whether Holliday's ability to express herself was strangled because she was a Black woman thrusting a thorn into the side of White America or because she was a habitual drugs offender will remain a matter of historical debate. What is undeniable is that great musicians do not always comport themselves in the manner of public school choristers, and so if a pretext is needed to cancel them, one can usually be found.

³ For a full account, see *The Creative Life of Law: Improvisation, Between Tradition and Suspicion*, Sara Ramshaw, Critical Studies in Improvisation, Vol 6 No 1 (2020).

This was a febrile time, post-prohibition, post-depression, post-war, McCarthyism on the horizon, the US still reckoning with institutional racism, so it is easy to dismiss the Billie Holliday example as a black swan event which could not happen now. But it is precisely because musical forms and artists are particularly threatened in such times that we have to learn from the example.

In short, the club card distorted the development of Black music in New York and choked the ability of artists to make a living there for a quarter of a century. One of the USA's principal musical exports, Frank Sinatra, refused to play New York clubs, declaring the obligation to obtain the card "demeaning." Following a public outcry led by luminaries including Norman Mailer, it was finally abolished in 1966.

The club card was not sanctioned by any legislative instrument. I shall term it **regulatory overreach for improper purposes**.

Its spectral afterlife was the cabaret law itself, which continued for a further half century, given a new impetus by New York Mayor Rudi Giuliani in the 1990s in his crusade to clean up New York, before finally being repealed in 2017 as a result of concerted grassroots campaigning with the strapline "Let NYC dance". The repeal should not be seen as sweeping deregulation: it remained necessary to comply with the labyrinthine bureaucracy of NYC Planning Department's zoning laws, the Fire Department's Fire Code, the Department of Building's Building Code and Certificate of Occupancy and the NY State Liquor Authority's Cabaret Liquor License and Method of Operation Code.⁴ However, what was wiped away was 90 years of regulation allegedly driven by moral opprobrium, racism and corruption.

Being Un-American: cancellation for political reasons

In 1955, the quintessential American folk singer Pete Seeger was summoned before the House Un-American Activities Committee in the throes of a Cold War national panic pitting US values of democracy, individualism and free will against communist regimes, the irony being the former's desire to sanction and blacklist artists suspected of the latter. Seeger, the writer of *We Shall Overcome* and *Where Have All the Flowers Gone?* was concerned with dangerous notions of civil liberty, peace and equality before the law. To his detriment he had also been a member of the Communist Party.

Interrogated keenly, Seeger boldly refused to take the Fifth Amendment which would have given him privilege against self-incrimination, and instead relied on the First

⁴ See 'Understanding the Cabaret Law Repeal': NYC Office of Nightlife.

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Amendment, which he said was breached by requiring him to divulge his associations. He came prepared to discuss his contribution to the American oeuvre, which displeased his interlocutors mightily, leading eventually to blacklisting and a subsequently overturned conviction and sentence of imprisonment for contempt of Congress.

Obviously, this egregious but hardly isolated example of **cancellation for political reasons** skewed Seeger's career trajectory, but if anything enhanced his notoriety: outrage sells records, as later artists also noted with a cynicism of which Seeger was incapable.

The San Diego episode: venue overreach for political reasons

The blacklisted Seeger continued to play in high schools across the country, but all was not plain sailing. The Hoover School in San Diego demanded that before playing he sign a pledge:

The undersigned states that, to the best of his knowledge, the school property... will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence, or other unlawful means ... and is not a Communist-action organization or a Communist-front organization required by law to be registered with the attorney general of the United States.

A man of deep conviction and principle, Seeger refused to sign the pledge, not because, at this or any other time, he had it in mind to overthrow the government, but because he objected to McCarthyism and its premise that American society was infected at the root by communist agitators who needed to be exposed and silenced.

The result of his refusal was that the school cancelled his concert. But in stepped the American Civil Liberties Union which won a court injunction requiring the school board to permit him to play. Seeger attended the hearing banjo in hand, ready to play to the court, but his lawyers were nervous that the judge would not take kindly to the stunt, and so he had to save his performance for the school.

Half a century later, following Seeger's performance with Bruce Springsteen of Woody Guthrie's egalitarian hymn *This Land is Your Land* at President Obama's inauguration in 2009, the San Diego school board decided to issue an apology to this "dearest of our national treasures" for the actions of its predecessors.

The San Diego story exemplifies the phenomenon of **venue overreach for political reasons**, whereby premises operated by a private owner, a charity or a municipality exclude artists based on their views, forgetting that shutting down artists' views and their platform for expressing them represents the antithesis of the democratic society we are seeking to protect.

Was Seeger a communist? Well, he had once belonged to the Communist Party and never renounced communism. In 2004, he told the magazine *Mother Jones*: "I'm still a communist, in the sense that I don't believe the world will survive with the rich getting richer and the poor getting poorer." In other words, like most questions concerned with politics and allegiance it is complex. Unpicking them is one reason we cherish our artists: doing so is a litmus test of a good society.

Gay venues: exercise of legal powers for ulterior purposes

The Sexual Offences Act 1967 was both revolutionary and guarded; the former because it stated that a homosexual act in private should no longer be an offence, the latter because the participants had to be at least 21 and no more than two in number, a public lavatory was not private and a merchant ship remained out of bounds.

Ten years later, news of the revolution had not fully reached the ears of all police forces, because in late 1977 Tom Robinson felt it necessary to release the anthem for LGBT rights *Glad to be Gay*, describing police raids on pubs and clubs, with customers insulted, assaulted and arrested. Just because it is in a song doesn't make it true, but the subsequent apologies of more than 20 police forces for their actions against gay people make fairly compelling evidence.

One documented case concerned the famous Manchester gay bar, Napoleon's, which in 1984 was raided by no fewer than 23 plain clothes officers, who claimed to have discovered that the manager was permitting "licentious dancing" in contravention of a local byelaw. The then Chief Constable of Greater Manchester was quoted as saying: "Everywhere I go I see evidence of people swirling around in the cesspool of their own making. Why do homosexuals freely engage in sodomy and other obnoxious sexual practices knowing the dangers involved?"

The Chief Constable concerned was self-avowedly motivated by his Christian faith to use all the legal powers at his disposal to clamp down on homosexual practices. There is no evidence that he directed his own officers to break any law, but there is clear evidence that he **exercised legal powers for ulterior purposes**, based on his religious and moral outlook.

In 2025, the Mayor of Greater Manchester apologised for the

conduct of the police towards gay people. This is in contrast to the Chief Constable of Greater Manchester Police, whose stance is that any apology would be merely performative, impugn the good work of other officers and fail to inform contemporary practice; which arguably stands in contrast to the work of truth and reconciliation bodies which enable society to move on once misconduct has been acknowledged and apologies offered.

For Tom Robinson, his loud and proud gay anthem launched his musical career and nudged society a further inch along the road from illegality to acceptance. According to Robinson, the idea that you could actually be proud to be gay was helped along by David Bowie but it was the Sex Pistols who “kicked open the doors of confrontation”. So just as social revolutions can start with Woody Guthrie and travel on, say, through Pete Seeger, Bob Dylan and Bruce Springsteen, so we must credit the Sex Pistols with influencing the gay rights movement in the UK. Of course, if the venues or bands are cancelled, so along with it are the movements they might otherwise have spawned.

The Sex Pistols: venues banning artists for moral or dubious public protection reasons

“I am an Antichrist, I am an Anarchist” were the words which launched the song *Anarchy in the UK* by the Sex Pistols in 1976. An expletive-laden rant on ITV by the upwardly mobile progenitors of punk killed their forthcoming tour but if anything steepened the ascendent trajectory of their star. Their concert at Lancaster Polytechnic was cancelled by the council, which stated, with an effort at rhetorical grandeur, that the city did not want “that sort of filth in the town limits” which must have shifted a fair few records all by itself. Going one better, the University of East Anglia’s Vice Chancellor banned a show at the university to protect the “safety and security of persons and property”.

These, then, were early examples of venues banning artists (and yes the Sex Pistols were artists, albeit of a provocative nature) for **moral reasons** or **dubious appeals to public protection**.

Belsen was a Gas: the responsibility of artists

The Sex Pistols also exemplify a further recurrent theme. Their song *Belsen was a Gas*, with its unrepeatable lyrics, was all part of a provocative shtick designed to increase notoriety and sell records. Long after the band broke up, John Lydon (Johnny Rotten) proclaimed the song a “very nasty, silly little thing” which should not have been made. But it was made, and was even performed at the band’s Silver Jubilee show at Crystal Palace in 2002, when they were presumably old enough to know better. The song arguably provided impetus for other bands who cashed in on Nazi insignia and aesthetics,

and certainly was played by later bands including a Neo-Nazi skinhead band called No Remorse.

As a society, we should cherish and respect artists for their contribution to our cultural life and ability to inspire social change, even when we heartily disapprove of their message. But the correlative is that **artists have responsibility**. They should not preach hatred, incite violence or glory in human suffering. If they do, the consequences may not just be musical ones.

Form 696: indirect cancellation of minority culture

Following the implementation of the Licensing Act in 2003, which made the police a responsible authority, the Metropolitan Police introduced Form 696, which required clubs hosting externally promoted events, eg, by DJs or MCs, to submit the form, which was a kind of risk assessment. Questions on the form included the “real name” of artists, music type, such as bashment, R&B and garage, together with predictions of the ethnicity of the audience. Venues promoting Black music were caught on the horns of a dilemma, whereby submission of the form or failure to submit it could equally lead to forced cancellation of the event.

Following a campaign in 2008 by former Undertones lead singer and then CEO of UK Music Feargal Sharkey, and a recommendation for abolition from the Culture, Media and Sport Select Committee, the form was halved in length, but lost none of its sting, leading to the suspicion in the live music industry that the form was being used to racially profile audiences and, wilfully or not, suppress artists. Despite police protestations that the form was only used to assess risk to inform the level of security measures, there was evidence that, intentionally or not, grime, rap, garage, rap, reggae and R&B were being squeezed out.

Following further protest, the formation of the campaigning organisation the Night Time Industries Association and the appointment of a Night Czar for London, the London Mayor Sadiq Khan finally abolished the form in 2017. The police said that the form was no longer necessary because safety standards at events had improved and serious incidents fallen.

There is no evidence that the police set out to cancel Black music. However, the form was arguably based on an indirectly racist assumption, that Black music events are more prone to be associated with violence than other events. Accordingly, it represented **indirect cancellation of minority culture**.

As techniques of risk assessment in the live music industry have developed (including crowd safety and terrorism risk

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assessments), it is now obvious that the proper approach involves analysis of risk of events and taking proportionate measures to ameliorate them, rather than starting from the position that Black music events are inherently risky.

While Form 696 is now merely a blot on our cultural history, its legacy lived on to some degree, because in the aftermath of its abolition some venues conducted risk assessments in which they themselves marked out certain genres (such as Afrobeats) as more risky than others (such as Afropop). Further, suspicion remained in the industry that all that had changed was the removal of the “Form 696” moniker, with the process of assessment – and the underlying racist assumptions – unaltered.

After the crushing disaster at the O2 Academy Brixton in December 2022 at a concert by the Nigerian artist Asake, the venue operator AMG announced that it was going to remove the grading for events based on music genre, and replace it with a more rounded risk assessment exercise specified in a licence condition. At a subsequent hearing, the Lambeth Licensing Sub-Committee expressed the view that it wished to avoid any kind of unintentional discrimination and, with AMG’s agreement, added the following condition:

The premises licence holder must, in carrying out an Event Risk Assessment, have due regard to the need to:

(a) eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Equality Act 2010 (or superseding legislation);

(b) advance equality of opportunity between persons who share a relevant protected characteristic (as set out in the Equality Act 2010) and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In other words, risk assessment is in, indirect discrimination is out. Cherishing all forms of music and protecting the public are not alternatives, but it does involve a considered, objective approach.

Tricycle Theatre: venue cancellation for political reasons

For eight years, the Tricycle Theatre (now The Kiln) in Kilburn, had hosted the UK Jewish Film Festival. But in 2014, it decided to cancel the festival due to the organisers’ acceptance of funding from the Israeli Embassy. The theatre’s artistic

director said that the venue was proud of its association with the festival but could not allow it to proceed at a time of Israeli-Palestinian conflict, while the festival was funded by any State participant.

Ten days later, following a heated debate in the press, with strong views expressed on all sides, including by Jewish artists and commentators, the Tricycle and the Festival organisers announced that the Festival was to be reinstated with no restrictions on funding from the Embassy of Israel in London.

The parties should be congratulated for reconciling their differences in what was a nuanced case. The Tricycle was not banning the Festival outright – it was saying the Festival could not proceed with State funding from one participant to a war. However, what the case does illustrate is the danger of cancelling artists, including film artists, for moral reasons, particularly ones not associated with the artists themselves. It goes without saying that not all Israelis, let alone all Jews, agree with the actions of the Israeli State in Palestine. Venues cancelling Jewish cultural events cancel the artists involved for reasons which are arguably discriminatory, inflammatory and unjust. As such, **venue cancellation for political reasons** is to be avoided.

Kneecap and the responsibility of artists

On 7 October 2023 militants from the proscribed terrorist organisation Hamas attacked participants at the Supernova music festival in Israel: 378 people, mostly young Israelis attending the festival, were murdered and a further 44 people were taken hostage.

The following day, the Irish hip hop band Kneecap posted a smiling photograph on Instagram captioned “Solidarity with the Palestinian Struggle.” It is fair to infer that the post was in reference to the events of the previous day.

In November 2024 Kneecap were performing in London when one of their number, Liam Óg hAnnaidh (stage name Mo Chara), displayed a flag of another proscribed terrorist organisation, Hezbollah.

It has also been reported that Mo Chara shouted “up Hamas, up Hezbollah,” as well as stating “The only good Tory is a dead Tory. Kill your local MP.”

Following a police investigation, in May 2025, the Crown Prosecution service charged him with a terrorism offence, arising from the flag incident.

Denying the offence on Instagram, the band stated that this was political policing designed to distract from the real

story, which was genocide by the Israeli State. They asked what the objective of the prosecution was, and answered it themselves:

To restrict our ability to travel. To prevent us speaking to young people across the world. To silence voices of compassion. To prosecute artists who dare speak out. Instead of defending innocent people, or the principles of international law they claim to uphold, the powerful in Britain have abetted slaughter and famine in Gaza, just as they did in Ireland for centuries. Then, like now, they claim justification... We stand proudly with the people. You stand complicit with the war criminals. We are on the right side of history. You are not. We will fight you in your court. We will win. Free Palestine.

This then, was an impassioned statement, deploring the cancellation of artists, confronting the alleged complicity of the British State and restating their support for the Palestinian cause.

Whether the offence was committed is something we may never know, because the case was dismissed over a procedural technicality, a decision recently upheld by the High Court.

This was Kneecap's second big court win. The first came in 2023 when the band was awarded a grant by the Music Export Growth Scheme, an independent Government-backed arts initiative that provides funding to promote artists overseas. After the British Phonographic Industry approved the application, the Government through Business Secretary Kemi Badenoch rescinded the grant, a spokesperson stating that it did not want to give taxpayers' money to "people that oppose the United Kingdom itself". But the decision was overturned as unlawful by the High Court in Belfast.

Nobody supporting free speech could oppose musicians speaking out against the UK State and in support of Palestine. But what of proscribed terrorist organisations and incitements to kill elected Members of Parliament? The band claim that they are not supporters of either terrorist organisation, that Mo Chara just waved a flag which had been thrown on stage, whose meaning he did not understand, that they do not support killing MPs, and that they apologised to the families of two MPs who have in fact been murdered in recent years. They claimed that the video of the incidents had been "taken out of context" and was not a call to action, and that the comments were a joke made by their satirical on-stage persona.

With that considerable background, Glastonbury beckoned. Figures from the music industry lined up on either side of the

question of whether Kneecap should be allowed to play.

No lesser a figure than the Prime Minister weighed in, stating that it was inappropriate that Kneecap be allowed to play in the light of the forthcoming charge. While Kemi Badenoch, now the Leader of the Opposition but perhaps recalling the defeat in Belfast, urged the BBC not to stream their performance, stating: "As a publicly funded platform, the BBC should not be rewarding extremism."

What happened next? Well, Kneecap did play at Glastonbury. The BBC did not live-stream the performance but uploaded their set to its website, largely unedited. But an act deemed a lower risk, Bob Vylan, shouted "Death, death to the IDF", which was live-streamed and widely viewed, which was among the matters causing the resignation of the Director General of the BBC. Nobody has been prosecuted. But Bob Vylan has been banned from the USA, a Government spokesperson stating "Foreigners who glorify violence and hatred are not welcome visitors to our country." And Kneecap had to cancel concerts in Hungary and Canada following government action.

It is worth setting out these events in some detail to reveal their complexity. Stating that artists should have freedom of speech is easy. But should funding bodies and a State-funded broadcaster give them a platform to attack the UK State? The war in Gaza is a matter of urgent interest, not just for musicians but for the World. But do artists have licence to proclaim support from the stage for proscribed terrorist organisations involved in the war? And, if they do, can they claim their actions to have been a joke, a satire or part of their stage persona?

It is not the job of this article to give a definitive view on Kneecap and Bob Vylan. But this much can confidently be said - the correlative of freedom of expression for artists is that **artists have responsibility**.

For example, before suggesting "kill your MP" they might reflect on the fact that two people have done exactly that in recent years and that not every listener will understand the subtlety of their joke. Modern artists will not be immune to what the Sex Pistols understood and what AI has now so conclusively demonstrated: outrage sells. But outrage, however passionately it is felt, and however well-intentioned, cannot be unlimited. It must be tempered by the law, and should also be fashioned by some sense of moral responsibility. Much, but not all, is excused in the name of art.

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Strange Brew and Oi Va Voi: venues upholding artistic expression

In May 2025, the British klezmer band Oi Va Voi was due to play at Bristol venue Strange Brew when, hours before their performance, the venue cancelled the show, following urgings by a local Palestine solidarity group, complaining among other things that the band had performed in Israel.

Six months on, Strange Brew apologised, stating that “Oi Va Voi are musicians, not activists. They have no political affiliations and, as far as we are aware, have never made any political statements, be it in their music or otherwise.” It said that it was an inclusive venue and cancelling artists on the basis of conjecture by another group did not align with its values. Strikingly, it stated:

Even if they did hold such views, we recognise that, under the Equality Act, performers cannot be excluded from our venue based on their nationality or ethnicity, or their philosophical or religious opinions and beliefs which are worthy of respect in a democratic society, even if some people are opposed to those views.

It added:

We also want to call out to all music venues that, regardless of the tragic events that have unfolded in the Middle East, we should not hold Jewish artists, wherever they may be from, to a higher standard by demanding they account for the actions of others or let the current conflict effectively exclude Jewish acts from our venues.

In that spirit of reconciliation, Oi Va Voi welcomed the statement, while adding the following:

The readiness of venues, promoters and festivals to cave in to demands that exclude Jewish artists, and the lack of attention from the music press when this does happen, has contributed to an environment which has allowed anti-Jewish racism in Britain to persist largely unchallenged.

The story has a moral, that venues themselves should **uphold artistic expression** and should not cancel artists based on urging from activist groups. If they do, there is a danger that all too evident polarisations within society are amplified, not reconciled.

Conclusions

What are the lessons from a century of cancellation? I suggest there are learnings for the State and all of its emanations, including licensing authorities and the police, and for venues

and artists.

The State

Starting with the State, those entrusted with regulation should exercise their regulatory powers in a proportionate manner, with a strong eye to their duties under the Equality Act, which protects equalities for and among minority groups, and the European Convention on Human Rights, Article 10 of which protects freedom of expression. They should avoid exercising those powers for political or moral reasons, which so infected regulatory action in New York, San Diego, Manchester and Lancaster, as described above. They should avoid overstepping their role by declaring what should or should not happen within their “city limits”, or at festivals which they don’t actually regulate. They should also bear in mind that regulatory action can have unintended consequences. A late show-stop may prevent a crime or regulatory breach, but cause crowd unrest with far worse consequences. Sometimes discretion is the better part of valour.

As to censorship, the Theatres Act 1968 abolished the censorship powers of the Lord Chamberlain in relation to theatre, with the censorship ban being carried through into s 22 of the Licensing Act 2003. The s 182 Guidance makes equivalent provision for performance more generally:

10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Authorities can therefore promote an enabling regulatory framework in which freedom of expression for artists is the norm and receives state support. This should apply even where the artist wishes to express strong views on matters of national or international import: if the freedom does not exist in such cases it is worthless. It is only necessary to add that these questions arise in their most acute form at times of political unrest, national threat or social change: it is at precisely at such times that the principles of tolerance are most important to ensure that our democratic values are upheld and not suppressed.

Venues

Venues should support debate, freedom of expression and

the right to challenge the status quo. Currently, there are arguments about whether drill music supports (or may support) gang lifestyles or merely reflects the experience of the Black community, and whether artists supporting self-determination for Palestine support terror. This definitively does not mean that venues should cancel Black musicians or those expressing solidarity with Palestine.

Venues act within the legal framework on their licence; while those which are charitable organisations must comply with charity law. They must also be aware of their responsibilities under equalities legislation. As the law firm Mishcon de Reya said following the Oi Va Voi episode: “The Equality Act is clear: you cannot exclude performers because of a protected characteristic, such as nationality, ethnicity, or beliefs worthy of respect in a democratic society.”

Venues operate within their local context. That means engaging with the various stakeholders who make up their community. But that is not the same as succumbing to every protest. Sometimes it means supporting freedom of expression, even if this displeases local activists. Our democracy is founded on debate, not on kowtowing to the loudest voice, particularly where this involves cancelling artists.

Equally, the fundamental job of a venue is to keep staff, customer and performers safe. They should conduct appropriate risk assessments and, within the limits of proportionality, put in place protective measures. There will be cases where certain staff are uncomfortable working at a particular event. That too is their right. But the cases in which events should be cancelled, particularly where the pretext is discomfort among certain staff members, ought to be very few and far between.

In one northern city, some arts venues are currently developing a Brave Spaces Charter, which would act as a multilateral declaration of support for an arts sector where multiple viewpoints are aired and valued and where creative freedom is cherished. The idea of Brave Spaces is radical and empowering. It may help to foster an arts scene which is vibrant, inclusive and respectful of all views, always remembering that permitting a viewpoint on stage is not

an organisational endorsement of that viewpoint; and that providing the platform does not equal endorsing the message. The work on the Charter is important, and may prove influential.

Artists

Artists do not just entertain. They play a crucial role in our nation. They reflect our culture and at best develop it, including minority cultures. They may hold a mirror to our society, and criticise and challenge the status quo. They may urge change and sometimes lead it. It can't all be left to politicians. As such, artists should be cherished and protected. They have a right to express themselves freely, and to act according to their conscience, within the limits of the law. We should be particularly careful to avoid cancelling them, and in particular when such cancellation is, directly or indirectly, consciously or subconsciously, as a result of their colour, sexuality, gender, religion or any other protected characteristic.

The correlative, however, is that artists themselves have a responsibility. Some artists will be aware that outrage brings clicks and sells tickets. But outrage can foment hatred, and hatred can kill. We live in febrile times, and are dealing daily with war and hatred. Some communities - geographical, ethnic, gender-based and religious - are frightened and feel under threat. It is not an artist's job to resolve any of that, but they should think twice about whether to exacerbate it, whether the topic is Belsen or Gaza. There is also a serious distinction between punching up at the State and punching down on individuals or groups, particularly minorities. The adrenalin rush of self-expression, national recognition and royalties could be tempered by social responsibility: whether it relies on the good conscience of the artists themselves.

I do not claim that any of these issues is easy. But understanding the history of cancellation may help us to avoid the mistakes of the past, and lead us to a better, more respectful society, led by its artists and the venues where they perform, and enabled by their regulators.

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