

No-Platforming, Liberalism, and Students
(an interview with political philosopher Robert Simpson)
Alex Davies

This is the English (and slightly extended) version of an interview originally published in Estonian, in *Sirp*, on 26th October 2018. The Estonian version is available here:

<https://sirp.ee/s1-artiklid/c9-sotsiaalia/esinemise-summutamine-liberalism-ja-uliopilased/>

AD: No platforming is the practice of refusing to give a person the opportunity to speak in a certain setting where they will be given an instantly sizeable audience e.g. at a university. This person can still express their views in many forums. But they are not given the luxury of that instantly sizeable audience. To my British eyes, living in this country, no platforming is a revealing practice. American and British university students have used it many times. But I don't believe Estonian students would consider it a legitimate form of protest. So when some of our graduate students told me that they had invited a man who has written on the topic to their annual conference this year, I couldn't resist asking him a few questions.

1

AD: Before we get to no-platforming, let's start with some general questions about the status of speech in liberal states. Insofar as the action doesn't harm others, such states prioritize negative personal freedom of action quite generally. Yet in the same states, we virtually always find separate protections for acts of speech. Why do liberal states single speech out like this?

RS: There are two ways that liberals think about this. One answer says that speech is more valuable or important than other kinds of conduct, and so a higher justificatory standard should be met before we let the government restrict it. Another answer is that speech is in a sense more vulnerable than other kinds of conduct. Governments have an in-built tendency to want to suppress speech that they disagree with, so we need to put special protections around it to counteract this. I think there's a grain of truth in both lines of thought. One way in which speech is especially valuable is that it's a crucial medium through which we develop our sense of self-identity, and build a collective sense of identity with others. And this is of course part of the reason why repressive governments are often keen to suppress speech, when it's being used to nurture a sense of autonomy or solidarity that poses a threat to their power.

2

AD: Even if speech is special to liberals, there's still some speech that no one would think is protected. A doctor couldn't defend herself when giving the wrong diagnosis to a patient (which, let's assume, turns out to be a harmless mistake) on the ground that she has a right to free speech and so a right to say whatever she likes. Likewise for perjury, insider trading, fraud etc.

Given that liberals give special protections to speech, how can they defend such restrictions?
Just by the harm it does to others?

RS: Well, the rough answer is that some verbal acts are merely about communicating ideas or points of view -- they're 'mere' speech -- whereas other verbal acts are something more than that. Of course, everything hinges on how we spell out the details of that distinction. J. S. Mill believes that this distinction is primarily about the immediate social context in which the verbal act is performed. Free speech means you're entitled to express any idea or opinion, in principle. But if you express a particular opinion in a particular social context -- like, say, if you're a doctor speaking to your patient -- then it becomes a different kind of communicative act than it would have otherwise been, and hence it may become liable to different kinds of regulatory controls. In essence, then, it's about the type of act you're performing, rather than whether it harms anyone. Dubious medical advice might be harmless in a particular instance, but that doesn't mean that the doctor dispensing it shouldn't be liable to some kind of penalty.

3

AD: Some people are very suspicious of this use of a speech/act distinction to justify liberal restrictions on speech. They say the former is not objective. Hence, ultimately, protected speech is speech I like, and restricted speech is speech I don't like--whoever "I" may be. Reading your work, it seems you share these suspicions. Do you?

RS: It depends a little bit on what we mean by 'objective'. The way I would put it is: I don't think there's a 'natural kind' distinction between mere speech and verbal conduct. Every verbal utterance is both of those things at the same time. This is an idea that goes back to the foundations of speech act theory in post-war English philosophy. Because of this, any attempt to spell out a set of criteria for distinguishing between mere speech and verbal conduct is going to be a kind of artificial theoretical construct that we're using to interpret social practices. That doesn't mean that we shouldn't try to draw the distinction. But we're always going to be drawing it with a view to achieving certain ends or ideals. And we're better off trying to be explicit about what those are, and formulating our distinction in light of that, rather than viewing our legal or institutional categories as if they're an attempt at carrying out descriptive social science.

4

AD: That makes me wonder what these ends and ideals are. Instead of drawing upon a spurious speech/action distinction, which ends or ideals do you think we should be looking at when trying to figure out what to count as "protected speech"?

RS: In the broadest terms, what we should be interested in here is human flourishing, again, at both an individual level and a collective level. We should be aspiring to build the kinds of societies where people can act in accordance with their own values, and where people can form voluntary associative networks centred around their values or shared practices. Of course there's lots of room for disagreement about exactly what that entails. But the point is we need to have those ultimate purposes in sight when we're thinking about the boundaries of free speech.

There are some kinds of communicative activities -- think of the obvious examples: religious expression, political protest, the arts, academic scholarship -- whose suppression is profoundly injurious to our collective flourishing. The recognition of that danger is the underlying reason why we're right to group these things together under the protective banner 'speech'. It should be a constructive political project, rooted in a value-pluralistic vision of human flourishing. It shouldn't be a value-neutral exercise of trying to classify our activities into pre-existing behavioural categories.

5

AD: Let's turn back to no-platforming. University students in the US and the UK are ready to use it. As you indicate in your paper on the practice, targets have included: a British MP who denied that certain kinds of activity qualify as rape, a human rights campaigner for Islamophobia, and a psychologist and several feminists for transphobia. Estonian students are not exactly politically apathetic. For example, in 1997, three thousand of them protested in Tartu against the removal of student bus subsidies, and in 2012, they loudly protested what would become the 2013 Universities Act because, as they rightly predicted, the new rules would make radically more difficult what had previously been quite feasible: to study and work simultaneously. Nonetheless it is pretty inconceivable that Estonian students would contemplate campaigns aimed at no platforming a speaker. Older newspaper pundits chastise younger Estonians for being over-sensitive snowflakes, but with respect to no platforming, Estonian students are much more like the pundits than they are like their peers in British and American universities. No surprise--given the historical and cultural differences between these countries. I wonder whether there are arguments in defence of no platforming whose premises could be accepted by readers of this newspaper (students amongst them). One could attempt to defend the practice by drawing the speech/action distinction, and arguing that these speakers cross the line from speech to regulable action. But we've already seen why that doesn't look promising. However, you (with Amia Srinivasan) have put forward a very different defence of the practice. Could you pitch the argument?

RS: There are two main parts to the argument. The first part of the argument is a claim about what kinds of institutions universities are. Liberals often think of universities as being a type of open forum for the expression of ideas. But to the extent that this is the case, it's an accidental feature of the university. The university's main purposes are research and education. In research and education we don't adopt the stance that every idea deserves a hearing, and that bad ideas must be addressed with counter-arguments. On the contrary, we think that some ideas are demonstrably better than others, more coherent, more credibly evidenced, founded on better arguments, etc. In short, we have methodological standards, and the professoriate use those methodological standards to make decisions which ideas receive a hearing and which ones don't. The second part of the argument is a claim about the relationship between what goes on in formal teaching and research settings at universities, and what goes on across the rest of the campus. The mainstream liberal view for a long time has been that it's a good thing if the standards-governed speech of the classroom or research seminar is nested inside a larger institutional culture that's much more open and free-wheeling. But the arguments offered in

support of this claim are often not much more than an optimistic just-so story about how this juxtaposition might help universities to achieve the aims of research more effectively. Against this, I've suggested that there are good reasons to extrapolate the more rigorous, standards-governed norms of the classroom to cover the whole campus. From this way of thinking it follows that at least some instances of no-platforming might be justified, not in spite of the university's intellectual aims, but for the sake of the university's intellectual aims. But of course it's important to recognise that that kind of rationale can be abused and used as a pretext for people who merely want to silence their ideological opponents. So in practice there's a delicate balancing act we need to strike. But it is a balancing act. We shouldn't think of speech in universities as being governed by an absolute libertarian free speech norm.

6

AD: This seems like a special case of your general view of how to distinguish protected and restricted speech. Is that fair to say?

RS: Yeah, sure. At every turn we're engaged in a kind of consequentialist estimation of what kinds of norms or policies will conduce to our legitimate ends, whether that's in an institutionally-bound context, like the university, or across society at large. We need to take those norms and policies seriously, and let ourselves be bound by them, but they also need to be periodically re-evaluated in light of their ultimate justifying purposes. Otherwise we end up regressing into a kind of legal idolatry.

7

AD: I guess the no platforming this argument would permit wouldn't coincide with the actual cases of no platforming found in the UK and the US.

RS: Yes, many instances of no-platforming are just purely ideological power-grabs, in the most pejorative sense of the term 'ideological'. But not all of them are. For instance, no-platforming is sometimes used to police the speech of holocaust deniers. And while some people who want to silence holocaust deniers care only about the fact that they're anti-Semites, it would be odd if that were our only reason for wanting to exclude these people from speaking in universities. Any half-decent university has a serious history department, and it's a kind of insult to the history department to treat Holocaust deniers as if they're bona fide historians. Within the broader trend in the English-speaking world towards no-platforming, there are a mix of forces and motivations. Some of those forces and motivations are good and legitimate. They're essentially about upholding rigorous intellectual standards, and not tolerating charlatans, hacks, trolls, and shills. That attitude shouldn't be used to guide what kind of speech goes on in social discourse at large, but it's an attitude that is internal to, and appropriate to, the social and political role that we assign to universities.