

Banishing the poets: Reflections on free speech and literary censorship in Vietnam

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Abstract

The article examines the status of free speech in Vietnam in light of some of the explosive debates that have flared up in both the US and Europe. It argues that unlike in the West the Vietnamese case requires a critical defense to augment the space for free speech as such. To lead up to this conclusion, the essay looks at two case studies of literary censorship in Vietnam to demonstrate that, since the middle of the twentieth-century, literary speech has been synonymous with political speech. Given the limited space for political speech itself, the essay concludes by advancing a version of the autonomy defense of free speech as one viable critical resource in the Vietnamese context.

Keywords

literature, censorship, Vietnam, free speech, autonomy defense

In the *Republic*, Plato conceived of a world in which he banished certain kinds of poets because he believed that poetry, unlike other genres, failed to mimetically approximate truth embodied in the ideal forms. The essay begins with an allusion to Plato not because it will be about this ancient philosopher of the Western tradition but to show that the thematic question of the relationship between literature, truth, and the state exhibits both historical and cultural parallels—especially to this essay's central subject, namely the problem of literary censorship in Vietnam since the middle of the 20th century.

In the middle of the 1950s, the Democratic Republic of Vietnam (North Vietnam) allied itself with the Soviet Union and China to form what is now one of today's remaining

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Communist countries. I will ask the following questions: why did the Vietnamese state find literature so dangerous and threatening? Why did it curtail literary speech? Here the allusion to Plato is suggestive. For, it is no secret that in his utopia Plato envisioned a non-democratic republic,¹ leading the philosopher Bertrand Russell to compare it to something akin to the Soviet Union.² So, while this essay is focused on Vietnam, I hope that it will have transcultural resonances.

Through an examination of literary censorship in Vietnam, I advance two claims. The first is a specific claim about the character of literary censorship in the country and the second is a more general claim about the present free speech quandaries in Euro-America. I will suggest that for the Vietnamese state, there is little distinction between literary and political speech. Even when literary works arise from pure fantasy and are unanchored to any empirical reality, they still belong to a symbolic repertoire which the state insists is within its right to control. Thus, the space for literary speech in Vietnam is as limited as political speech itself. The second point is that we need to situate the philosophical arguments within the proper context. As we shall see, the Vietnamese context is different from—indeed the reverse of—the current situation in Western liberal democracies. Whereas those in the US and Europe debate the idea of limiting the parameters of free speech, the Vietnamese case requires the opposite: a critical defense of how to augment the space for free speech as such.

To lead up to the claim that the Vietnamese case requires a critical defense of free speech, I first situate the country within the broader free speech debates. Then, I turn to two case studies of literary censorship: first, in Hanoi in the 1950s and, second, in the late 1980s and early 1990s, when the country underwent market liberal reforms. I then look at some relatively recent developments in the early decades of the millennium to show that, despite the country's increasing integration in the global community, there remains an imperative to augment the parameters of free speech. Finally, I conclude with some philosophical reflections on free speech defenses that are relevant to the Vietnamese context. Here I suggest the need to preserve a version of the autonomy defense of free speech.

Situating Vietnam within the Broader Free Speech Debate

Before looking at the case studies and turning to an examination of the philosophical question, let us situate Vietnam within the broader free speech debates. Much of the scholarly literature has focused on the problems arising from free speech in the context of liberal forms of government. Indeed, as Mill himself specified, his defense of free speech makes sense only within certain political contexts, namely representative forms of government in which individual actors engage in deliberative democracy.³ The current culture wars that have flared up in the United States and Europe on whether to curtail certain forms of speech—in the name of balancing other competing social values, such as equality, democracy, and autonomy—make sense only within the context of this liberal political tradition.

In this historical conjuncture, as Volker Kaul noted in his introduction that jumpstarted the Venice dialogues, the debate thus far has tended to concentrate on whether or how free speech ought to be delimited in certain cases—such as hate speech, blasphemy, and the

use of falsehoods—whose complexities are all magnified by the global rise of technology and social media. Those on the political left now tend to favor some limits to free speech,⁴ and those on the political right—in the context of hate speech and the spread of falsehoods—support its maintenance or expansion.⁵

Yet, the liberal paradigm falters in other socio-political contexts. In the case of Vietnam, the question of free speech emerges under different conditions, and so takes on a different form. Even the vocabulary of political “left” and “right” is different. Prior to undergoing market liberalization in the early 1990s, in Vietnam as in China the political “right” generally referred to those who favor relaxation of social controls, a more democratic style in politics, freer economy, toleration of a variety of lifestyles, openness to the world, and de-emphasis on the military. The “right,” in essence, refers to a political orientation the West might call liberalism or moderate leftism. The “left” in Vietnam generally refers to those who champion a centralized economy, strong party leadership, and the fostering of proper behavior through social controls and public ideology.⁶ The vocabulary of “left” and “right,” in short, is relative to the reference point along a political spectrum. Indeed, to claim as this essay does that literary speech amounts to political speech in Vietnam is not necessarily to make any claims about how free or restricted literary speech is without first elucidating the relative limitations on political speech.

The Vietnamese constitution admittedly does grant “freedom of speech” and “freedom of the press.”⁷ The State, however, substantially restricts these freedoms. In some ways, Vietnam is already one step ahead of the debate. A statement published in 2020 issued by the *People’s Army Newspaper* succinctly captures Vietnam’s position. It maintains that while freedom of speech and the press are respected in Vietnam, they must be limited to the extent that “these rights are never allowed to be abused to sabotage national interests, undermine an individual’s dignity and honor, or negatively affect community morality or the social order.”⁸ Vietnam’s position on freedom of speech, on its face, would seem valid and reasonable. Few would be opposed to some of the prior commitments: “national interests,” “individual dignity and honor,” and “community morality.” These commitments, however, raise certain critical questions, such as: Who decides on the meaning of these terms? How restrictive, if at all, should the regulations be? What do these terms mean? What counts, for example, as “abuse” of “community morality”?

The answer to the first question is relatively straightforward: in Vietnam, the party-state decides. The state regulates freedom of the press and can censor any speech it deems problematic, especially that which is critical of the government or party. Indeed, in Vietnam the party-state wields near-total control over the country’s media and judiciary.⁹ Since almost all Vietnamese media is technically owned and regulated by the state, the publication or dissemination of anything the authorities deem politically problematic has been and continues to be liable to criminal prosecution. Article 117 of Vietnam’s Criminal code forbids “making, storing, or circulating cultural products with contents against the Socialist Republic of Vietnam.”¹⁰ Given the profoundly grave stakes involved, however, the Criminal Code’s language has been criticized by Human Rights Watch (HRW) as overly broad, and hence, open to arbitrary misuse.¹¹ Would HRW’s criticism of this criminal code be an act “against” the state, for instance? The boundaries of permissible speech, moreover, are ever changing¹² such that one may find oneself caught in the

crosshairs and on the wrong side at any given moment. In such a chilling environment, some writers and journalists simply decide to self-censor themselves, even when what they say could prove beneficial to Vietnamese society.¹³ As some ardent supporters of Vietnam have noted, constructive criticism is vital, playing an important role for the state and Vietnamese society alike to deal with the complex challenges the country faces.¹⁴

If these acts to silence speech may seem draconian, some scholars have suggested that such repression in Vietnam fails to capture the whole picture. A more complex dynamic appears now to exist between the people and the party-state. Since the mid-1990s, Vietnam has witnessed all sorts of individuals, groups, and organizations boisterously speaking out, whether through online petitions, letter writing, or street protests. The state, in turn, has responded through a combination of responsiveness, toleration, and repression. This dynamism has led some scholars to question how best to characterize Vietnam. Some have proffered labels such as soft authoritarianism, consultative Leninism, contentious authoritarianism, deliberative authoritarianism, resilient authoritarianism, and responsive authoritarianism.¹⁵ Regardless of the choice of label, scholars still concede that coercion and repression remain “menacing,” albeit no longer dominant, features of the Vietnamese state.¹⁶

To understand the extent of Vietnam’s restrictions in a broader context, let us look at some comparative data. Reporters Without Borders ranked Vietnam in its 2021 World Press Freedom Index near the bottom at 175 out of 180 countries, where the rank of one represents the greatest press freedom.¹⁷ In its analysis of 195 countries, the think tank Freedom House likewise classified Vietnam as “not free” giving it a score of 19 out of a hundred, where a hundred represents the greatest civil and political liberties.¹⁸ The Committee to Protect Journalist likewise ranked Vietnam as one of the top five countries that locked away the most journalists in 2021.¹⁹ These rankings situate Vietnam within a global context and elucidate the comparative degree to which Vietnam imposes limits on speech and press freedoms. Thus, while one might agree in principle with the claim that such freedoms should not supersede other normative values and commitments, the country in practice overly tips the scale in favor of censorship.

As I will suggest, this censorship extends even into the realms of literature and the arts. Through an examination of two case studies involving literary censorship, this essay asks the following questions: Why was literature so dangerous and threatening to the party-state? Why did it curtail literary speech? By focusing on literary censorship, the essay brings into sharp relief the relationship between literary speech and its conditions of emergence, or lack thereof. In so doing, the essay clarifies the interplay of Vietnamese society, morality, politics, and free speech.

Case Studies of Literary Censorship

I will be looking at two historical case studies of censorship. The first occurred in the mid-1950s; the second in the late 1980s and early 1990s. Each case involves a group of authors, and each occurred during two distinct historical eras. The mid-1950s was the era of the Cold War and a period of postcolonial nation-building in much of the Global South. The period of the late 1980s was marked by the fall of the Berlin wall and, in the case of

Vietnam, a period of greater openness and market liberal reforms. Despite belonging to distinct historical periods, both cases, I argue, demonstrate a common principle concerning the Vietnamese State's conception of literature: namely, that literature is no different from political speech acts.

To grasp this principle, we first need to turn to North Vietnam's chief theoretician, Truong Chinh. In his essay "Marxism and Vietnamese Culture" published in 1948, he sought to define the relationship between literature, culture, and society. Influenced by the Maoist doctrine that literature and art ought to be a "weapon" in the cultural battlefield, Truong Chinh insisted that the "pen" was the cultural equivalent of a "gun" in the battlefield.²⁰ He explains: "The ideological and cultural struggle cannot be divorced from the political, armed, and economic struggle."²¹ For Chinh, culture must serve the national cause and contribute to the country's defense. In such a worldview, artists and writers were "combatants" on the "cultural battlefield." The aim of literature was, in the words of Truong Chinh, to "propagandize," by which he means a calculated activity in support of a specific doctrine or program.

Now, this conception of literature, understood as political propaganda, seems rather different, indeed odd, from what one might typically understand as art or literature. Although this is not the place to rehearse the long history of literary theory, a brief elaboration on a general definition and function of literature is nevertheless warranted if we are to understand critically the prior claim, its relative place within the history of literary theory, and the context for why the state came to censor subsequent Vietnamese writers and artists. In the *Theory of Literature*, René Wellek and Austin Warren define literature—as opposed to non-literature and other forms of print matter—as highly complex artifacts arising from the world of the imagination and characterized by a highly self-conscious awareness of its language use. Literature, on this account, is distinct from, say, a policy proposal or political propaganda because, according to Wellek and Austin, "Art imposes some kind of framework which takes the statement of the work out of the world of reality."²² This is not to say that literature cannot have a useful function, a function which is captured in Horace's ancient claim that poetry is at once "sweet and useful (*dulce et utile*)." But the term "useful" here must be understood broadly to mean "having a serious purpose," "not a waste of time," "deserving of attention," and not merely to instruct the "right ideological stand." This coupling of sweet and useful is captured by a long line of other thinkers, from Sir Philip Sidney²³ to Immanuel Kant who in his *Critique of Judgment* defined aesthetic objects as having "purposiveness without purpose."²⁴

Of course, there is a subgenre of propaganda art that Wellek and Austin noted could fall within the scope of their definition of literature. The aesthetic function of literature can expand or contract in different periods of history so that one cannot exclude propaganda art or didactic and satirical poetry. Nevertheless, as Wellek and Austin also noted, "[W]e reject poetry or label as mere rhetoric everything which persuades us to a definite outward action." They continue: "Genuine poetry affects us more subtly."²⁵

Finally, even if one disagreed with Wellek and Austin on their definition of literature, there are sufficient critical resources within the Marxist tradition to understand literature much more capaciously than a reduction to political propaganda. There are Marxist ways

to understand literature that is at once historical and critical but non-dogmatic. This is a topic, however, that I will not pursue further here.²⁶

Suffice it to say that in North Vietnam of the 1950s, the idea and purpose of literary art was rather restricted. And it is not surprising, therefore, that Hanoi writers and artists came to voice their concerns in protest. Between 1955 and 1956 a group of writers and artists in Hanoi sought to convince the Vietnamese Communist Party of the need for greater artistic and intellectual freedom. This was a group that was faithful to the party. They were also an illustrious group. They included Phan Khoi, Vietnam's greatest journalist and man of letters; Tran Duc Thao, the country's preeminent philosopher who studied at the École Normale Supérieure and who debated with Sartre in the journal *Les Temps Modernes* in the 1940s. Other figures included Dao Duy Anh, one of the most important Vietnamese intellectuals of the 20th century. They wrote and published in two journals. One was called *Humanity* [*Nhân Văn*] and the other was called *Masterworks* [*Giai Phẩm*]. Because they published literary and artistic works in these journals that departed from the prescribed version of literature, the dissident movement came to be known as the *Humanity* and *Masterworks* affair [*Nhân Văn Giai Phẩm* affair].²⁷

The party-state's response to their request was met with swift and harsh condemnation. Many of the writers and intellectuals were denounced in the state media and were required to undergo public self-criticism sessions, a practice borrowed from Mao.²⁸ Others were persecuted and underwent extrajudicial hearings.²⁹ The philosopher Tran Duc Thao was shaken by the events and remained silent until he returned to Paris in the late 1980s for medical treatment. In a memoir, he revealed the enduring psychic scar of the traumatic events that left him to self-censor himself for nearly three decades.³⁰ Of particular note was the harsh and disproportionate response by the party-state to a request for greater artistic and intellectual freedom.

Literary Censorship During the Renovation Period, Circa 1986

Certain features of the party-state's response in the 1950s recur in the late 1980s, when the country underwent market liberal reform and became more open to the global community. This was in the wake of the collapse of communist systems in Eastern Europe and the Soviet Union. The common principle connecting these two historical episodes is that the state still conceived of imaginative literature as forms of political speech.

One key difference is that in the mid-1980s when Vietnam formally embarked on the Open Door's Policy, it was the state that encouraged greater artistic freedom. In October of 1987, the General Party Secretary of the Communist Party, Nguyen Van Linh, convened a 2-day meeting bringing together Hanoi writers, actors, film makers, musicians, sculptors, architects, and other cultural leaders. He encouraged Hanoi writers and artists to speak their minds. Linh explains: "In the old days, we used to espouse the simplistic concept that if one talked about socialist society, one had only good things to say." Hanoi writers and artists responded with pent-up resentment by the "undemocratic, despotic, and overbearing" control of the Party. Linh acknowledged the fears of persecution but, nevertheless, encouraged Hanoi writers and artists to freely write and produce.³¹

And so produce they did. The writer Nguyen Huy Thiep, for example, created a rich, complex collection of short stories that, among other things, humanized many Vietnamese nationalist heroes. In so doing, however, he potentially questioned the official narrative that conceived of the heroes as flawless. I say that his stories only “potentially” questioned because it is not clear that they subvert the official narrative. His stories are often multi-layered, highly complex, with multiple meanings. In one story, there are three different endings, and readers can choose which ending they want.³² His works have been translated into Italian, and Thiep himself came to Italy in 2008 to receive a literary prize.³³

The writer Bao Ninh in *The Sorrow of War* likewise humanized certain revered figures in the national narratives. He revealed that the North Vietnamese soldiers, in fact, suffered before, during, and long after the war. At the time of the story’s publication, such a depiction was controversial. The story, however, reads very much like a series of dream sequences—or of someone telling a story while inebriated. There are multiple temporalities and narratives that interpenetrate and crisscross much like a river and its tributaries.³⁴ Indeed, one might even argue that the story is unanchored to any rational sense of reality. Collectively, these literary works are also stylistically different from the state-sanctioned idea of literature since the 1950s. As one literary critic observed, in these works, “complex events and emotions are rendered in language both suggestive and opaque [...] dogmatic truth is replaced by playful indeterminacy.”³⁵

This period of literary renaissance remained brief, however. It became clear that some of these works had pushed the envelope too far. It is no secret among Vietnamese writers and artists that literary censorship stealthily continued despite and since the Open Door’s Period. It is no coincidence that Nguyen Huy Thiep, who recently passed away in 2021, was not able to find a Vietnamese publisher for his later works. The same problem was faced by other writers.³⁶

One might argue that the Vietnamese state’s anxiety concerning the subversive potential of literary works is warranted. Such works, even seemingly innocuous ones, can pose a challenge to the state. In *The Structural Transformation of the Public Sphere*, Habermas delineated the process by which private individuals in eighteenth-century Europe debated with the authorities in what he called the “public sphere.” Although there continues to be scholarly question over what precisely Habermas means by the term, the “public sphere” generally refers to the imagined space characterized by a rational-critical character where private individuals exercise their “public use of reason.”³⁷ The predecessor to the exercise of such critical faculties, according to Habermas, was the literary public sphere. “Even before the control over the public sphere by public authority was contested,” Habermas explains, “and finally wrested away by the critical reasoning of private persons on political issues, there evolved under its cover a public sphere in apolitical form—the literary precursor of the public sphere operative in the political domain.”³⁸ As Loewenstein and Stevens explains, “Roughly, the precursor sphere is an amalgam that partakes of imperfectly articulated collectives: the audience for printed books, a dimly conceived ‘reading public’; more specifically, those long-distance traders and financiers who made up the audience for manuscript and, eventually, printed news; alternatively, those who sustained the culture of courtly humanism; the members of early secret societies and academies; theatre goers.”³⁹ In other words, the arts, literature, and

their criticism served unwittingly as the training ground to contest the state and its authority. On this account, it seems that the Vietnamese state has every reason to worry about the development of the arts and literature.

Three points, however, are worth clarifying here. First, the apolitical literary public sphere is a necessary but not sufficient condition for Habermas' political public sphere.⁴⁰ If the flourishing of the arts and literature really were sufficient conditions for state subversion, we ought to witness an efflorescence of artistic activity where such subversions take place. In Vietnam, however, the state owns and regulates the media, holding a relatively tight leash over the limits of the speakable, including the domain of literature and the arts. Yet, as noted earlier, in Vietnam today challenges to the state in the form of criticism do and continue to take place in a variety of forms. If criticisms of the state are certainly happening, and vigorously so, it would seem, then, that *other* conditions are enabling them, and not necessarily literature and the arts, regulated as they are by the party-state.

Second, let us suppose that Habermas' apolitical literary public sphere did serve to hone the Vietnamese citizenry's critical faculties. It does not follow, however, that such critical faculties will necessarily be employed to subvert the nation state. If this were so, political subversion would be taking place everywhere in nations whose people possess high concentrations of critical thinking. Yet, such a conclusion is absurd. On the contrary, studies have suggested that in the early twentieth-century in Southeast Asia the explosion of print media in the form of novels and newspapers served as the conditions for nationalism.⁴¹ As Haiyan Lee has also suggested in *The Stranger and the Chinese Moral Imagination*, literature for all its limitations may still wield the capacity in honing the faculties of judgment to enlarge our sensibilities for a "cosmopolitan citizenry."⁴² If this is so, then literature can play a vital role in the complex challenges that Vietnam faces in the 21st century, including the effects of environmental degradation and climate change. In other words, literature and its effects may not necessarily be as pernicious and corrupting as the Vietnamese state fears, a fear whose roots can be traced as far back as Plato. On the contrary, as Amartya Sen has noted, free speech—which includes literary and artistic forms of expression—is not only an intrinsic good, but also an integral component of flourishing societies.⁴³

Finally, one cannot predict in advance the consequences about which such critical and imaginative faculties, born of artistic and literary activity, will ultimately bring. History suggests, however, that the crushing of literary free speech typically is not the most fruitful solution. The Vietnamese state, to some degree, seems to concede this point. In 2000, the state awarded the Ho Chi Minh Prize to two former dissidents involved in the 1950s *Humanity* and *Masterworks* affair: Dao Duy Anh and Tran Duc Thao.⁴⁴ By posthumously granting the country's highest prize to these two former dissidents, the state retrospectively recognized their contribution to the nation's arts and letters. Imagine, however, what *more* these two intellectuals could have contributed to Vietnam, indeed to humanity, if they had not experienced a culture of censorship and self-censorship. The Chinese writer Yang Mo's explanation is relevant to the present discussion. Comparing literary and artistic production to the growth of plants, she explains that they require certain conditions to flourish. If one removes those conditions—water, sunshine, fertilizer,

and so forth—to exterminate the so-called “weeds,” one also extinguishes at one and the same time the desirable “plants.”⁴⁵

Philosophical Reflections

Having looked at literary censorship in Vietnam’s past, one might ask, what is the status of free speech in the country today? To continue with the nature metaphor, the climate of censorship in Vietnam, like China’s, is often compared to the political weather. The climate can oscillate between favorable moments of “warming” and “thawing” and difficult periods of “cooling” and “freezing.”⁴⁶ Recall that, according to international rankings, the space for free speech in Vietnam is relatively narrow, and so this oscillation takes place in the context of an already restricted environment. This essay, therefore, is less interested in the moments of “thawing” and particularly concerned during those periods of “freezing.” It is during the latter periods with which the following philosophical reflections are preoccupied.

Evidence suggests that the country is experiencing a colder climate. Certain kinds of speech in Vietnam now seem to be more limited. There appears to be an intellectual shift away from Western political ideas.⁴⁷ Consistent with this shift, the Vietnamese Central Inspection Commission in 2018 expelled a well-known Vietnamese editor at the Knowledge Publishing House. It objected to the editor’s publication of several standard European works of political philosophy, including John Stuart Mill’s *On Liberty*, John Locke’s *Second Treatise of Government*, Alexis De Tocqueville’s *Democracy in America*, and Friedrich A. Hayek’s *The Road to Serfdom*. There appears to be a tendency to return to the former policy of promulgating the correct “ideological stand.” In other words, in recent years the space for political speech in Vietnam has contracted, undergoing a harsher climate for dissent and criticism, the enactment of which is on pain of criminal punishment.⁴⁸

This essay, however, has concerned itself not with political speech per se but literature in the sense of imaginative works of literature. But the state has understood even imaginative works of literature that seem unanchored from reality as forms of political speech. The question at this point, then, is what critical resources might be available in the name of literature and free speech, more generally?

There are many different potential responses in defense of free speech. As I have already suggested, one could emphasize the chilling effects of literary censorship historically, the profound diminishment of artistic and intellectual vitality, and the rich benefits to Vietnamese cultural life if literary writers and artists truly had the freedom to create works of the imagination. But if these consequences truly mattered, both official and unofficial literary censorship would probably not be as pervasive as it has been. From a philosophical perspective, I suggest that a certain version of the autonomy defense of free speech would be appropriate in the Vietnamese context.

The balancing approach to free speech proposed in certain quarters in the US and Europe makes less sense in the Vietnamese context. The common argument in favor of the balancing approach is that it accounts for various legitimate normative values, including the value of autonomy itself. Hate speech that violates the value of autonomy on which the

principle of free speech rests would be problematic, if only because such kinds of speech undermine the grounds of their own exercise. Hence, it is proposed that limits on speech are necessary. The balancing approach to free speech serves as a potential solution to this conundrum.

In the Vietnamese context, however, the state has effectively monopolized any claims to the harm's principle. Any claims against free speech are grounded on harms to the state and to its national security, no matter the legitimacy or scale of the alleged harm. As some of the prior historical cases of literary censorship suggest, the injury incurred was disproportionately borne by individual writers. Even supposing the rare cases in which a literary work is legitimately "harming" the state, the balancing approach still makes less sense. First, in the absence of an independent judicial arbiter, such allegations are exceedingly difficult to adjudicate. Second, given the imbalance of power between the state and a writer, or even a community of fiction writers, the state wields far more instruments at its disposal to stifle speech, especially dissenting ones. Under such conditions, the balancing approach is a less effective paradigm to the free speech conundrum in Vietnam in the current historical conjuncture.

The autonomy defense, by contrast, sidesteps any claims of alleged harm. It insists on the right of literary writers to peacefully exercise their autonomy, here understood as the right to self-realization or self-actualization. This account of autonomy could take rational or irrational forms, as in the case of Bao Ninh's surreal literary writings. In either case, it presupposes both the freedoms of thought and expression.⁴⁹

Further, this version of the autonomy defense may prove timely. Vietnam is increasingly becoming integrated in the global economic and political community. Its integration in the global community means increasing adoption of international norms. Vietnam received entry to the UN Human Rights Council in 2014 and has announced a bid to rejoin the Council for the 2023–2025 term.⁵⁰ Such a bid entails undergoing the Council's process of "periodic review,"⁵¹ an examination of a country's record and implementation of human rights commitments. One such commitment enshrined in the Universal Declaration of Human Rights, of which Vietnam is a signatory, is precisely the freedom of expression.⁵²

Finally, the autonomy defense to free speech need not be incompatible with Asian cultural values. There are studies by Asian classicists, including the one David Elstein presented during the Venice conference, showing the possibilities for a conception of autonomy within Asian traditions. In the Confucian tradition, autonomy entails not only a mode of critical reflection, according to which views are arrived at without external coercion, but also an obligation to criticize the government in order to improve it.⁵³ Such studies may help address the current political shift in Vietnam that repudiates, however problematically, the Western political tradition.

Conclusion

The essay has suggested that, unlike in Euro-America, the Vietnamese case requires a critical defense to augment the space for free speech as such. To lead up to this conclusion, the essay looked at two case studies of literary censorship to demonstrate that, since the

middle of the twentieth-century, literary speech in Vietnam has been synonymous with political speech. To understand why, the study showed how Vietnam departs from the liberal political tradition, and hence, from the current free speech debates that have flared up in the US and Europe. In Vietnam, almost all media is regulated by the party-state. Forms of speech, including literature and the arts, that deviate from certain prescribed parameters are significantly hampered.

The essay then examined two historical case studies of literary censorship. The first took place in the 1950s when a group of writers and intellectuals published two journals *Humanity* [*Nhân Văn*] and *Masterworks* [*Giai Phẩm*]. These writers were an illustrious group that had faithfully served the party-state. At the time, however, all literature was conceived as instruments in the service of a political end. Because they departed from the prescribed official ends, however, these writers were denounced in the state media and their journals banned. The second case occurred during the late 1980s and early 1990s, when Vietnam initiated its Open Doors Policy and market liberalization. In this period, Vietnam experienced a brief literary renaissance. Writers such as Nguyen Huy Thiep and Bao Ninh produced highly creative works of fiction that arguably contested the dominant narratives. As a result, their literary works and subsequent ones all faced various forms of censorship. In both case studies, literature was censored because it was reduced to a political speech act.

The essay concluded by advancing a version of the autonomy defense of free speech as one viable critical resource in the Vietnamese context. The harms principle makes less sense when the state has monopolized all claims to free speech harm. In such circumstances, the autonomy defense furnishes a philosophical counterweight to such claims. At a time when some intellectuals in the US and Europe appear to be moving towards a balancing argument of free speech, this essay has suggested the imperative to preserve a version of the autonomy defense of free speech as a potential critical resource for some writers and artists in Vietnam today.

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Notes

1. See, for example, Gerasimos Santas, "Plato's Criticism of Democracy in the *Republic*," *Social Philosophy and Policy* 24, no. 2 (2007); Richard H. Kraut, "Plato against Democracy: A Defense," in *Virtue, Happiness, Knowledge: Themes from the Work of Gail Fine and Terence Irwin*, ed. David O. Brink, Susan Sauvé Meyer, and Christopher Shields (Oxford: Oxford University Press, 2018).
2. Bertrand Russell, "Plato's Utopia," in *History of Western Philosophy* (London: George Allen and Unwin LTD, 1946), 129-30.
3. See David Bromwich, "A Note on the Life and Thought of John Stuart Mill," in *On Liberty, Rethinking the Western Tradition* (New Haven: Yale University Press), 25-26.
4. See, for example, the new preface in Judith Butler, "Preface to the Routledge Classics Edition," *Excitable Speech: A Politics of the Performative* (New York: Routledge, 2021). xiv-xxiv. Cass

- Sunstein and Stanley Fish also support free speech limits. See Cass R. Sunstein, "Democracy and the Problem of Free Speech," in *Democracy and the Problem of Free Speech* (New York: The Free Press, 1995), xi-xx; Stanley Fish, "Boutique Multiculturalism, or Why Liberals Are Incapable of Thinking about Hate Speech," *Critical Inquiry* 23, no. 2 (1997).
5. Italy recently passed legislation banning billboard advertisements containing sexist, discriminatory, or violent messages. In response, the far-right Brothers of Italy party asserted the legislation advanced an ideology aimed at "limiting the freedom of expression." https://www.lastampa.it/politica/2021/11/05/news/stop-alla-pubblicita-sessista-ma-fdi-attacca-uno-sbaglio-vietarla-su-strade-e-autobus-1.40885161?__vfz=medium%3Dsharebar. Accessed 10 Nov 2021. For an example of the alignment of freedom of expression with the political right in the US, see Mark Ashwill, "Freedom of Speech According to the Gospel of Koch." <https://www.counterpunch.org/2021/08/18/freedom-of-speech-according-to-the-gospel-of-koch/>. Accessed Nov 1, 2021.
 6. Perry Link, *The Uses of Literature: Life in the Socialist Chinese Literary System* (Princeton: Princeton University Press, 2000), 56.
 7. On the freedom of speech, see Chapter II, article 25 of Vietnam's Constitution: <<https://vietnamnews.vn/politics-laws/250222/the-constitution-of-the-socialist-republic-of-viet-nam.html>>
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 13. Bass, *Censorship in Vietnam: Brave New World*, 176-77.
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 15. See Benedict J. Kerkvliet, *Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation* (Ithaca: Cornell University Press, 2019), 3-5.
 16. Kerkvliet, *Speaking Out in Vietnam: Public Political Criticism in a Communist Party-Ruled Nation*, 3.
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23. Sir Philip Sidney, *An Apology for Poetry, or the Defence of Poesy*, ed. Geoffrey Shepherd (Manchester: Manchester University Press, 2002 [1595]).
24. Immanuel Kant, "Analytic of the Beautiful," in *Critique of Judgment* (London: The MacMillan Company, 1914 [1790]), § 10.
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28. See Ngoc Tuan Nguyen, "Socialist Realism in Vietnamese Literature: An Analysis of the Relationship between Literature and Politics" (Victoria University, 2004), 183-251; Kim Ninh, *A World Transformed: The Politics of Culture in Revolutionary Vietnam, 1945-1965* (Ann Arbor: University of Michigan Press, 2002), 103-04.
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36. Bass, *Censorship in Vietnam: Brave New World*, 50-87.
37. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence (Cambridge: MIT Press, 1991), 27.
38. Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, 29.
39. Joseph Loewenstein and Paul Stevens, "Charting Habermas' "Literary" or "Precursor" Public Sphere," *Criticism* 46, no. 2 (2004): 202.
40. Michael McKeon, "Parsing Habermas' "Bourgeois Public Sphere"," *Criticism* 46, no. 2 (2004): 276.
41. Benedict Anderson, "The Origins of National Consciousness," in *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso), 37-46.
42. Haiyan Lee, *The Stranger and the Chinese Moral Imagination* (Stanford: Stanford University Press, 2014), 288.
43. Amartya Sen, "Press freedom: what is it good for?," *Index on Censorship: A Voice for the Persecuted* (September 26 2013).
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45. As quoted in Link, *The Uses of Literature: Life in the Socialist Chinese Literary System*, 70.
46. The metaphor is described in Link, *The Uses of Literature: Life in the Socialist Chinese Literary System*, 14-33. For use of this metaphor in the Vietnamese context, see Bass, *Censorship in Vietnam: Brave New World*, 175-76.
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48. See, for example, the Human Rights Council's "Opinions adopted by the Working Group on Arbitrary Detention at its 91st session." https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session91/A_HRC_WGAD_2021_36_AdvanceEditedVersion.pdf. Accessed Nov 14, 2021.
49. To obviate some of the other problematic accounts of autonomy, here I draw on the fifth account of autonomy that Susan Brison has outlined. On this account, autonomy requires not only freedom of thought, but also freedom of expression. Other accounts of autonomy are more problematic. For example, an account of autonomy that relies on the faculty of self-reflection leads to a case in which a speaker preserves his autonomy, even if the government "bound and gagged him and threw him in a dungeon." See Susan J. Brison, "The Autonomy Defense of Free Speech," *Ethics* 108, no. 2 (January 1998).
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