Free Speech, False Polarization, and the Paradox of Tolerance

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Guoping Zhao observes similarities between the techniques employed, in her words, "to restrict liberty and freedom in China and…to pursue social justice in the US."[1] In both China and the states, she notes how dissent, simple questioning, and opposing prevailing views are treated with intolerance: they are "chilled out," delegitimated, and otherwise marked as unwanted. While the government leads this charge in China (as Zhao notes), cross-sections of the public prevail within an emergent "cancel culture" in the states, described in an open letter in *Harper's* as holding "a new set of moral attitudes and political commitments that tend to weaken our norms of open debate and toleration of differences in favor of ideological conformity."[2] Zhao thus observes different but parallel forms of oppressive "political correctness" across the societies, allegedly for some greater good than critical thought and free speech.

Sharing with Zhao a "burden of responsibility" as a "foreigner," having lived in Hong Kong for ten years, my initial response to Zhao is "yes, but…." Here, I will elaborate some of Zhao's positions, and consider some limitations to her views. More specifically, I want to query whether political polarization is as extreme as it often seems, and as it appears to be in Zhao's essay. I also want to explore arguments in favor of restrictions to free speech, especially in the case of harmful and intolerant speech, and begin to connect some of the dots to past work in philosophy of education.

In Hong Kong, views are varied regarding whether the government

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(of Hong Kong or China) has interfered or can interfere with academic free speech.[3] Benny Tai described it as the "death of academic freedom" last year, when his employment at the University of Hong Kong was terminated in relation to his arrest and role in the Occupy Central/Umbrella Movement.[4] Yet others argue that there is no compelling evidence that academic speech is at threat, while many continue to conduct research and teach on controversial issues.[5] Nonetheless, a "chilling out" of speech on behalf of "public" sensibilities (as Zhao puts it), or due to fears about potential negative repercussions, is becoming common. Colleagues of mine have been informally asked on occasion to ensure their teaching is not too controversial, while many have warned me against writing or speaking about controversial issues, in case of accidentally breaking Hong Kong's new National Security Law, which targets offences of sedition and subversion, but could be more broadly applied to tackle speech that is critical of the government.

In this context, I left the University of Hong Kong myself last year, in part because of an increased frequency of colleagues casually dismissing or criticizing my work as partisan or ideological, when it simply explores controversial topics in education. While my new university seems calmer and more open, casual and informal policing of discourse seems inevitable wherever you are in Hong Kong today, while these politics continue unfolding. There is a sense that we all need to know where one another stand on key topics, and there tends to be the assumption that "our" side has coherent, principled views, while "their" side has ridiculous, directly opposed views.

However, across these societies there is political polarization, but there is also *false* political polarization. One study indicates that most people do not have extreme views, but they tend to see other's views as more extreme than they really are.[6] In relation, any perceived

divergence in perspective from one's own view is regarded as indicative of biasedness and membership on the "other" side. This can create a self-fulfilling prophecy.[7] When person A identifies and treats contrarian B as an extremist, B then sees A as an extremist, too biased or irrational to recognize what B understands as nuanced, sensible views. Thus, we are surrounded by extremists, but no one thinks themselves extreme. We imagine everyone is on a side and that the other side is the enemy, whether we regard them as foolish and inept, or nefarious. One can feel pressure here to belong to a side, to be recognized by others as reasonable in this landscape, while they may also wish to stay neutral considering these complex and dynamic forces.

In Hong Kong, such false polarization can be observed. During the last major protests, some people who were primarily oriented toward peace and multicultural justice felt attacked by others with an attitude critiqued by Zhao: that "silence is violence," and that one must continuously demonstrate emphatic commitment to a cause.[8] While the capacities for violence by the state versus ordinary residents is highly unequal, there were two sides that looked scary and violent, both adding to a sense of chaos, insecurity, and harm on the ground. In this case some, including myself, felt vulnerable to attack on both sides for not compellingly pledging their allegiance: for not "bravely" picking and naming their side. There was a quiet middle in this case, with more moderate, cautious, or complicated views. There are myriad positions, not one dichotomy, about what justice, freedom, equality, and related principles demand.

Additionally, Zhao's arguments about threats to free speech hinge on a critical conundrum: what Popper described as the paradox of tolerance.[9] This paradox draws a line between the demands of free speech and the demands of autonomy and justice for all. To many liberal Kantians, it is an unfortunate truth that the effects of speech must sometimes weigh

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more than principles of freedom.[10] When society is in danger, or when speech threatens to harm persons' autonomy, one should not tolerate intolerance, according to this view. So sometimes speech is violence, whether it is intentional or not. What "silence is violence" captures here is that silence in response to violence can be a harmful kind of neglect, when one should speak against harm.[11]

Zhao contrasts the claims that "words are violence" and "silence is violence" with scholarly and democratic imperatives for "simple questioning and examination of the validity of underlying assumptions." However, things are complicated here. Speech can be used for questioning and dialogue, but it can also be used to forcefully recommend, motivate, or compel action.[12] Trump's encouragements of violence toward his opponents and detractors (and lack of counter instruction) led to harm, in that they communicated to some people that they should raid democratic spaces with violence, and forcefully squash dissent and opposition.[13] In this context, the act of tolerating Trump's speech delivers a message that support for a peaceful, democratic public sphere—for not harming those you oppose—is not essential, as if people should physically fight those with whom they disagree.

On the other hand, not all so-called interferences with free speech are as forceful as critics allege. J. K. Rowling, one signee on the *Harper's* letter, routinely conflates people disagreeing with her inflammatory anti-trans statements and tweets with her speech being curtailed. No one is harming Rowling, or depriving her of her potentially harmful speech.[14] People have the right to not like each other's views and indicate it, noisily. Furthermore, the plethora of conservative discourse about cancel culture contradicts the notion that conservatives face a threat to their speech. Thus, the line between what is and is not intolerant behavior from a second party toward a first party's speech is also complicated.

I agree with Zhao that diving into the weeds of what speech means, and when it is harmful or not, is valuable work for philosophers of education. Indeed, I have debated such issues considering Barbara Applebaum's and Sigal Ben-Porath's writings, among others, in thinking through free speech in education.[15] In my view, educators should exercise greater tolerance toward apparently intolerant speech by students because students are learning how to think and express themselves and are not necessarily intending or desiring to make decisive, impactful political pronouncements in the classroom. Relatedly, a student might express what seems like a slur to their teacher, but their words could be appropriated, such that the speech in contrast reflects a tolerant, positive message to peers.[16] Many feel differently.[17] But then I have been outside of North America, where this debate often occurs, for most of my career. I do not experience such issues in the same way in Hong Kong.

I thank Zhao for her provocation and deep reflection about what it means to be principled and to support justice in academic and educational practice. Her warnings and observations reflect the open standpoint of the foreigner with a burden of responsibility. Such views should not be dismissed within an open and free society…nor should they be beyond further questioning and scrutiny, as I hope to have echoed here.

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