

Speech: Free speech in the liberal university

It is a pleasure to join you at the Limmud Festival. This is my first Limmud Festival, and it is a revelation for me: I did not fully realise what a remarkable gathering the conference is.

It is a banquet of ideas and discussion, a national institution for the community, and an international success story: since the first conference in Britain in 1980, it has been replicated by Jewish communities all over the world, from South Africa to New Zealand, and from Finland to Chile.

There is one thing in particular I find admirable about the Festival, and it sits at the heart of what I want to say today.

That is its focus on the free exchange of diverse, even conflicting views. There are few places where you can hear from a government minister and from Jon Lansman of Momentum, and from speakers on subjects ranging from Kafka to stand-up comedy to tech startups, all on the same platform.

This spirit of open, frank and rigorous discussion is refreshing and invigorating.

The liberal tradition

And, of course, this love of open debate represents just one of many contributions that Britain's Jewish community has made to our country's tradition of liberalism and openness.

As the historian Alice Green has pointed out, the British liberal tradition owes a profound debt to so many members of the Jewish community.

To Isaiah Berlin, who helped to reinvent Western liberalism in the post-war era.

To Peter Benenson, the founder of Amnesty International.

To Herscht Lauterpacht, one of the fathers of modern international law.

To Rosalind Franklin, the chemist whose work informs our current understanding of DNA.

To Herbert Samuel, the liberal politician and instigator of the Balfour Declaration, the 100th anniversary of which we celebrated in November.

And to countless others.

This is a tradition that is particularly important to me in my role as universities minister.

A university is the quintessential liberal institution. Not liberal in a narrow party political sense, but in the true liberal of free and rigorous inquiry, of liberty and of tolerance.

The liberal tradition is a noble and important one; but today it finds itself under threat. Liberal politics are under threat from national and populist parties around the world. Economic liberalism is under threat from those who turn to protectionism for quick-fix solutions to complex problems.

And the liberal tradition in universities faces challenges too.

Threats to freedom of speech

A particularly worrying challenge to universities as bastions of liberalism comes from the threat to legal free speech and to open debate on our campuses.

Our universities, rather like the Festival we are today, should be places that open minds not close them, where ideas can be freely challenged and prejudices exposed.

But in universities in America and increasingly in the United Kingdom, there are countervailing forces of censorship, where groups have sought to stifle those who do not agree with them in every way under the banner of “safe spaces” or “no-platforming”.

However well-intentioned, the proliferation of such safe spaces, the rise of no-platforming, the removal of ‘offensive’ books from libraries and the drawing up of ever more extensive lists of banned “trigger” words are undermining the principle of free speech in our universities.

Without that basic liberal principle, our universities will be compromised.

Spinoza, that forerunner of modern liberalism, said that intellectual freedom was “absolutely necessary for progress in science and the liberal arts”.

Indeed, in 1673 Spinoza refused a prestigious appointment as professor of philosophy at the University of Heidelberg, because the job offer came with a restriction on what he could say – a stipulation that he must “not insult the principles of the established religion”.

Shield young people from controversial opinions, views that challenge their most profoundly held beliefs or simply make them uncomfortable, and you are on the slippery slope that ends up with a society less able to make scientific breakthroughs, to be innovative and to resist injustice.

I am glad to say that, for the time being at least, censorship in our universities is the exception, not the rule.

A 2016 survey showed that 83% of students felt free to express views on campus. And I have been heartened by cases of students themselves standing in the way of attempts to restrict freedom of speech.

But this is no time for complacency.

Like me, you have no doubt read reports of examples of censorship, where groups have sought to stifle those who do not agree with them in every way under the banners of “safe spaces” or “no-platforming” in US, signs that it might be spreading to UK.

Campaigns and protests against events featuring prominent gay rights and feminist campaigners such as Peter Tatchell and Julie Bindel, and more recently the proposal by some students at Oxford’s Balliol College to deny the Christian Union a space at Fresher’s Fair are examples of the threat to legal free speech from those who would rather shut down debate altogether than to confront dissenting ideas or uncomfortable arguments.

That’s why the government is taking action now.

As part of our reforms to higher education, we have set up a new regulator, the Office for Students (OfS), which, as its name suggests, will regulate the university sector in a way that puts the interests of students first.

Created by the Higher Education & Research Act 2017, the OfS will come into being next week.

Promoting freedom of speech within the law will be at the heart of its approach to the regulation of our higher education system.

The OfS will go further than its predecessor in promoting freedom of speech.

In the Act, we extended the existing statutory duty on universities to secure free speech in the Education (No.2) Act 1986 so that it will apply to all providers of higher education registered with the OfS.

Furthermore, as a condition of registration with the new regulator, we are proposing that all universities benefitting from public money must demonstrate a clear commitment to free speech in their governance documents.

And the OfS will in turn use its regulatory powers to hold them to account for ensuring that lawful freedom of speech is upheld by their staff and students.

This is no authoritarian step.

Nor is it somehow the “opposite” of free speech, as has been suggested by Harriet Harman, whose Joint Committee on Human Rights is gathering evidence on freedom of speech in UK higher education.

On the contrary, it is simply Government playing its part in actively creating the conditions necessary for our universities to serve as the vibrant free-trading marketplaces for ideas that we need them to be.

What do we mean by universities as ‘marketplaces of ideas’? It means our universities enabling truth to emerge and the frontiers of knowledge to expand as a result of the competition of ideas in free, transparent public

discourse.

Whether it's Gallileo's heretical rejection of geocentrism, Darwin's godless theory of creation or the bravery of dissidents resisting oppression all over the world, history shows the right to disagree is the cornerstone of intellectual and political freedom.

I am pleased to say that this freedom is as important to the OfS's new chairman, Sir Michael Barber, as it is to me.

In a recent article entitled "In Defence of Uncomfortable", arguing that universities need to foster a climate of open inquiry in order to provide a truly valuable education, Michael pointed out that "Diversity of view and disagreement, is a vital ingredient of places of higher learning".

While he hoped the OfS never has to intervene in a university in relation to freedom of speech, he undertook that, if it does, it will be to widen it rather than restrict it.

I'm confident freedom of speech in our universities has a bright future under the OfS.

But we will continue to watch the system carefully.

And I want to be clear about this: attempts to silence opinions that one disagrees with have no place in the English university system. Academics and students alike must not allow a culture to take hold where silence is preferable to a dissenting voice.

If we want our universities to thrive, we must defend the liberal values of freedom of speech and diversity of opinion on which they depend.

Freedom of speech within the law must prevail in our society, with only the narrowest necessary exceptions justified by specific countervailing public policies.

Standing firm against antisemitism on campus

One threat that you will be all too aware of comes from anti-semitism on campus. There is no doubt that for many Jewish students their experience at university is overwhelmingly positive.

However, the number of anti-semitic incidents in the UK, including in our universities, remains a cause for concern. Anti-semitic incidents, whether from the far right, or from a virulent far left strain, have included Holocaust denial leaflets distributed at Cambridge University and swastikas at Exeter University.

Last October, it was reported that police were called to University College London to quell a violent anti-Israel protest which left Jewish students barricaded in a room, after being told their safety could not be guaranteed if they left alone.

I am concerned that there has been a climate on campus in which fewer than half (49 per cent) of Jewish students surveyed said they would feel comfortable attending NUS events.

This is unacceptable.

I'm encouraged that the NUS's new leadership, under Shakira Martin, has taken a more positive direction, including a partnership with the Union of Jewish Students and Holocaust Education Trust for a Holocaust education campaign. I hope this continues.

There is no place in our society – including within higher education – for hatred or any form of discrimination or racism such as anti-Semitism.

A racist and anti-semitic environment is by definition an illiberal one that is totally antithetical to the idea of a university in a free society.

Working together with universities, with bodies like Universities UK, and with campaigners such as Baroness Deech and Sir Eric Pickles, we are working to combat antisemitism on campus, and I believe we are making progress.

I have been working hard to tackle this.

In February I wrote to Universities UK, the representative body of the UK higher education sector, as well as to alternative providers, to ensure they had noted the Government's adoption of the International Holocaust Remembrance Alliance definition of anti-Semitism.

At my request, this has been shared throughout the higher education sector.

It is essential that institutions must have robust procedures in place. I expect them to demonstrate how they will act quickly to investigate and address all allegations of hate crime, including allegations of anti-Semitism.

This is an integral part of ensuring they provide a safe and inclusive environment for all students and that students do not face discrimination, harassment or victimisation.

In June last year, at my request, Universities UK agreed to consider the issue of hate crime on campus on the basis of religion and belief as part of their Harassment Taskforce.

Its key recommendations to universities included the adoption of a zero tolerance approach to anti-semitism, training for staff on antisemitism and development of close ties between universities and local Jewish community leaders.

UUK has also published the first of their case studies looking at good practice at the sector on harassment and hate crime and I hope that institutions are aware, and making good use, of these.

To support this work, I asked the Higher Education Funding Council (HEFCE) to

prioritise working with Universities UK in 2017-2018 on these important issues.

And as a result, they have provided over £4m funding for projects to tackle harassment and hate crime. This includes £1.8m of funding for over 40 universities and colleges for projects which aim to tackle online harassment and hate.

But there is much more to do.

Universities cannot afford to be complacent about complying either with their duties to protect freedom of speech, or anything less than vigilant against hate speech (or other unlawful activity) masquerading as the exercise of the right to freedom of speech.

Both duties are vitally important to a civilised democratic society.