



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: Freedom of Speech in Universities,
HC 589

Wednesday 15 November 2017

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Members present: Members present: Ms Harriet Harman (Chair); Fiona Bruce; Ms Karen Buck; Joanna Cherry; Baroness Lawrence of Clarendon; Jeremy Lefroy; Baroness O'Cathain; Baroness Prosser; Lord Trimble; Lord Woolf.

Questions 1–12

Witness[es]: **Dr Joanna Williams**, Senior Lecturer, Unit for the Enhancement of Learning and Teaching, University of Kent; **Professor Dennis Hayes**, Professor of Education, University of Derby; **Mr Tom Slater**, Deputy Editor, Spiked; Professor Colin Riordan, **Colin Riordan**, President and Vice-Chancellor, Cardiff University.

Examination of witnesses

Dr Joanna Williams, Professor Dennis Hayes and Mr Tom Slater.

- Q1 **Chair:** A very warm welcome to our witnesses coming to give evidence to this session of the Joint Committee on Human Rights, which is a Committee of the Lords and the Commons. We are looking at the question of free speech in universities. We are delighted that you have been prepared to come and talk to us about what you think about these issues and what is actually happening on these issues. We want to hear practical, concrete examples so that we do not have to rely just on the *Daily Mail*. Thank you for joining us. Fiona has the first question.
- Q2 **Fiona Bruce:** Good afternoon. Thank you for coming to see us. My first question is to the professors. Do not worry, Mr Slater, I will have one for you in a moment. Is free speech being interfered with unjustifiably in universities? If so, can you give us some concrete examples that have concerned you? What can do about it, and who else should take action? There are three questions there, but you are all academics. Who wants to go first?
- Dr Joanna Williams:** If I can remember your questions in the right order, yes, I think free speech is under threat in universities, because ironically they have free-speech policies that may start at 10 pages and run to 47 pages in length. These documents put more effort into detailing



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what cannot be said in a university. They draw the line mainly at safety, and safety is defined as emotional safety. They restrict ideas and discussion that might cause offence, shock or disturb other people. They express the idea that universities should have an anticipatory duty to prevent people from speaking who may cause offence, shock or disturb students.

A concrete example is Linda Bellos, who I am sure is familiar to everyone here, who was invited to speak at Cambridge University recently by a student society, the Beard Society, and then had that invitation withdrawn. Peter Hitchens was invited to speak at the University of Liverpool last month. He was asked to submit a copy of his speech in full beforehand and because he declined he was unable to speak on university property. There are other examples, but I am sure that people will be quick to point to those. One of the problems, though, is that in order to give concrete examples of people being no-platformed or banned from speaking at a university, these people need to be invited first. Unfortunately, one impact of having policies where you have to wade through 47 pages of regulations is that people are put off from inviting people in the first place. If people do not get invited, they do not get banned.

Fiona Bruce: You are saying that there is a potential chilling effect as well as some self-censorship.

Dr Joanna Williams: Yes, definitely.

Professor Colin Riordan: I do not agree that the university authorities are unjustifiably interfering with free speech. In fact, we take every step we possibly can within the law and the constraints imposed on us to make sure that free speech is upheld. It is very important to distinguish between student unions and student societies inviting people and universities themselves inviting people. Yes, we have to have policies, because we have legal duties under the Equality Act and other Acts to ensure that nothing illegal is taking place, which might involve incitement to racial hatred or incitement against minority groups.

Clearly, there are going to be grey areas and it is always going to be a question of judgment, but certainly from my point of view as a university leader I am absolutely clear that freedom of expression is what universities are really there for. If we cannot debate and exchange ideas within universities, where can we do that? It is extremely important to me as a university leader to uphold that right as far as we can within the law. Clearly, we have a duty in relation to public order—the Public Order Act—and there are various things that you have to take account of. I cannot just ignore the law. There is also a Prevent duty. There are matters that you must take account of and you have to deal with those as you uphold this freedom.

Fiona Bruce: Thank you. Subsequent questions will probably unpack a lot of what you have just touched on.



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Dr Joanna Williams: One problem with what Professor Riordan has just said is that often universities parcel out censorship to the NUS. To give a concrete example, there was an incident at the University of Kent in March 2015. An extremist Islamic preacher had been invited by the student union to give a talk on sharia law. This hit the headlines because the university told him he was not allowed to speak, withdrew his invitation and banned him from speaking. Being at the University of Kent, I am aware of that dispute internally. The fury, if you like, of senior managers was directed at the students and at the student union in particular because it should have no-platformed him, and the anger was because the university managers had to get their hands dirty and step in and do the banning themselves. They wanted the NUS to no-platform him so that they did not have to do that themselves. Often the university managers are happy for the NUS—it is a very cosy relationship—to do the banning for them.

Professor Dennis Hayes: Can I move away slightly from the *Daily Mail*-type headlines about extreme speakers who were banned? There is a more fundamental problem. I can give you an example. In November 2013, Joanna and I chaired a debate here, on academic freedom in a censorious age, with two vice-chancellors, Bill Rammell and Terence Kealey. I tried to issue a press release with my university. It was quite nice, but it added one statement that I will never forget: “Free speech and academic freedom have to be balanced by the need to protect vulnerable young minds”. It was an innocent comment, but it is the sort of thing that gets said. The background to a lot of how policies are working in universities is this cultural idea of young people; you have probably heard of what people call the “snowflake generation”. You write a book called *The Dangerous Rise of Therapeutic Education* about 10 years ago and suddenly university is full of people who think they cannot cope. I think universities pander to this in their policies.

My second point about policies is that Colin and other vice-chancellors are probably not aware of what is in their policies, because policies are produced by committees. I can give examples. My vice-chancellor, Kath Mitchell, is very good. We have gone through a lot of the policies to ensure that they maintain free speech and are short policies. We meet the law, but in our disciplinary policy I discovered the statement: “It is gross misconduct to say something offensive on social media outside of your professional role”. We took it out but it took a long time. I am often offensive about vice-chancellors and others who ban speakers. That is what happens.

One of my students, Judith Gill, did her doctorate on vice-chancellors’ views of academic freedom. She interviewed vice-chancellors, and one of the main things she concluded was about vice-chancellors who ignored academic freedom. I know that is not quite the same thing as free speech, but it is a continuum. I do not think that people are paying careful enough attention to the spontaneous way in which policies are formed that create a climate in universities where things are not done, not because the speaker is extreme but because there may be offence,



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and that offence is an emotional hurt to people. I do not think that universities are aware of that.

Ms Karen Buck: Drawing out from what you have been saying, I want to ask about the balance between having a comprehensive policy—Jo, you imply that some of them are 40 pages long, which is very prescriptive, and that the sheer length can have a chilling effect—and the risk of having only a very short policy that sets out some guiding principles but then leaves everything open to individual interpretation. Where does the balance lie?

Professor Dennis Hayes: Our policy is for there to be an individual interpretation of what happens; we leave it open to the judgment of individual academic members of staff. If they invite a speaker, they make a judgment. If they are concerned about a speaker, they can fill in forms—that is a legal requirement—that go to the registrar. If he then says, “We won’t have this speaker”, there is a direct appeal to the governors, because that is not acceptable. It is a shocking thing to ban a speaker from a university, and the governors should take responsibility for it. It is not a long policy, but it is very clear. Sometimes policies are recklessly long. They need to be short, focused and very clear. The policy we had was probably 47 pages long originally, with myriad steps to go through before you could get a speaker.

Tom Slater: I would like to chime in on that. I wish we were just talking about a level of process; at least that would be progress. The principles involved and the question of whether it is free speech have been chilled before anyone has even filled in that form. It is pretty intense.

To give some concrete examples, the free-speech policy at the University of Bristol insists that speakers must avoid “needlessly offensive or provocative action or language”. So, right at the gate, that is pretty concerning. The University of Warwick’s external speaker form says, “Your speaker must seek to avoid insulting other faiths or groups”. That was visited upon the ex-Muslim anti-Islamist campaigner Maryam Namazie when she was prevented from speaking there in 2015. Even more worrying are things like Newcastle University’s code of practice on freedom of speech. It says, “The University will refuse the use of its premises by any organisation or individual if the aims and objectives of the organisation or individual are deemed by the University to be incompatible with those of the University”. As far as I am concerned, that could mean more or less anyone. So the principles are not there to begin with before you even get to the stage of asking how extensive these vetting procedures are and how much is being asked for in advance, all of which can be genuinely chilling. That is extremely concerning.

Q3 **Fiona Bruce:** I am conscious that my colleagues have many other questions. I am sure you will have many chances to speak again, but thank you for that.

I promised you a question, Mr Slater, although you have answered it to a degree. You are the deputy editor of *Spiked*, and perhaps you would



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explain what *Spiked* is before you answer. Do you think that censorship in universities has grown over the last three years? I rather think you will say that it has, but perhaps you would like to elaborate. What form is that censorship taking and how is it manifested?

Tom Slater: I am deputy editor of *Spiked*, which is an online political magazine, but I imagine I am here today because we also produce, and have produced for the past three years, the Free Speech University Rankings, a nationwide analysis of campus censorship in both universities and students' unions. To give you a sense of what we do, we use a traffic-light grading system: red, amber and green. Red is for institutions that explicitly prohibit certain ideas, ideologies, speakers and so on. Amber is for institutions that, according to our judgment, chill free speech through excessive regulation, such as saying, "Don't be too offensive", "Don't be too provocative", and policies of that nature. Green is for institutions where none of the above apply.

I am sad to say that the picture over the past three years has been quite bleak and is getting worse. The FSUR survey came out in February this year. For 2017 we have found that 63.5% of institutions are ranked red, meaning that they place some explicit prohibitions on certain ideas and speakers.

Perhaps I could unpack that for you a little. One interesting thing has already been raised. The National Union of Students, which we might or might not get on to, often says that it is very rare for a speaker to be banned. That is one way in which it deflects things. The primary reason for it being rare is that, whether it is NUS policy or, increasingly, university policy, it never gets to that point in the first place. If you are not allowed to invite these people, you will not invite them, so they do not get banned.

Also increasingly concerning is the way in which entire ideologies are effectively written off at a stroke in certain university policies. Perhaps I may give one example of this. The policy is held by the University of Cardiff. I have lots of information here. One of the big growth areas in universities placing explicit restrictions on certain ideas and ideologies is transgenderism. One thing that is really concerning is that we are now seeing about 34% of universities placing specific prohibitions on what is called "transphobic" speech. There is even a policy statement at the University of Cardiff on gender reassignment and trans identity. It speaks about incorporating trans equality into the inclusive curriculum agenda and working to ensure that the curriculum reviews seek to ensure that courses do not "rely on or reinforce stereotypical assumptions about trans people", and that the course does not contain "transphobic material".

What I find interesting is that, while the NUS, for instance, will catch a lot of heat, or an individual students' union will get a lot of criticism, for no-platforming people who are deemed to be, say, transphobic feminists—people such as Germaine Greer, Julie Bindel and Linda Bellos, whom we have also heard about—these kinds of prohibitions are already finding their way into university administrations. Yes, those big explosive



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flashpoint issues happen, and we should and do log them, but, moving beyond the headlines, far more insidious is this building up of bureaucracy and the creeping in of restrictions even in universities that might want to discuss biology or the nature of gender and so on. That is very concerning.

Q4 Joanna Cherry: Mr Slater, you have started to explain a bit how you assess the policies and actions of students' unions for your traffic-light rankings. Having looked at some background, I understand that there has been quite a lot of criticism of *Spiked's* methodology in looking at bullying and harassment policies and judging whether universities are restrictive of free speech. Can you address that criticism and explain why a university's sexual harassment policy might be a free-speech issue?

Tom Slater: Definitely. The first thing to say is that of course sexual harassment is not a free-speech issue. The free-speech issue is sexual harassment policies that breach into regulating and restricting speech. That is one thing that civil libertarians on both sides of the pond have been realising in relation to the campus context: it is increasingly in bullying harassment or sexual harassment policies that you will find speech being defined in effect as sexual harassment.

I will give a couple of examples. Fundamentally, it is a problem of broad definitions. For instance, the NUS's definition, which is mirrored by many of its constituent unions, refers to things like "offensive gestures", "offensive sexual noises" and "offensive jokes", which on the face of it are quite broad. You also see it in more specific examples, such as explicit instances of sexual harassment policy being invoked to censor. I am not even talking about censoring a particular student who might be going a bit too crazy in the student bar. When the Edinburgh University Students' Association banned Robin Thicke's "Blurred Lines", which was banned a few years ago by over 20 universities, its vice-president explicitly said, "This song cannot be played in our venues, because it breaches our sexual harassment policy". There are other examples of that sort of thing being invoked.

Joanna Cherry: Can you elaborate on that? As an Edinburgh MP and a graduate of Edinburgh University, I am interested in that. I do not want to sound like a fuddy-duddy, like the judge who asked who the Beatles were, but I am not sure that I recognise that song.

Tom Slater: I do not think anyone knew what it was until it started getting banned left, right and centre. I believe it came out in 2013 and was by an R&B singer from Canada called Robin Thicke. It was called "Blurred Lines" and the refrain was, "I know you want it". I do not want to go into any more detail, but as a result of that it was banned at over 20 universities, the justification being in this case that it breached the sexual harassment policy and in other cases that it promoted "rape culture", and there were other justifications.

Joanna Cherry: Was that taken into account in giving Edinburgh University its red traffic light rating?



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Tom Slater: It was in earlier surveys, but it was sufficiently long ago that it has now fallen off the rating.

Chair: You are self-censoring by not telling us what is in this song. All right, we will all look on YouTube.

Dr Joanna Williams: This is a good example of where the restrictions on free speech go above and beyond the restrictions that are already in place in the law of this country. According to the law, certain types of speech are outlawed, but broadening it out to include sexual harassment means that not just pop songs but greetings cards, posters and newspapers have all been banned. In effect, this means that I can drive to my university with my nine year-old daughter, who can sing along to this song in the car, I can park up at the university and go to a place where the students are 18 to 21 for the most part, but the students cannot hear the same song that my nine year-old sang along to. So you have restrictions on free speech in universities that are above and beyond the law of the land. My view is that a university should have as much free speech as possible so that students can engage in all kinds of debates and discussions, yet it is the opposite: universities have less free speech than other places in society.

Professor Dennis Hayes: This is a slightly different issue, but when that song was banned—I had not heard it either, so I did what you are all about to do and played it on YouTube; it is very catchy—I went round to the students saying, “Do you know that they have banned ‘Blurred Lines’?”, and nobody knew. Every time the students’ union bans something, you have to tell the students; they do not know. There is a disconnect between what the students’ union does, which obviously may or may not pick up on those things, and the mass of students who are not aware of it. The students’ unions are much more likely to work with the university on lots of issues than they are with the mass of the students whom they should be representing. That builds a climate in which things get banned.

My old student union banned almost everything. They banned UKIP, pro-life groups, the *Sun*. Actually, the *Sun* is not banned. They just say, “We don’t sell it”, so it is not an attack on free speech; they do not sell it. I talked to them about not treating the students as if they could not cope, and over time they have removed all their no-platforming policies. However, they have not advertised that, because they do not want to get into trouble with the National Union of Students. It is there in the minutes somewhere, but I have to tell people that the no-platforming policies have been removed. You can win the argument. There are dangers in not taking up the arguments with the mass of students as well as the students’ union, because they are the ones who are very keen on free speech.

Joanna Cherry: Professor Hayes, you were involved in the group that developed the rankings in that traffic-light system. What methodology was used? Did you draw on any other sources for your methodology? Is this unique to *Spiked* or is it recognised elsewhere? What did you do to



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make the ranking system rigorous?

Professor Dennis Hayes: We spent a long time in 2014, from the spring onwards, working out what our sample was going to be. I believe, as Stephen Gorard from the University of Durham says, that sampling is the basis of all good research. Our population was fixed as a generalist university. We did not deal with agricultural colleges. It took us time to decide what our sample was going to be. Then we decided that we would do a document analysis, including newspapers. It is a standard technique. We then spent a lot of time discussing what documents we were going to look at and how we would get hold of them under freedom of information. They are not all freely available. We then piloted it with several universities. Then we got a small team of about three or four people who went out to every university and got the information. It is a standard research technique.

Joanna Cherry: So you are using sampling and you are analysing documentation. What I am really interested in is how you develop the standards against which you analyse your sample and your documents. People who might have a concern about the way you have approached things would want to be reassured that your methodology is not just your methodology and that it perhaps has some outside academic recognition elsewhere.

Tom Slater: I am tempted to chip in on this. On the methodology, the traffic-light system is something that we borrowed, with permission, from the Foundation for Individual Rights in Education, which is an organisation in the US that works on free speech issues and publishes its own annual *Spotlight on Speech Codes*, as it calls it. In effect it was about having a very simple but nevertheless clear set of criteria and then applying that across the board.

In effect, it is a case of taking the individual policies and what we would call the individual actions—one-off executive decisions, bans, et cetera—and then analysing each document on that basis. As Dennis suggested, for universities we would access those via freedom of information requests. With student unions it is everything that they would publish publicly. We would also get in contact with them as much as possible to produce any further information. Then we would apply this three-step standard: red is restricting or prohibiting certain ideas and speech; amber is things that chill speech through regulation; and green is none of the above.

On our website and in all our documentation, not only can you see the judgments that we have come to on all those things but all the examples are published or have links to them. All that is entirely transparent, along with our methodology. We have been in constant contact with universities to see if they had any qualms about that. A lot of the backlash so far has been about the principle of us doing it rather than the intricacies of the methodology itself.



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Professor Dennis Hayes: I was on the *Times Higher Education* editorial board for 10 years and I witnessed lots of debates with Phil Baty, who draws up the rankings, about how you organise them and what you do. Universities get very cross when they go up and down them. They question the rankings and do their own. There are different ways of doing it. There is a whole background to getting quantitative information. Adopting the FOI one was the simplest way of doing it. It is very clear. Apart from people objecting to certain things, we have had no criticism of the methodology.

Dr Joanna Williams: Again, there has been no criticism of the methodology, but there has been criticism of the way in which particular policies have been interpreted. The problem with that criticism is "offence". When you set offence as the line between which free speech is allowed or not allowed, offence is by definition subjective: what one person might find offensive, somebody else will not. That is why offence is a really rubbish measure for whether or not something should be permitted.

Joanna Cherry: To give you the chance to comment directly on a specific criticism that has been made by one university, a spokesperson from Newcastle, which has been mentioned already, complained: "The university has been given a red ranking based largely on the fact that we have a zero tolerance policy to sexual harassment, we ban initiation ceremonies on campus and our promotional guidance policy bans smoking advertising, commercial pub crawls and the promotion of payday loans to our students". Would you like to comment on that specific criticism?

Dr Joanna Williams: We need to remember that students are adults. If you are at a university in the UK, you will be over 18. You can walk down the street and see an advert for a payday loan company or a tobacco company, so why should the university have less free speech than another place in society? I think we have covered sexual harassment. As we have seen over the past few weeks, sexual harassment is being defined in ever broader terms. If you start restricting speech on the basis of a comment, a word, a song or a joke that somebody somewhere might find offensive, you will create an atmosphere in universities where nobody dares say anything at all.

Tom Slater: From my memory of Newcastle, I remember that criticism in relation to the first year. Unfortunately, we have seen the particular tactic of picking apart the things that you or I, if we were not working on this, might find slightly more questionable. That university also had a no-platform policy to its name. That university also had bans, if I remember correctly, on the *Sun* newspaper. A lot of the response was somewhat disingenuous in that it focused on some areas, which I would still defend in the manner in which Joanna has, but those were certainly not the only reason it got a red ranking. It had far worse things to its name on top of those.



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Professor Colin Riordan: Do you mean the university or the student union? I doubt very much that the university had a no-platform policy or banned the *Sun*.

Tom Slater: The point about the methodology, which I am not sure I have made clear—I apologise if I have not—is that we ranked the universities and the students' unions separately. Then we arrived at an overall ranking for the entire campus, if you will, representing the two constituent parts of students' academic, political and social experience. That was a red overall. You are right that it probably came more from the student union than the university.

Professor Colin Riordan: Well, it totally came more from the students' union. No university that I know has a no-platform policy or bans the *Sun* or any of the other things. These are things that the students' unions do.

Tom Slater: I am sure that the university will have contributed to its ranking. That is all I am saying.

Joanna Cherry: Professor Riordan, perhaps you could elaborate on that. I believe that Cardiff University has a red ranking. No doubt you will have looked into why that is. Can you explain your understanding of the reason for that and whether it is attributable to the university, to the student union, or a bit of both?

Professor Colin Riordan: It is on our website. It is things like having a zero-tolerance policy towards sexual harassment. You need to understand that all these other witnesses are from *Spiked*, not just its deputy editor—just so that is absolutely clear. Exactly as we have heard, our policies, many of which we regard as something that either the university community wants to see or that in our legal estimation are part of our legal duty to comply with various laws, including the Equality Act, are taken as forms of censorship, but we really do not see them as such. It is a question not just of having a policy on the website but of what you actually do. The difference between me—

Tom Slater: We do not do it on that basis.

Professor Colin Riordan: Hang on, you have spoken a lot. The difference between me and the other three witnesses is that I have to take real decisions in real situations; I cannot just criticise other people for it. That is much more difficult, because there are lots of grey areas and different things that you have to balance. There are the desires of different groups for me to take an action in one particular direction or another, and it is not as straightforward as it may seem.

Professor Dennis Hayes: We were very clear that we would not hold universities to account if they met the law. If they met the law, that was acceptable. That is in everything that we said. What happens is that they go beyond the law. There is a law against sexual harassment, and that is absolutely clear, but there could just be some phrase that means that



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sexual harassment could be anything that anyone finds offensive. That is the difference.

In another role of mine as the UCU branch chair, I have gone through every policy at my university, and when you start going through those policies you will find that they step over the mark. Things have fundamentally changed. In 2007, Bill Rammell, then Minister for Education, gave a very good speech about academic freedom and the right to be offensive. In almost every policy now there will be something about not being offensive, and that takes them beyond the law because academics have the legal right to question and test received wisdom and put forward the cultivation of unpopular ideas. When I set up Academics For Academic Freedom, we made it clear that that was whether or not people deem it offensive. Ten years ago we did not think that was a big issue, but now it is absolutely everywhere and anything can be a matter of offence and be banned by universities.

Joanna Cherry: I realise that Professor Riordan is a little outnumbered here. The Committee is aware that all the other three witnesses have connections with *Spiked*, and of course we will be hearing from other witnesses later in this inquiry. Professor, as someone in a very difficult position of having to take decisions and face their consequences, as you say, are you able to comment on Professor Hayes's argument that what universities such as yours are doing goes beyond your legal requirements? Do you think that is true?

Professor Colin Riordan: I certainly do not feel so. I feel that in the actions that we have taken we have not done that; I will come on to the Germaine Greer issue in due course and answer questions about it. I find that different interest groups or bodies of opinion will find fault with what we do from their point of view. Only the other day I was in the House of Commons having a breakfast meeting of Cardiff University for MPs and Members of the Lords. We were accused of being Remoaners and arguing against Brexit, but only a week or so later Patrick Minford, from the same university, brought out a report extolling the fantastic economic benefits of Brexit. People can say what they like within the law, but obviously we have to decide and interpret what that means as well as maintain public order. If you have a meeting where you think you might not be able to preserve public order because of the feelings that are arising or because of security considerations, you have to take that into account as well and reach a balance. It is not quite as straightforward as simply saying, "Let everyone do and say what they like the whole time". It really is not that easy.

Lord Woolf: Following on from what has just been said, I would like to know whether Mr Slater's colour coding is subject to any health warnings. I shall tell you why I ask that question. This is a human right, where judgment is always going to have to be exercised on the specific circumstances of the particular case. What you have said indicates how using a categorisation such as red may be appropriate in a small and specific set of circumstances. Are you not worried that by putting a red or



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indeed a green label on a university you are actually restricting freedom of speech because you are taking away the ability, inherent in freedom of speech, for a value judgment?

Tom Slater: To address that question, one thing I would like to clarify is that while obviously we go for this tripartite system and think it is useful insofar as it is very clear and easily applicable—

Lord Woolf: I accept that. It has certainty.

Tom Slater: Picking up the point that Professor Hayes has made, we allow a lot of room not only for the laws on equality and counterterror legislation that already govern the university space but for process. If we were to apply standards that were as strict as you said, a lot more universities would be red and the assessment would be almost meaningless. It might seem harsh because there is a lot of disingenuousness in this debate. Professor Riordan would say, for instance, that his university is restricting speech only in the law.

One of Cardiff's policies operates an outright ban on homophobic propaganda in the forms of written materials, graffiti, songs or speeches. Now, I am sure that no one in this room would think that that kind of viewpoint was acceptable, and we would want to challenge it, but surely a university is a space in which someone who wants to give a homophobic speech should be invited and then challenged and taken to task for their ideas. There is nothing in the Equality Act that says there must be an outright ban on all forms of homophobic or racist speech or whatever. There are judgments that people have to make in relation to public order or the potential for racial and religious hatred to be stirred up and so on, but none of that features in the reasons why we marked down Cardiff or any other university. The fact is that they are far overstepping those requirements.

Dr Joanna Williams: If all universities were doing was complying with the law, you would not need a 47-page free-speech policy. All you would need would be a simple statement saying, "We promote free speech as long as it complies with the law". The very fact that some of these documents are running to 47 pages suggests that they are going over and above the law.

What is also interesting is the tension between the NUS imposing bans on certain things and the university's role in relation to that. Another concrete example, as I am sure you will have seen in the newspapers a couple of weeks ago, was when the Christian union was told that it could not have a stall at the freshers' fair at Oxford University. Later that was overturned, but certainly a memo went out saying that the Christian union was not welcome at the Oxford University freshers' fair. It is interesting how rarely universities step in to outlaw NUS bans. If the rhetoric about how the universities are the champions of free speech and only the NUS is involved in the bannings were true, you would hear of far more cases of university managers stepping in and telling the NUS, "No, you're overstepping the mark here. You're not allowed to ban the



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Christian union from your freshers' fair". That seems to happen very rarely.

Lord Trimble: You have talked a lot about procedures, principles and all the rest of it. Does any of that get into lecturers' contracts? Would your behaviour be a term of the contract in certain respects? That was the case at my university, by the way.

Dr Joanna Williams: This is increasingly playing out in relation to social media and academics' postings on social media. I certainly know of cases in which lecturers or academics have made a comment on social media that is deemed to be potentially critical of the university, meaning reputational damage for the institution, and this has been brought before university managers and subsequently become an issue for the lecturer's union. Academics are being called to account for social media postings, which is a slippery slope to restricting academic freedom.

Q5 **Ms Karen Buck:** One area where the law does not necessarily always provide the clarity that one might like is on the Prevent duties. To what extent do you think the Prevent duties have restricted freedom of speech in any way? I will start with Professor Riordan, but everyone's comments are welcome.

Professor Colin Riordan: It is impossible to deny that the laws in this country mean that free speech is not unrestricted. Prevent and the counterterrorism Act are part of that. There are certain things that we are enjoined to do under that Act, as we are under other Acts, including the Equality Act and the Public Order Act. The question is: how do you put that into practice, taking reasonable measures to ensure that you comply with the Prevent duty and having policies that do not go beyond where you need to go? I know we have just heard that all our policies are going way beyond the law and that you do not really need a policy; you just need to say, "We will stay within the law". People do not really know what that means and there will always be a judgment to be made. You have to give people some guidance on the law and to have procedures so that you can be sure and show that you are going to be able to keep within the law. It is just not as easy as my colleagues on the panel here are presenting it.

Ms Karen Buck: Does the Home Office guidance clarify or not?

Professor Colin Riordan: The question is whether it actually prevents anything, and that is really another question. But it is pretty clear what we need to do, the measures that we need to take and the due diligence that we need to undertake. If that is the law, that is what we have to do.

Ms Karen Buck: Lastly on that point, is the Prevent guidance embedded in the freedom of speech policies or is it an overlapping policy that you have to have regard to?

Professor Colin Riordan: No, we have separate guidance on Prevent as well, but clearly you want to make sure that as far as possible it all dovetails and that one policy does not contradict another.



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Baroness O'Cathain: Are the Prevent policies the same policies that are held by all the universities?

Professor Colin Riordan: No, it varies according to the way it is regulated. In Wales, our Prevent regulator is different from the one in England. It depends on where you are, so it is not the same across the UK.

Baroness O'Cathain: Why is that so? Prevent is known by everybody and is imposed by the Government, so why are you all different?

Professor Colin Riordan: We are not all different, but it is certainly different between Wales and England because you are held to account in different ways by different regulators.

Professor Dennis Hayes: At the heart of the Prevent duty is the duty not to let extremist speakers speak without some form of vetting and to ensure that there is always somebody there who gives an opposing view. Because of the impact from January 2016, when the Prevent duty became obligatory for all universities, I was invited to be on the East Midlands independent panel chairs' committee—the people who were brave enough, if you like, to chair meetings. In the first six months of 2016 there were only nine requests for speakers who may be considered extreme. Five of them did not speak. I do not know what happened to the other four. A panel of 20-odd people was set up to chair meetings. Nothing happened, so this September the panel was closed down. But the figures that came out are very interesting. I checked with Sam Slack, the East Midlands and South Yorkshire Prevent officer for higher education and FE, and found that meetings had been reduced by 20%. People were not being invited. A lot of people were being invited to speak outside universities. I know anecdotally that people are not being invited any more. Brexit and the elections have happened, so things change, but I do not think that people are being invited.

In Derby I run something called the East Midlands Salon, which was set up to have debates in the community. We have quite lively debates. I have been doing it for five years and I did it for the community. I am happy I have done it, because I do not get involved in having to clear everything with the university. To some extent, free speech is moving out of university, and there is evidence of that. That is fundamentally damaging to universities. University is about the pursuit of knowledge without fear or favour. That is why we had the free speech rankings. We did not just make them up and say, "Let's have a go at universities". At the heart of the university is free speech. If we do not have free speech, we do not have a university.

Ms Karen Buck: On the particular thing that we are talking about, has the Prevent guidance had an impact—specifically, not just in general?

Professor Dennis Hayes: It has. People are self-censoring and not inviting people.



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Dr Joanna Williams: One problem is that the Prevent duty falls into a broader climate where, as we have already said, offence is defined subjectively and very broadly. The Prevent duty legitimises policies that throw barriers in the way of people coming to speak. The Prevent duty legitimises having 10-page forms and the idea that speakers should have to submit a verbatim transcript of what they are going to say a week or two weeks in advance in order to have it read and approved. I have spoken at a lot of universities and in a lot of public speaking engagements. Often I do not write a transcript and I am sure I am not the only person. You may jot down eight or 10 words on the back of an envelope on the train on the way to where you are going. The idea that you should be expected to produce a whole transcript two weeks in advance stops spontaneity. You cannot respond to events that are in the news that day.

Ms Karen Buck: Has there ever been an instance of that expectation of a transcript in advance resulting in somebody making a different speech for a host of different reasons: personal preference, events and so on? Has it actually caused a problem?

Dr Joanna Williams: We saw it a couple of weeks ago with Peter Hitchens at Liverpool University. He gave his speech off-campus instead.

Ms Karen Buck: That is a slightly different point.

Dr Joanna Williams: I know, but the onus on people to produce a transcript two weeks in advance often stops them doing it. If you know that somebody is going to read through your words, it is also kind of embarrassing, because you do not always write down word for word what you say when you are speaking out loud. I know that if I was asked to do something like that, I would just say, "Thank you but no thank you. I'd rather not".

Professor Colin Riordan: You cannot be sure that they are going to make the same speech either.

Dr Joanna Williams: Exactly.

Baroness O'Cathain: It is rather like journalists who always want your script in advance. I say, "No, you are just being idle".

Q6 **Lord Trimble:** This question is for Tom and Professor Hayes and is about the Government's proposals for a solution to the problems relating to free speech. Any comments?

Chair: You have identified that there is a problem. What do you think the solution is?

Tom Slater: Fundamentally, the problem is not technical or legal but cultural. The law on universities and free speech has caveats. There is the equality duty and things need to be taken into account and all the rest of it, but those are actually pretty robust. What is striking is that censorship happens in spite of that. There are very specific and important problems



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with universities censoring speech, often pre-emptively. Of course, most of those come from students' unions, which will not really be touched by suggestions about putting pressure on universities to put pressure on students' unions not to no-platform people and all the rest of it. That is a bit of a non-starter.

If anything, laws and more regulations building up in relation to this will do nothing to solve the problem, and it will be fighting one form of liberalism with another. Although this sounds a bit pie in the sky, it is a fact that in these institutions, free speech is seen either seen as needing to be risk-assessed in every situation or, on the student union side, as something dangerous that can harm people and all the rest of it. I would point to the example of the United States, where the First Amendment means that universities cannot issue the sorts of guidelines that we are talking about. They would be sued if they tried to, and that happens all the time.

Chair: So what is the solution?

Dr Joanna Williams: One solution would be not new laws but repealing existing laws. Abolish Prevent in universities, for example, because that would prevent universities being able to use that legislation as an excuse to put restrictions on free speech. Rather than introducing new regulations on top, just say that Prevent does not have to apply in universities.

Professor Colin Riordan: It is ridiculous to imply that we want to prevent free speech. We are trying to manage a university within a whole set of constraints that are very difficult to negotiate. Given a free hand, we would not have to have all this stuff.

Dr Joanna Williams: The point I am making is that we should reduce the constraints. Let us take away the constraints that prevent you from doing that. Let us do you that favour.

Chair: Professor Riordan, which constraints are you talking about? We have heard from Dr Williams that she would like the Prevent duty not to apply to universities. Do you agree? If not, which restrictions would you rather be shot of?

Professor Colin Riordan: I agree that we have a whole set of constraints that we have to abide by, and it is pretty difficult for me to say that we should go around repealing laws. The question that I would ask is: how effective is this process of trying to stop people from speaking? As an academic, I think it is better to let people speak and then let others speak against them. That is the approach that I would prefer to take.

Professor Dennis Hayes: Jo Johnson's suggestion that you will be fined or de-registered if you do not oppose no-platforming seems to me to be "No-platforming no-platforming", which is an ironic position. You cannot let university managers off the hook here. My students' research showed



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that they had not discussed these issues seriously. I would like to see Prevent got rid of. I think that a lot of vice-chancellors would like it to go, but they dare not say that. However, they could use it positively and have some agency, doing what we did and use it to bring free speech and academic freedom to the forefront.

Lord Trimble made a point about contracts. Contracts state that you have academic freedom—essentially free speech or freedom of opinion—but it is always hidden away on university websites. So you take the opportunity to bring forward your free speech duty. UUK wrote to all universities to remind them of their free speech duty, because they are forgetting it. Managers could take more positive action by looking at their policies and ensuring that they promote free speech and academic freedom. It is not just a matter of waiting for a change; they could actually do something, but they have neglected this area. University managers have neglected free speech and academic freedom, and that is a serious problem.

Professor Colin Riordan: I really do not agree. We go to great lengths to protect academic freedom and freedom of expression as far as we reasonably can, but there are many countervailing forces that you have to deal with. The student body might have one particular view, but then you have your legal constraints and so on. So it is not as straightforward as some people say.

Professor Dennis Hayes: Have you had a governance meeting on free speech?

Professor Colin Riordan: Of course, because we have had a big issue over it.

Fiona Bruce: Perhaps I can just follow up on Chair's question. As far as I see it, under Prevent, universities have a responsibility to mitigate the risks associated with extremism. That is at the heart of this. What do you think those risks are? What do you have a responsibility to mitigate?

Professor Colin Riordan: We are told that the risks are radicalisation of the student population.

Fiona Bruce: Thank you. What further, other than radicalisation, do you think those risks are?

Professor Colin Riordan: I am sorry, I do not really know what you are getting at.

Fiona Bruce: What are we trying to prevent?

Professor Dennis Hayes: If you look at how the legislation is formed, it goes back to my point about vulnerable individuals. It is all about students being seen as vulnerable. I think that the police tapped into it with an earlier Prevent duty. They see all students as vulnerable. So every student is seen as vulnerable, and then they are vulnerable to ideas. We have put in a caveat: our students have the skills, ability and



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knowledge to challenge any speaker, no matter what they have to say. We say, "Do not see yourself as vulnerable". But that climate of vulnerability was created by universities.

Fiona Bruce: Radicalisation in terms of terror is what I understand we are seeing. I am interested in understanding what other risks prevent free speech in universities.

Dr Joanna Williams: One thing that we have not talked about—it takes us away from the Prevent strategy, but I think it is important to put it into the mix here—is tuition fees. With students and consumers of higher education, there is the idea that the customer is always right and that the customer should have satisfaction, and universities are measured and ranked in league tables. I am not talking about the *Spiked* league table but about the rankings in national newspapers, such as the *Times Higher Education* rankings, which are based predominantly on the National Student Survey results, which are often understood as a crude measure of student satisfaction. There is the idea that student satisfaction is of pre-eminent importance and that you want to keep your fee-paying customers happy. When students understand unhappiness as being confronted with ideas that they find challenging and upsetting, you want to keep them away from ideas that they might find challenging and upsetting. That has a big chilling effect on free speech in universities.

Chair: Can I go back to Professor Hayes's point about vulnerability? Surely if you are gay, you are more vulnerable to the effect of homophobia than someone who is not. Therefore, you are vulnerable to homophobia. If you are black or Asian, you are more vulnerable to racism than somebody who is white. If you are a woman, you are more vulnerable in a climate of misogyny. I certainly do not regard myself particularly as a "snowflake" type, but I would not want to study in a university in a toxic cloud of misogyny. That is protecting my right to study in an atmosphere where I feel I am on an equal footing. So perhaps I could put it back to you, Professor Hayes, that you do not recognise that sometimes words have an impact on people's freedom to study.

Professor Dennis Hayes: There are degrees of vulnerability. I preface that with the argument that students are vulnerable. People used to use free speech to fight for their rights, as you know.

Chair: I am asking you about particular susceptibility and being particularly impacted by certain sorts of misogyny, racism or homophobia. Do you not accept the idea that everybody should just man up and put up with it, because then they can hear the arguments on the other side?

Professor Dennis Hayes: Louise Richardson stated that you should challenge people. I debated this with Oxford University Student Union members. It still seems to me that the cultural danger is that everyone is seen as vulnerable, and you are even more vulnerable if you are in one of



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those groups. That climate in itself has to be challenged. By the way, I do not think that is true.

Chair: Is it not empowering women to be able to shut up misogynist men?

Dr Joanna Williams: Could I just say—

Chair: Can you just let him answer? Thank you.

Professor Dennis Hayes: It is empowering them if they argue back. I can give you lots of examples of how groups feel that they are being taught that they must not argue. You must not argue back because you will be hurt. It is a very dangerous situation for women's rights if you feel that you are going to be so vulnerable that you are never going to be argued with. By the way, the only people who say that are those in students' unions. Ordinary students do not say it. They can be as feisty as anything.

Q7 **Lord Trimble:** The Education (No. 2) Act 1986 puts a duty on every "individual and body of persons concerned in the government of any establishment" to see that "freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers". We have been about.

Professor Dennis Hayes: That is very good.

Chair: Really the question is whether universities should be accountable for the actions of their students.

Professor Dennis Hayes: Yes, although they have abandoned part of that.

Professor Colin Riordan: I thought they were adults. I thought they were supposed to do what they liked.

Professor Dennis Hayes: The students' unions are saying, "We're in the NUS and we're an independent organisation", so the universities then back off. But when it comes to enhancing the student experience, the student unions are brought in straight away. One problem for universities, even from the time of the amendment to the Education Reform Bill by Lord Jenkins of Hillhead in 1988, is that, once you start having to legislate for freedom of speech in universities, universities are already in trouble. That is a real danger. If external people have to remind them of their duty to promote freedom of speech, they are way down the slope towards losing free speech. That is the real difficulty. In a sense, I welcome the duty, but I feel that it should not need to be there.

Professor Colin Riordan: Can I just come back on that? The point was that it was because we no longer had tenure. It was possible to lose your job as an academic, which was not the case before 1987. It was in order to protect freedom of speech and academic freedom that it was stipulated



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that you cannot be sacked on the basis of your opinions, and that is really important.

Chair: Thank you. Lord Woolf, could you take us on to the rich pastures of policies?

Q8 **Lord Woolf:** I must confess, and I apologise for this, that I have not personally come across the statutory duty, but apparently there is a statutory duty to have codes in a university on freedom of speech. Do you think they are useful? If so, would it not be better to have one model on which everyone was agreed so that there was no confusion that conflicting codes might cause?

Dr Joanna Williams: Really, this is what we have been talking about all the way along. We have been talking about policies that may be between 10 and 47 pages long. My view is that they are not useful. I would like to come back on what Chairman said earlier about universities being a toxic climate of misogyny.

Chair: Sorry, I did not actually say that they were, so we do not need to pursue that path.

On Lord Woolf's question about whether there should be a model code, why are you all writing your own codes? Why do you not just have central government imposing the definition of free speech on you?

Professor Dennis Hayes: You are giving me Stalinist nightmares. Universities should be autonomous bodies, and indeed legally they are. Our code is two pages long and I would recommend it as a model. I think people just get carried away. If a central body were doing it, it would get even more carried away and have more and more restrictions. Just say, "You have freedom of speech under the law, and if anyone breaks this policy they shall be in trouble". That is the issue, and it is basically what ours says. However, people do not read policies. They are on every website, but you have to drag people to look at them.

Professor Colin Riordan: I do not understand your point, then. You are saying that they have a chilling effect, but if no one reads them, how can they have that effect?

Professor Dennis Hayes: It has a chilling effect culturally. University management and systems take it all up, and so do the student unions.

Professor Colin Riordan: Your basic point is that university management is causing this big problem, but we are just not. We are reacting to a set of circumstances that surround us and trying to balance conflicting bodies of opinion and legal requirements. It is not as easy as it looks.

Lord Woolf: Professor, are you against the approach of a statutory duty?

Professor Colin Riordan: Given that there are statutory duties, it is up to us to explain to people what that means for them in their job. We have



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to do that. You cannot expect them to look up the Education Act and realise, "Oh, I should be doing this or that".

Lord Woolf: So do you think the fact that there is a duty is helpful and positive?

Professor Colin Riordan: It certainly can be. This is a very contested space. We would not be sitting here otherwise if this were not a complex, contested issue. In that kind of atmosphere, it makes sense to have a code of practice that is helpful to people. I completely accept Professor Hayes' point that they should be simple and to the point, but simply saying, "You simply have to comply with the law", is not going to help. There needs to be some guidance there for people.

Lord Woolf: The law requires you to consider the facts before you come to a conclusion in the majority of circumstances. You cannot do it in the abstract. There are some cases that are so obvious that they do not need that, but in the majority of situations it is in the grey areas where the issues arise.

Professor Colin Riordan: Absolutely. It is very easy to criticise us, but we actually have to try to put these things into practice, and that is where the difficulty arises.

Lord Woolf: But this is all in favour of a simple code. Why should that simple code not be there for universities? I cannot see the disadvantage of. It would not affect the individual university because it would do no more than reflect what the law required.

Professor Colin Riordan: To be honest, this is not a question that I have ever considered. On the face of it, why not have a template that we all adopt?

Dr Joanna Williams: In a way, that is what we have with the Education Act and the amendments to it. You could just have a policy that said, "Please see the Education Act", and that would point people to the national standard, if you like. However, it is an important principle of academic freedom that universities have institutional autonomy, and that people within institutions should be able to sit down and decide for themselves what they want.

Lord Woolf: That could be in the code.

Dr Joanna Williams: That then becomes the code. The problem is that these codes are a reflection of the cultural values that are dominant within academia at any one time, and I think the cultural values that we have in academia now tend to be quite conformist and tend towards the censorious.

I would take us back to a quote from Lord Robbins, who produced a famous higher education policy document in 1966. He said that academic freedom is most easily threatened when "the search for truth and values is subordinated to the exigencies of particular ideologies". If you look at



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what is going on in universities at the moment with its level of political consensus, at the voting intentions of academics prior to the election and at academics' intentions to vote in the EU referendum, you see that the diversity of viewpoint is sadly just not there. This means that you often just do not have controversial speakers being invited on to campus in the first place or controversial opinions being put forward for students. They are not banned or restricted, because they are just not being presented in the first place.

Q9 **Baroness O'Cathain:** According to *Spiked's* research, campus censorship is not the work of students alone; university administrations are also involved in measures that curtail free speech. What do you think is driving universities to introduce such measures?

Tom Slater: On the point about where it comes from, as we all know a lot of this comes from the student unions; when it comes from universities it is far more subtle. The reason for it is often not a red-hot desire to stamp out any viewpoint that you dislike; clearly that is not the case. The problem is that you not only have a build-up of different responsibilities that need to be balanced but you have a risk-averse culture that feeds into the policies.

There are matters that we could hear about, such as the equality duty to foster good relations between communities. We could talk about what exists in the Education Act or the Prevent duty and the things that that impacts upon. None of that makes the case for so many universities warning in their external-speaker or free-speech policies against offensive and provocative speech. That tells me that this is not just a question of Professor Riordan and his colleagues sitting down and weighing out the legal dimensions of this; it is the fact that they are choosing to take a step beyond, because that risk aversion gives them a lot of cover. Student unions might want to censor speech because they hate it, while universities might want to censor speech because it means avoiding a bit of bad PR. We need to cut through some of the disingenuousness on this question, because we are not talking about a cold appreciation of the law. I think that to a large extent we are talking about risk-aversion to the end of covering backs.

Q10 **Baroness Lawrence of Clarendon:** Professor Hayes, you were involved in setting up the panel in the East Midlands on free speech.

Professor Dennis Hayes: I was on the panel, yes.

Baroness Lawrence of Clarendon: Now that panel is being wound up. Could you say a little more about the setting up of it and process of it being wound up now?

Professor Dennis Hayes: It was simply because no one came to it to ask for anyone to chair meetings. Actually, I was invited by a student union at the benefit of the vice-chancellor to a meeting during Black History Month on white privilege. So it still functions, but not in the same way. Occasionally we get invited to things that might be seen as contentious. In fact it was a very good meeting. The panel was a good



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formal idea, but it is being wound up because people are just not inviting people. That is the real change. Why would you invite a controversial speaker, why would you even say anything controversial, if you are going to be criticised?

Professor Colin Riordan: But we are, though. I did.

Professor Dennis Hayes: Some people do, but not many. It is very difficult to prove that something is not happening.

Professor Colin Riordan: No, well, it is quite a difficult criticism to counter that something is not happening.

Professor Dennis Hayes: The difficulty is that one of the issues with free speech is often self-censorship. We all know it happens.

Professor Colin Riordan: You say that “we all know” it happens. Prove it.

Professor Dennis Hayes: I will give you one example. I invited David Hirsh to talk about whether we have forgotten how to recognise anti-Semitism. For half a second, even I thought, “Oh, this might be a really controversial topic and cause trouble”, as he had just written about anti-Semitism on the left. In fact, it was a very polite, quiet meeting, so often the fears are in people’s heads rather than in reality.

Professor Colin Riordan: So you just proved that people do get invited.

Professor Dennis Hayes: No. It was the first time ever, but I invited him as a union speaker, not as a university speaker.

Professor Colin Riordan: He could definitely have spoken at a university, I would say.

Baroness Lawrence of Clarendon: I have a follow-up question. Professor Hayes talked earlier about free speech moving out of university into the community. Why can you not have both? At the end of the day, students in a university need to know what happens out in the community. Why can both not be happening at the same time?

Professor Dennis Hayes: It is not entirely moving out. One thing I have seen change is that we keep getting invited to talk about free speech in universities. I was invited to St Andrews and Abertay. I do think there is a change. I said earlier to one of the researchers that a lot of the students coming through to university now are not snowflakes; they are really interested in free speech. I do not know why, but lots of the young freshers, when they have gone through their welcome weeks—they do not have freshers’ weeks with debates any more—are really keen on learning how they can bring back free speech. That is not just me making it up. They are saying it, and I think that is a healthy change.

Chair: I am getting rather annoyed about the concept of the “snowflake” on the basis that a) it is pejorative and b) it seems to apply to me. I



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would like the freedom not to hear the word “snowflake” used about anyone who is campaigning against racism, misogyny or homophobia. Perhaps we could move on. Fiona is going to finish us off.

- Q11 **Fiona Bruce:** As I understand it, student groups say that they have these policies in place because they foster multiculturalism and equality and reduce “potential conflict among the diverse communities that exist in campuses”. Do you think those are justifiable arguments for inhibiting free speech?

Tom Slater: Not at all. There are a couple of things that should probably be drawn out here. Student unions are responsible for a huge amount of censorship—the vast majority of things you will see in the newspapers, whether in the *Daily Mail* or anywhere else. What is interesting about this is that they are private institutions and they are nominally democratic institutions, but if a student union election gets a turnout in the double figures, that is considered a bit of a cracking thing.

One thing we should always take into account here is that while many policies are formulated under the guise that this is all about protecting women, gay people or minority groups, they are not speaking for those people, they are speaking on their behalf. The number of students you meet who find that pretty patronising is quite high. It also rubs up against one of the fundamental points about free speech—and why I think it is a progressive value—that this is the means through which you isolate, uproot and challenge prejudice. I do not think that student unions have the legitimacy to claim they are doing it on behalf of their own community, because their democratic legitimacy is somewhat in question. In recent years, they have actually blocked one-member-one-vote motions at conference, et cetera. Ultimately it does not do justice to the reality, which is the fact that most students do not want this protection, no matter what their background, and they recognise that free speech is how you challenge those ideas.

Dr Joanna Williams: I agree with Harriet about the horrible connotations of the word “snowflake”. I have certainly not come across any 18 year-old who has arrived at university rubbing their hands with glee and thinking, “I’m so glad I’m here, because I can’t wait to censor and start banning things”. One reason why I have a problem with the word “snowflake” is because it lets an older generation of academics and university administrators and managers off the hook. I do not think students arrive at university wanting to censor, but when they arrive they are given trigger warnings, such as for content that they might see in class: “You may find this upsetting and offensive”. They are taught to see themselves as vulnerable. They are taught that they might see some things as offensive. They are taught that language is all-important in constructing the definitions of reality that they see around them. They are taught that the political point that you want to make is more important than arriving at a concept of truth.

Fiona Bruce: Could you just answer my question, Dr Williams? Do you remember it? It was about the suggestion that these policies ensure



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multiculturalism and equality among the diverse communities on a campus, which to me seems as though it could cover everybody, and that that justifies a restriction on free speech.

Dr Joanna Williams: I do not think it justifies restrictions on free speech. What is interesting, certainly in my experience, is that it is people who I would describe as being quite articulate, privileged people—white men, often—who argue that, “On behalf of these poor, dispossessed others who are not as capable or robust as us at being able to cope with free speech, we need to ban these societies or take away these newspapers, because these poor women, gay people and black people are not as tough as us and cannot cope with free speech as well as we can”. I think that is a patronising and insulting attitude.

Professor Colin Riordan: A lot of what Dr Williams just said does exist and does happen in places, but it is wildly generalised. If you went to any university you can name and went through all its programmes or asked all the lecturers and found out how many trigger warnings there were and how many times they had had to create a safe space, there would be very few. It is worth bearing that in mind that although this does happen, and we certainly know it happens in the United States, it is still not a major issue that leaves students feeling that they need to be protected and so on. I quite often have lunch with random students, not necessarily from the students’ union, and they have never ever raised an issue of this nature with me. I know that is a bit anecdotal, but we need to put this in proportion and recognise that—

Chair: Are these trigger warnings like the ones you see on the news, such as, “We are just about to show a film and its content might be upsetting”? Is that what you mean by “trigger warning”?

Dr Joanna Williams: Yes, but people do it in relation to their teaching. They might say, “Next session we are going to cover this particular play by Shakespeare”—

Chair: Does that actually happen with Shakespeare?

Dr Joanna Williams: Yes. It was in the newspapers.

Professor Colin Riordan: It might have been in the newspapers, but I would like to see the evidence.

Dr Joanna Williams: No, it does. It does. It happens in Cambridge University and Oxford University English literature courses. I agree that it does not happen everywhere, but it is happening increasingly frequently. The problem is that it is not even called a “trigger warning” any more and is being presented, particularly to new lecturers, as simple politeness and common sense. Of course, you tell people what is coming up and you prepare them for what is coming up, but it is different from that. This is not a case of saying, “Thanks very much, everybody. I really enjoyed the seminar today—and, by the way, next week we are going to look at ‘Hamlet’, so would you like to go away and read that in preparation for



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next week?" It is about sowing the seeds in students' minds that there may be something offensive or upsetting and that they might have a reason for wanting to withdraw from that class.

Jeremy Lefroy: I apologise for arriving late. To some extent, these things come round. I remember reading a book called *The Rape of Reason* by Caroline Cox, of this place, who was a lecturer at the Polytechnic of North London in the 1960s. I lived opposite it and it was closed down for similar kinds of reasons at the time—people from various political groups being invited and not being invited and so on. I declare an interest that I am on the board of a university, which is a new university: the Liverpool School of Tropical Medicine. Do universities encourage lots of debate between different, often quite extremely opposing, views so that people can hear both sides of the argument, rather than just having a meeting with a speaker? To me, the concept of university is much more about having a debate, almost like on "Any Questions", rather than just saying, "We are going to organise a meeting at which there will be a speaker who speaks about what we like rather than what anybody else likes". I am not trying to say that there is no room for that as well, but is there a place for encouraging much more debate in the same room at the same time?

Professor Dennis Hayes: I think we are seeing the death of debate. Somebody said to me, "You don't mean debate in the old-fashioned sense in which one person gives one point of view and somebody else argues against it?" It has to be much more gentle and inoffensive.

Jeremy Lefroy: What, like we do here?

Professor Dennis Hayes: Yes. You cannot have debates like that, because it hurts too many people. Even the idea of putting their hands up—"Do you believe in this?"—is now held to be offensive by some student unions, because it is too threatening.

Professor Colin Riordan: You are preoccupied by student unions. You really are talking about student unions. I just do not believe this in relation to universities. There is no such thing as "the university" doing something. It is a collection of lots and lots of people, and there will be different departments, academics and student societies that will organise various events. The real point is: do we in some way discourage or close down debate? I just do not think there is any evidence of that at all.

Professor Dennis Hayes: We consciously encourage debates. We now have students going around trying to create debates of their own, because they are just not happening.

Professor Colin Riordan: That is good.

Jeremy Lefroy: Just to come back on that, for the first time this year I organised, from my own constituency, a school debating competition here. The feedback was very positive and the standard of debate was extremely high. All the students, including several who had been very



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shy, came back and said, "This has really helped us in so many ways". The quality was excellent, and there is almost a waiting list to take part next time. This was at school level, but that must feed through into universities.

Professor Dennis Hayes: We sponsor the Debating Matters competition, a sixth-form debating competition. You see fantastic sixth-formers from all over the country arguing and really researching, and they are a model for universities. Hopefully that will spread into universities. It is a model that our students have taken up.

Professor Colin Riordan: I refute the idea that that somehow does not happen in universities; it does. I no longer teach German but I used to, and I used to make the students debate in German. I would put them on opposing sides and they would have to work out the arguments. We must not run away with the idea that this is all being discouraged and squashed, or not being encouraged. There is the opportunity for people to express and exchange their views freely if that is what they want to do.

Chair: Fiona, would you like to ask your last question, or do you think it has been covered?

Q12 **Fiona Bruce:** I would like to ask one or two final quick questions. As I understand it, the justification for the NUS's no-platform policy is to maintain a safe environment for students to live and study in. My understanding of a safe environment in this context is ensuring that there is no incitement to violence. Do you agree, or do you think that the NUS is now operating with a completely different definition of a "safe environment"?

Tom Slater: What is 100% clear is that they are not necessarily doing so. Obviously, incitement to violence is illegal, and the law already covers it, but no-platforming bans organisations or individuals outright, and that is a very slippery slope. In many ways, the NUS restricts various organisations that are not even proscribed as a matter of law—the BNP, Hizb ut-Tahrir and groups like that. That is where the danger is. Effectively, those ideas, however horrendous we might find them, are seen as an incitement to violence. We need to be very clear in making that distinction, because censorship lies at the bottom of that slippery slope.

Fiona Bruce: That is where free speech is sacrificed.

Professor Colin Riordan: You will hear the argument that words in themselves are violence. This is the sort of thing that we have to contend with. There are very different views. If you get representatives from the student movement in front of you, you will hear views that are very different from any of the views expressed here today, including that one.

Fiona Bruce: For the benefit of the Committee, the NUS official no-platform policy lists only six organisations, I think. I will not be able to pronounce them but I will have a go for the record. They are al-Muhajiroun, the BNP, the English Defence League, Hizb ut-Tahrir, the



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Muslim Public Affairs Committee and National Action. Which of those do you consider to be unjustifiably included in the list and which do you think are justifiably included? I am particularly interested in the context that I have just asked about: incitement to violence.

Tom Slater: I suppose there are two things to mention here. The first is what any university or student union should legally have to contend with. If we are trying to suggest that they should welcome speakers from proscribed organisations, including al-Muhajiroun and National Action, of course that would be ludicrous. Morally, this is part of the problem that we have got into, and it goes to the question of what can be done legislatively. Many groups have been proscribed, even though they have not posed any kind of real militant threat. For example, National Action was a small group of pretty embarrassing teenagers, but the last time I checked it had suddenly been put on to the blacklist. That is one of the dangerous dynamics here. The Prevent duty, for example, in restricting Islamist extremism as well as far-right extremism, has broadened out to a large degree. As we know, the definition is incredibly broad, as this Committee has found out, and that is giving a bit of cover to the NUS. While the NUS's central list has only six organisations on it, local unions have not all signed up to it automatically and many of them have much more capacious lists and standards.

Joanna Cherry: Something that troubles me as a feminist of what is now, sadly, the older generation is the no-platforming of people such as Germaine Greer, Julie Bindel and Linda Bellos. I would like to ask each member of the panel to comment on the issues that have led to the no-platforming of Germaine Greer, Julie Bindel and Linda Bellos. Professor Riordan, I know that you had experience of this at your university, as you mentioned earlier, so perhaps I could start with you.

Professor Colin Riordan: I can talk about Germaine Greer as far as that affected us. We have a prestigious lecture that is delivered every year by a distinguished speaker. We have had David Attenborough, the former President of Ireland Mary Robinson, and Shami Chakrabarti—people of that standing—giving the lecture. Germaine Greer was working on a book about women in power, in effect the history of feminism and essentially how it has failed, which is quite an interesting topic to debate. As soon as that went public, we discovered that a petition had been brought by the women's officer of our student union asking us to disinvite her and not allow her to speak.

For a host of reasons, I felt that that would not be right. I could see no justification for rescinding the invitation. The petition was brought on the grounds of her views on transgender issues, which she was not going to talk about anyway. I felt that if there was an issue there, surely that was exactly what should be debated. This was an emeritus professor being invited to give a lecture in a university. If that had somehow not been allowed to happen, it would have proved some of the things that we have heard about this afternoon.



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I would hold that up as an example of us valuing these things and protecting academic freedom. As university managers, it is not right to say that we do not care about it; it is not right not to do enough to discourage it or to be excessively cautious. The cautious thing to do would be never to issue that type of initiation in the first place, but then we would be self-censoring. So it seems to me that there are countervailing examples, and I do not want the Committee to get the impression that no one is ever allowed to speak or that, if there is the slightest bit of pressure, we then disinvite people.

That is the position of the university. If the students' union invites somebody or decides not to invite somebody, or if a students' society invites someone and the union then protests and disinvites them, that is their business. You cannot say on the one hand that students are adults and responsible for themselves and therefore that they should be able to take their own decisions, and then say, "You, vice-chancellor, ought to intervene and stop all this". We have to have degrees of freedom here. If that is their view, I might not agree with it. In fact, I would disagree with it profoundly. I think it is clearly better to have the debate, as you will have gathered from the approach I have taken. But it is not up to me to intervene and stop them. That becomes a Dutch auction in free speech.

Professor Dennis Hayes: Except that they use the university's name. They are not separate from you. They are called the University of Cardiff NUS and you bring them out to talk all the time. It is just a device. You cannot separate these things out very clearly.

Professor Colin Riordan: You can.

Professor Dennis Hayes: No, you cannot. I bet that if I went to your university, they would be everywhere, advising on the committees and so on. They are a substantial part of the university. If they want to be independent, they should not use the university name but should call themselves something else.

Dr Joanna Williams: There is another point here. You say, "That is their business. They have the right to do that", but when we talk about the NUS, often at many universities we are talking about a tiny proportion of the student body. Certainly at the university that I am associated with, they have to bribe people with raffle tickets to get them to vote in the student elections. You are talking about perhaps 25 people. It is not as clear-cut as saying that "they" have decided not to invite someone; it is often a small but vocal minority that has decided not to invite someone, compared with another, perhaps more sizeable, group of students who wanted the invitation to be issued. The cases of Germaine Greer, Linda Bellos and Julie Bindel purvey nicely the idea that no-platforming goes beyond the six groups that are listed. It shows how it falls across all sides of the political spectrum.

Professor Dennis Hayes: I think there is a difference. Modern feminists are different. I know a lot of feminists at work who cannot believe that somebody would attempt to ban Germaine Greer. For me, the worrying



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thing is that they promote victimhood. Part of it is, "We cannot cope with these issues". That is not true, but it is what they say. By the way, I do not believe that they are "snowflakes", but I think that they present themselves as victims. They will reject argument and are much more likely to issue threats. I have seen the very disturbing tendency of people being abused because of their ideas. I came across a fourth-wave feminist website that said, "Any man who suggests there is a witch-hunt"—this was about the #MeToo issues—"we are going to get them". There is a serious threat. You see students now who will hiss and boo a lot more than I have seen before, so I do think that is the negative side of victimhood. It is not that you are just weakly not doing anything. You have authority through your victimhood and you will not tolerate any criticism.

Chair: I think we have well and truly had free speech in the debate here, albeit it has been three against one. The whole Committee very much thanks you for coming here. If there is anything further that you would like to add when you feel provoked by the debate that will ensue, do feel free to contact our team and carry on assisting us with this inquiry. Thank you very much indeed for coming today.