

The Higher Education (Freedom of Speech) Bill 2021 : the government's concerns



Hannah Gibbs

The government's concerns

- Netflix's new comedy series, "The Chair", neatly encapsulates the Government's concerns.



The government's concerns: Explanatory Notes

“The case for change

5 Over recent years there have been a number of reports of students who have attempted to shut down legitimate freedom of speech under the banner of ‘safe spaces’ and ‘no-platforming’.

6 In addition to the cases cited in the press, a Policy Exchange (2019) report showed evidence of some students favouring emotional safety over freedom of speech. In addition, the Joint Committee on Human Rights (JCHR) found in 2018 there are a number of factors which may interfere with freedom of speech at universities, one of which was regulatory complexity.

The government's concerns: Explanatory Notes

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...

7 Despite legislation currently in force, some research has reported students feeling unable to freely express their views. For example, the 2019 report by King's College London, 'Freedom of expression in UK universities', shows that 97% of students thought it was important for freedom of speech and academic freedom to be protected in universities. The report also found signs of a 'chilling effect': some students reported reluctance to express their views for fear of disagreeing with their peers.”

The government's concerns: Explanatory Notes

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8 Further, Policy Exchange polling shows that a number of current and retired academics choose to self-censor. The survey shows that 32% of those who identify as 'fairly right' or 'right' have refrained from airing views in teaching and research, with around 15% of those identifying as 'centre' or 'left' also self-censoring.

9 This evidence is emphasised by a small number of high-profile incidents in which staff or students have been threatened with negative consequences, including loss of privileges or dismissal, sometimes successfully, confirming that the fear of repercussion is not always unfounded.”

Other “high profile” examples



- No platforming by Essex University of Open University criminology professor Jo Phoenix
- She was booked in 2019 to give a lecture entitled 'Trans rights and justice: complicated contours in contemporary sex, gender and sexualities politics when thinking about issues of justice and punishment'.

Other “high profile” examples

- No platformed by UN Women Oxford UK Society.
- On twitter, Ms Rudd urged students to "stop hiding and start engaging”



But, free speech is already protected by the law?

- As Explanatory Notes make clear, *“Those concerned in the government of higher education providers are required by section 43 of the Education (No. 2) Act 1986 to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. Academic freedom is a principle recognised in legislation as the freedom within the law of academic staff at higher education providers to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the providers.”*
- So what is really driving this?

Control of a socio-cultural phenomenon?

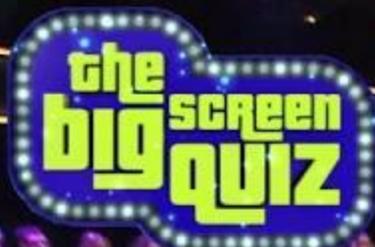
That consensus is now being challenged. There are some in our society who prioritise ‘emotional safety’ over free speech, or who equate speech with violence. This is both misguided and dangerous. The social psychologist Jonathan Haidt makes the case powerfully: not only do such attitudes suppress speech, they make it harder to draw a clear line against violence. A shocking finding from a recent study by King’s College London was that a quarter of students saw violence as an acceptable response to some forms of speech – and indeed we have seen this played out in the appalling scenes in London, when Jewish societies invited speakers who other students did not approve of.

There are some who try to downplay this issue by pretending it is just about no-platforming. It is true that most speaking events are able to proceed – though even one no-platforming incident is too many. But there are far more significant concerns.

Control of a socio-cultural phenomenon?

The rise of intolerance and ‘cancel culture’ upon our campuses is one that directly affects individuals and their livelihoods. Students have been expelled from their courses, academics fired and others who have been forced to live under the threat of violence. These high profile incidents are but the tip of the iceberg. For every Ngole, Carl or Todd whose story is known, evidence suggests there are many more who have felt they had to keep silent, withheld research or believe they have faced active discrimination in appointment or promotion because of views they have expressed.

Though there are noble exceptions, often a blind eye has been turned to the creeping culture of censorship. A culture has been allowed to develop in which it is seen as acceptable, even virtuous, for an academic to sign an open letter that calls for another to be dismissed or defunded.



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ASK THE AUDIENCE



A blue rectangular panel with rounded corners, containing a grid of horizontal lines for writing. At the bottom of the panel, the letters 'A', 'B', 'C', and 'D' are displayed, each with a small green light above it, indicating the answer choices for a multiple-choice question.

Four large, empty, blue-outlined shapes arranged in two rows of two, intended for the audience to write their answers to the question.

Ask the audience: point for discussion

For those members of our audience who work, or advise, in the field of higher education, or have any experience of it (in fairly recent times!), do you think there is any merit in the government's concerns?

Thank you for listening

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