

**The Centre
for Responsible
Debate**

DISCUSSING
CONTENTIOUS
ISSUES WITH
COMMON PURPOSE



Freedom of Speech in UK Higher Education

An Analysis of Current Practice in the Sector
and its Interaction with the Changing Law

2025

Introduction

The Centre for Responsible Debate (responsibledebate.org) was formed to offer independent thinking, advice, and training on new ways of discussing contentious topics, debating controversial issues, and living together in a diverse society. We believe that the question of how debate and discussion happen is both of significance in itself and in the way it has impact on the real-life decisions that are reached.

The question of freedom of speech in higher education is one that has gained profile over the last decade. While it undoubtedly has its roots in an associated debate in the USA, it has specific contours and characteristics that are unique to the UK.

Freedom of speech is one of the main principles with which people think about public discussion of contentious topics, and its significance is recognised in the UK government's recent decision to legislate to promote freedom of speech in universities. The Higher Education (Freedom of Speech) Act 2023 applies to institutions only in England, but it both emerges from and has a recursive impact on political debate and public policy throughout the rest of the UK. The decision to legislate emerged from a context in which questions of freedom of speech became increasingly salient in campaigning about gender and war.

For example, the University of Edinburgh was challenged by questions around [whether members of the academic community should screen the film 'Adult Human Female'](#) which dramatises the case for a gender critical approach to women's rights, and is regarded as transphobic by opponents. And the University of St. Andrews was challenged by questions about [what kinds of limits the university can and should place on representatives such as its Rector in speaking about the war in Gaza](#).

For this reason, we extended the scope of this report from just England to the rest of the UK and sought to consider policies on Freedom of Speech at English, Scottish, Welsh and Northern Irish institutions. We analyse here 16 institutions that had policy documentation available online or through request.

The aim of the report is to set Freedom of Speech policies in context, provide the opportunity for comparative analysis, and to consider how they interact with other policies and with other legislation, particularly the Public Sector Equality Duty. This law places a duty on public bodies to 'promote good relations within groups with protected characteristics and between groups with protected characteristics and other groups in society.'

The report identifies a number of trends among institutions and offers recommendations for ways in which questions of free speech can be better addressed to increase understanding, solve problems, and foster productive cultures of debate.

The main trend we found was about lawful expression: that guarantees of freedom of expression must be balanced with legal rights to safety and security, and that free speech in the UK is bounded by legal regulation of hate speech. Most institutions we studied separate freedom of speech from academic freedom which concerns questions of what is a rightful topic for investigation or teaching by academics is. Within UK universities, this is generally governed differently to free speech.

While recognising the importance of legal rights and duties, the Centre for Responsible Debate recommends increased emphasis on developing a shared understanding of what is at issue in various contentious public debates and what common purposes can be achieved even amongst those who disagree deeply.

Rather than conceiving of the right to free speech primarily as a restricted **negative liberty**, we think this right should be conceived as a constructive **positive liberty**.

That is to say, the emphasis should be shifted from the question of when 'freedom from' regulation should be guaranteed, to the question of how we can foster 'freedom to' live and work together as mutually respected members of a diverse community with sometimes differing experiences, beliefs and perspectives.

In order to achieve this, we think policy discussions around freedom of speech will need to be re-focussed on helping people to develop a deeper understanding of viewpoints with which they agree and disagree. These discussions should also foreground pragmatic steps to facilitating living and working together in spite of disagreement.

Because of this, we'd like to see policies emerging in light of new UK law focus more on the place of contentious issues within the multifaceted reality of continued shared participation in complex social institutions, rather than on individuals' rights to speech or rights to be protected from speech. In our view, this is going to require a reconceptualisation of the role that debate serves, moving from an emphasis on individual negative rights and towards more focus on collaborative and collective positive rights.

While we wouldn't expect this shift to resolve all problems, we believe it would provide a structured method to address emerging challenges around freedom of speech and give policymakers and community members a genuine opportunity to change the dynamics of currently difficult debates.



Contents

02 Introduction	10 Student Protests: Managing Disruption While Protecting Expression	13 Proactive Promotion of Freedom of Speech:
04 Contents	10 Policy Relating to Student Unions and Student Clubs and Societies	13 Institutional Stance on Issues
05 Executive Summary	11 Approaches to Academic Freedom and Freedom of Speech	14 Handling of Protests
06 The Centre for Responsible Debate	11 Key Similarities in Institutional Approaches	15 Navigating the Complexities of Freedom of Expression on Campus
07 Methodology	11 Lawful Expression as a Core Principle	15 Academic Freedom
08 Key Concepts in Freedom of Speech Policy	11 Balancing Freedom of Speech with Safety and Security	16 Recommendations: Institutional ways forward on Freedom of Speech and Responsible Debate
08 Freedom of Speech, Freedom of Expression, Academic Freedom and Lawfulness	12 Addressing Hate Speech and Harassment	19 Conclusion
08 Balancing Freedom of Expression with Other Legal Obligations	12 Academic Freedom	
09 The Equality Act: Protecting Against Discrimination and Harassment	13 Key Differences in Institutional Approaches	
09 Counter-Terrorism and Security Act: Preventing Extremism and Radicalisation		

Executive Summary

Our overarching aim in this report is to help leaders and policy makers within UK higher education understand what is happening across the sector in relation to freedom of speech and to consider refinements in line with the Young Academy of Scotland's Charter for Responsible Debate (responsibledebate.org/the-charter).

Freedom of speech and expression are both topics of contemporary interest and of relevance to responsible debate. In 2023, the UK's Conservative government decided to legislate by passing the Higher Education (Freedom of Speech) Act. This created a legislative context within which freedom of speech was to be defined and regulated within the English higher education sector. It did not apply outside England, and in the end, the election of a Labour government in July 2024 meant that the legislation, while passed in Parliament, did not immediately come into force. The newly elected government chose initially not to enact the provisions of the act but has subsequently chosen to go ahead after a review.

In any case, the topic remains a live one, and the legislation reflected flashpoints in the broader social and political context at the time that it was drafted. We have completed the analysis and recommendations in this report to help inform ongoing discussions within the HE Sector about freedom of speech and expression. We hope that an understanding of the different ways in which institutions have conceptualised freedom of speech and expression will facilitate future refinements at particular institutions and drive towards a better understanding of best practice.

We have written this document in full consciousness of the fact that 'freedom of speech' has become a politicised topic, rather than something around which there is consensus, benign or otherwise. The decision by the Conservative government to legislate in this area reflected the view that conservative viewpoints and topics were being marginalised or excluded from some campuses. There also appears to be a temptation in some quarters to mobilise the ideals of freedom of speech to support speech that one agrees with while trying to censor speech that one disagrees with, which in the extreme is, of course, a characteristic of contemporary authoritarianism.

The principal finding of this study was that many of the policy documents currently in use at UK universities are shaped by the metaphor of a **marketplace of ideas** and emphasise the ideal of using debate to find common ground or **consensus**.

We believe that this is an unhelpful way to understand the full range of possibilities of productive and responsible debate about contentious issues, and that moving beyond this approach may offer more fruitful answers to questions of debate, disagreement and making decisions together, both within and outwith the context of UK universities.

This document summarises and analyses a range of policy documents from Russell Group and Scottish universities dealing with freedom of speech and expression and academic freedom. The aim is to outline how these concepts are being developed and understood, to articulate commonalities and differences across institutions, and to make initial recommendations around best practice. The document also includes a description of all of the policy documents considered, which we hope will be of independent use for officers at particular institutions in comparing their practice to peers.

Finally, we recommend that institutions move away from defensive policy approaches, intended primarily to manage difficult situations and legal risk, to proactive promotion of responsible debate through deliberative approaches, intended to develop staff and student skills in debating contentious issues with the aim of mutual understanding and/or collaborative resolution.

In practice, this is going to require increased emphasis on promoting positive freedoms to live and work together within diverse communities, and decreased emphasis on articulating the precise limits of individuals' negative freedoms to say whatever they want to say. In this report, we highlight some of the ways this aim might be pursued.

The Centre for Responsible Debate

The Centre for Responsible Debate was founded in 2024 to take forward the work of its founders in creating a Charter for Responsible Debate, an initiative begun under the aegis of the Young Academy of Scotland (www.youngacademyofscotland.org.uk). The Charter aims to guide good practice in debate, allowing people to understand how they can better engage with each other in discussion of contentious issues to reach conclusions with which everyone can live, even in the face of ongoing and deep disagreement.

Methodology

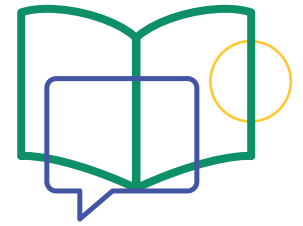
This report was conceived after the UK Government passed legislation on freedom of speech in Universities, i.e. the Higher Education (Freedom of Speech) Act 2023, to be implemented in 2025. This bill will soon impose new legal duties on English universities to protect freedom of speech on campus. And it gives an enhanced role to the Office for Students for promoting freedom of speech and academic freedom. Although the bill does not apply directly to the rest of the UK, we think it is also significant for other UK universities, who face similar challenges regarding speech on campus.

This report analyses the freedom of speech policies at 16 universities in the UK. To gather data for analysis, we approached each of the Scottish universities and the Open University, which has major operations in Scotland. We also approached a variety of English, Welsh and Northern Irish universities that are members of the elite Russell Group, because these institutions tend to have the greatest policy and administrative capacity to address these issues, and amongst UK universities they have been most engaged in broader debates about freedom of speech. As a result, this report is not a comprehensive overview of freedom of speech policies across the sector, but rather a snapshot, with a partial emphasis on Scotland. (It is worth noting that relatively few of the institutions we chose to study had stand-alone freedom of speech policies.)

To analyse the policy documents we collected, we used a comparative textual analysis, which was focussed on understanding ways in which each institution sets out its approach to Freedom of Speech. To frame identification of salient commonalities and differences, we used the Young Academy of Scotland and Centre for Responsible Debate's Charter for Responsible Debate (responsibledebate.org/the-charter). And to articulate concrete though provisional recommendations, we drew on Matthew Chrisman's pre-existing theoretical research in speech-act theory and political philosophy. See especially:

- Matthew Chrisman (2024). Freedom of thought. *Philosophical Issues* 34 (1):196-212.
- Matthew Chrisman (2022). Discursive Integrity and the Principles of Responsible Public Debate. *Journal of Ethics and Social Philosophy* 22 (2).
- Matthew Chrisman & Graham Hubbs, (2018). "Speaking and Listening to Acts of Political Dissent." In *Voicing Dissent: The Ethics and Epistemology of Making Disagreement Public*. New York: Routledge. pp. 164-81.

Key Concepts in Freedom of Speech Policy



There are a number of key terms that are used repeatedly across the documents considered. Here we note these and some important variations in the ways these are used.

Freedom of Speech, Freedom of Expression, Academic Freedom and Lawfulness

There are three key concepts at play in this area: Freedom of Speech, Freedom of Expression and Academic Freedom. While these don't have exactly the same meanings, they obviously overlap considerably, and the precise meaning of each is highly contested in the public sphere.

Across the sector, **freedom of speech** encompasses the right to express lawful views and opinions freely, without interference, emphasising the need to operate within legal limits. Often this is not differentiated from **freedom of expression**; however, there are cases of expression (e.g., in art) that don't clearly relate to conveying one's views or opinions.

In any case, both of these concepts are different from **academic freedom**, which is defined as the safeguarding of academics' intellectual independence, enabling them to question established ideas, present controversial opinions, and pursue research and teaching in their area of expertise without fear of repercussions. This can be understood as a protection from external interference in or censorship of course topics and research questions, but it also involves the right to engage in core scholarly activities such as questioning and testing received wisdom, putting

forward new ideas including controversial or unpopular opinions, and exercising intellectual independence in teaching and research.

In the policies we analysed, the overarching approach to understanding these concepts is that of **lawfulness**. Every institution we analysed recognises the importance of the freedom to express one's thoughts, ideas, and even personal preferences or style. However, such institutional recognition is invariably described as not absolute, exercisable only within the framework of existing legal constraints. A number of institutions incorporate reference to legal constraints directly into their definitions of freedom of speech, highlighting its significance.

Balancing Freedom of Expression with Other Legal Obligations

The policies we analysed reveal that universities are acknowledging and actively engaging with the potential tensions that can arise between protecting freedom of expression and fulfilling other legal obligations, such as those stemming from the Equality Act, Prevent duties, and the need to maintain a safe and orderly campus environment. This requires institutions to develop strategies and procedures for reconciling these potentially conflicting interests, which emerges as the main organisational principle of most of the policymaking in this area. Brief comments follow on the key areas where these legal tensions arise, and what commonalities we found in policy across the institutions we analysed.

The Equality Act: Protecting Against Discrimination and Harassment

The Equality Act 2010 presents a significant challenge for universities as they seek to uphold freedom of expression. The Act prohibits discrimination on a number of characteristics, including race, religion, gender, and sexual orientation. More specifically, it has been interpreted as requiring public bodies such as universities to protect these characteristics individually. The requirement to promote good relations both between groups with protected characteristics and those without such characteristics tends to be less of a focus. This has an obvious impact, though, on freedom of speech where often the most contentious issues are those that involve competition between groups with protected characteristics. The tension here between the Equality Act and the Freedom of Speech Act will no doubt be tested in Court, but there is little reference to this tension in the policies we analysed.

Nevertheless, the documents we considered reveal that institutions are generally attentive to this legislation, seeking to ensure that the exercise of freedom of speech does not infringe upon the protected characteristics outlined in the Equality Act.

For example, Durham University in its approach to freedom of speech, recognises its responsibility to balance free speech with the need to comply with other relevant legal requirements, including those related to harassment and discrimination. The University of Bristol echoes this perspective, stating that it may restrict freedom of speech if it incites hatred or violence or is otherwise unlawful, specifically mentioning harassment and discrimination.

It is clear that most institutions are seeking to create inclusive environments where freedom of speech can flourish without infringing upon individual rights and dignity.

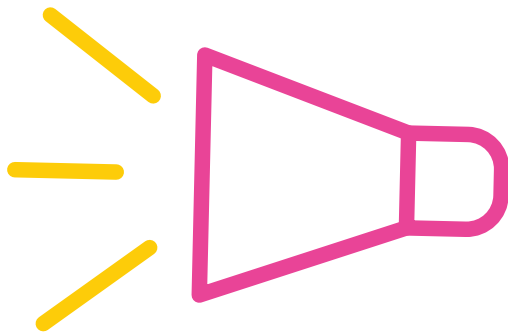
Counter-Terrorism and Security Act: Preventing Extremism and Radicalisation

The documents we analysed indicate that universities are also mindful of their responsibilities under the Prevent duty (a statutory requirement introduced by the Counter-Terrorism and Security Act 2015). This duty compels institutions to take steps to prevent individuals from being drawn into terrorism. This can create challenges when reconciling the Prevent duty with the commitment to protecting freedom of expression, particularly when events or speakers express views that might be considered radical or extreme.

The University of Oxford, for instance, acknowledges the Prevent duty in its Code of Practice, stating that it requires universities to “have due regard to the need to prevent people from being drawn into terrorism.” However, it also emphasises that when fulfilling this duty, universities “must have particular regard to the duty to ensure freedom of speech and to the importance of academic freedom.” This suggests that while the risks of radicalisation are a serious consideration, these should be balanced with the protection of freedom of speech, particularly in academic contexts.

The University of Liverpool, in its partnership with the Liverpool Guild of Students, describes its responsibility under the Prevent duty, demonstrating its commitment to taking proactive steps to counter extremism and radicalisation.





Student Protests: Managing Disruption While Protecting Expression

Student protests, often driven by passionate viewpoints on social, political, or environmental issues, present another layer of regulatory complexity for universities as they navigate freedom of expression. While peaceful protest is generally recognised as a legitimate form of free speech, institutions must also manage protests to ensure they do not impede the rights of others, disrupt events, or escalate into unlawful activities. The documents we analysed highlight various approaches taken by universities to address these concerns.

For instance, Cardiff University's Code of Practice includes a dedicated section on protests and demonstrations, emphasising that members of the university community must not obstruct access to events or encourage others to do so. This provision articulates the university's proactive approach to maintaining order and ensuring that events can proceed without disruption, even in the face of protests.

The approaches outlined in the documents demonstrate **the necessarily ambiguous stance universities take towards student protests**, seeking to protect both the right to protest and the right of others to engage in activities without undue interference.

Policy Relating to Student Unions and Student Clubs and Societies

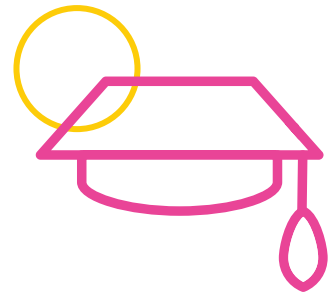
Student unions and their attached clubs and societies play a vital role in shaping the landscape of freedom of expression on campus. By hosting events, inviting speakers, and facilitating discussions on various topics they are one of the main campus venues where discussion of contentious ideas takes place. The documents we analysed provide insights into the different ways universities engage with student unions and clubs to ensure that their activities align with institutional policies on freedom of speech while attempting to remain inclusive and respectful of diverse perspectives from across the campus community.

Several institutions emphasise the collaborative relationship between universities and student unions in upholding freedom of speech. The University of Liverpool, for example, highlights its partnership with the Liverpool Guild of Students in promoting freedom of speech and academic freedom.

The University of Birmingham's Code of Practice extends its application to activities organised by recognised student societies of the Guild of Students (Students' Union), demonstrating the university's commitment to ensuring that student-led initiatives meet the same standards of freedom of speech as other university activities.

The range of case studies cited by the institutions indicate that universities recognise **the influence of student unions and clubs in shaping campus discourse** and take steps to guide their activities, so they are consistent with institutional values and legal obligations.

Approaches to Academic Freedom and Freedom of Speech



What follows is an analysis of the similarities and differences between institutions in their approaches to freedom of speech/expression and academic freedom.

Key Similarities in Institutional Approaches

Lawful Expression as a Core Principle

The institutional policies we analysed consistently emphasise that freedom of speech is not an absolute right and must be exercised within the existing framework of UK law. Many institutions explicitly mention this principle in their definitions of freedom of speech.

For example, the **University of Oxford** states that freedom of speech is “the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images”.

Similarly, **Cardiff University** refers to its legal duty to ensure freedom of speech for its members, staff, and visitors, emphasising that freedom of speech means “lawful expression”.

The **University of Manchester** also highlights its obligation to protect lawful speech and expression, referencing specific legal frameworks such as the Education (No. 2) Act 1986 and Article 10 of the Human Rights Act 1998.

Balancing Freedom of Speech with Safety and Security

The institutional policies we analysed commonly describe the complex interplay between upholding free speech principles and maintaining a safe and

secure environment for all members of the university community. What is meant by a safe and secure environment is left to interpretation, which has been a significant element in discussions of protests around Gaza. The documents reveal that institutions employ various strategies to achieve this balance, particularly when organising events that could potentially attract controversy or disruption.

For example, many institutions, including **Oxford, Nottingham, and Birmingham**, require risk assessments for events, particularly those involving external speakers. These assessments help identify potential threats to safety and security and allow for the implementation of appropriate mitigation measures.

The universities we studied also focus on the importance of clear procedures for managing protests and demonstrations, ensuring that these forms of expression do not infringe upon the rights of others or disrupt events. For instance, both **Oxford and Bristol** recognise peaceful protest as a protected form of expression but emphasise that it should not obstruct access to events or impede the free expression of others.

Cardiff University's detailed Code of Practice includes a specific section on protests and demonstrations, stating that members and employees of the university must not obstruct access to or egress from events and should not encourage others to do so. This provision highlights the university's commitment to maintaining order and ensuring that protests do not disrupt the intended activities.

Addressing Hate Speech and Harassment

Many of the institutional policies we analysed reiterated the idea that certain expressions, while potentially protected under broader free speech principles, can be unduly harmful and have no place within a university environment (or any other place of learning and work). The documents demonstrate a shared commitment to preventing expressions that incite hatred, violence, or discrimination, even as these documents also stress the importance of free speech in general.

Many institutions explicitly define exemptions to the protection of freedom of speech. **Oxford's** Code of Practice, for example, identifies "speech causing fear or provocation of violence" and "acts intended or likely to stir up hatred" as limitations on the right to free speech. The **University of Bristol** echoes this sentiment, stating that while it supports the right to hold conferences and talks on controversial topics, it prohibits activities that incite hatred or violence or are otherwise unlawful.

Our analysis also reveals that institutions often link their commitment to freedom of speech with policies that promote a respectful and inclusive environment for all members of the university community. The **University of Edinburgh**, for instance, connects freedom of expression with its Dignity and Respect policy, emphasising the need for a balanced approach that respects both freedom of speech and the well-being of the community. **Imperial College London** similarly emphasises the importance of respecting others' rights when expressing views, particularly those that may be considered controversial.

The **University of Dundee's** statement on Freedom of Expression acknowledges that challenging long-held views is a crucial part of academic discourse but emphasises that this does not give individuals license to engage in abuse, threats, hatred, discrimination, or violence.

Academic Freedom

All of the institutions we studied recognise that the freedom for academics to research controversial topics and teach about controversial or unfashionable ideas is something additional to general freedom of speech and expression. However, very few articulated specific ideas about how to weigh this freedom against the legal obligations mentioned above when navigating potential conflicts.

Most institutions emphasise the right of staff and students to explore, question, and disseminate ideas without fear of institutional censorship or job loss – again within the boundaries of the law. For example, **Cambridge, Oxford, and University College London** explicitly define academic freedom as the right to "question and test received wisdom" and to advance "controversial or unpopular opinions," echoing the language of the Education Reform Act 1988. **Cardiff and Imperial College London** focus on legal compliance, emphasising "freedom of speech within the law" rather than explicitly stating protections against institutional sanction. **Dundee and the London School of Economics** deal with Academic Freedom separately and in addition to Freedom of Speech. **Dundee** enshrines academic freedom in its statutes, defining it more robustly as essential to scholarly integrity and independent thinking. **LSE** adds a proactive element, treating academic freedom as a value to be promoted institutionally through events and engagement. While definitions largely align around lawful expression and intellectual autonomy, they differ in emphasis – some focusing on legal frameworks, others on institutional encouragement or statutory protections.

Key Differences in Institutional Approaches

Proactive Promotion of Freedom of Speech

While all institutions whose policies we analysed express support for freedom of speech, their level of active engagement in promoting this principle varies. Some institutions adopt a more assertive stance, explicitly stating their commitment to encouraging open dialogue and debate, even on controversial topics. Others take a more passive approach, focusing primarily on protecting freedom of speech and academic freedom when it is challenged.

The **University of Warwick** is especially notable for its forthright articulation of freedom of speech and academic freedom. Its policy explicitly states its commitment to “promote the importance and value of both Freedom of Speech and Academic Freedom within the law, whether it be unorthodox, controversial, unpopular, or where it may offend, shock, or disturb”. This language suggests a commitment to fostering a culture of open inquiry and debate, where even potentially offensive viewpoints are considered valuable contributions to intellectual discourse.

In contrast, some institutions take a more measured approach, focusing on ensuring that lawful speech is protected without necessarily actively encouraging the expression of controversial views. The **London School of Economics**, for instance, emphasises its duty to protect academic freedom for staff but does not explicitly state a commitment to promoting freedom of speech in a broader sense.

Institutional Stance on Issues

The institutions whose policies we analysed take a variety of approaches to institutional engagement in political matters. Some institutions strive for neutrality, aiming to provide a platform for diverse viewpoints without endorsing any particular political stance. Others acknowledge the potential influence of their institutional platform and the need to consider the implications of hosting certain speakers or events, both on their own reputation and on the promotion of justice.

The **London School of Economics** clearly articulates its commitment to neutrality on political issues, stating that it “does not take a formal position on political or international issues”. This stance reflects a desire to provide a forum for open and unbiased discussion, where a range of perspectives can be explored without the institution itself taking sides.

The **University of Nottingham**, in contrast, acknowledges that its platform can lend legitimacy to the views expressed on it. This recognition suggests a greater awareness of the potential impact of institutional decisions regarding speakers and events, particularly those that touch upon sensitive political topics. The university’s statement on Freedom of Speech recognises that it “confers authority and legitimacy on the views which are attached to it,” suggesting a more cautious approach to event organisation and a consideration of the broader societal implications of its actions.



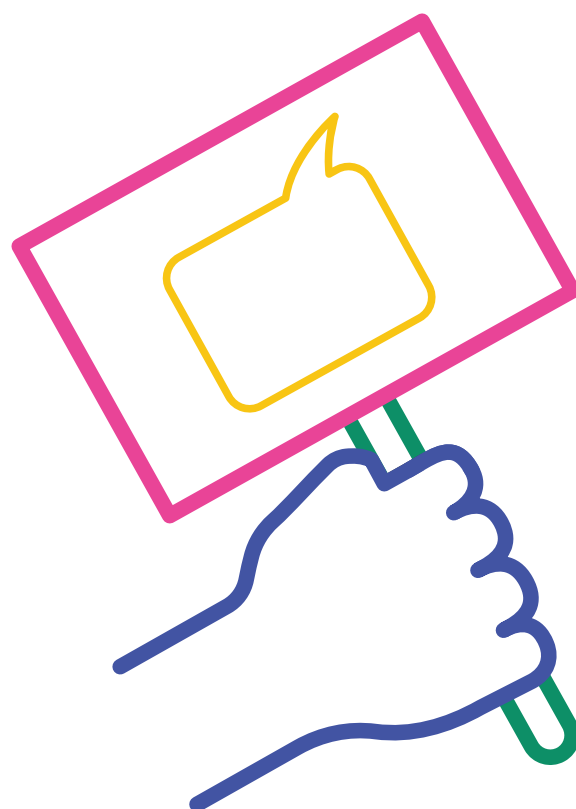
Handling of Protests

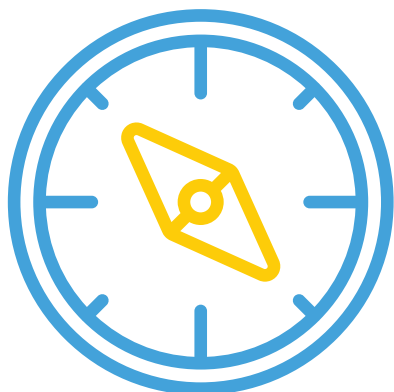
The policy documents we analysed provide insights into how institutions navigate the delicate balance between the right to protest and the right to freedom of speech for those being protested against. While recognising peaceful protest as a legitimate form of expression, institutions emphasise the need to manage protests to prevent disruption of events or intimidation of speakers. The specific guidelines and procedures implemented to ensure this balance vary from institution to institution.

For instance, the **University of Oxford's** Code of Practice outlines a clear stance on protests, stating that "peaceful protest is a legitimate expression of freedom of speech" but emphasising that it "must not shut down debate". This approach suggests a commitment to facilitating both protest and the expression of views that may be subject to protest, requiring a balance between competing rights. The university empowers its Proctors (who are responsible for a range of disciplinary tasks at the University) to assess the potential impact of protests and to implement measures to ensure safety and security while also protecting the right to protest.

The **University of Bristol** adopts a similar approach, recognising the right to peaceful protest but emphasising that it "should not be allowed to shut down debate or infringe the rights of others." Cardiff's Code of Practice also addresses protests, requiring members and employees to refrain from obstructing access to events and discouraging others from doing so. This focus on preventing disruption highlights the university's priority of ensuring that events can proceed as planned while still acknowledging the right to protest.

Most of the other policies we analysed do not address the explicit tensions between protestors and those running or participating in events. Even institutions like Edinburgh, where there have been high-profile protests about events, do not have explicit descriptions of the competing interests of protestors and those involved in events. **Queen Margaret University London, Durham** and **Birmingham** all say that protests must be lawful but nothing more about how protests should be conducted, facilitated or curtailed.





Navigating the Complexities of Freedom of Expression on Campus

Reading across the documents we gathered demonstrates that universities in the UK are grappling with a complex and difficult challenge: upholding freedom of expression while simultaneously addressing the potential conflicts that can arise from the Equality Act, Prevent duties, student protests, and the activities of student unions and their clubs and societies. Institutions have developed a wide range of policies and procedures to navigate these complexities and foster inclusive learning environments where diverse perspectives can be explored within the bounds of the law.

Some institutions, most notably of those we contacted, the **Universities of York, St Andrews and Glasgow** have little in the way of specific policy, indicating that the drivers for policy in this area are mainly government policy and local circumstance. Other institutions appear to be actively engaged in both academic work on these issues geared towards influencing UK law and local policy enhancement whose aim is to articulate a clear institutional position ahead of potentially controversial applications. For instance, the **Universities of Edinburgh and Bristol** both have ongoing university-level working groups on freedom of expression and academic freedom that appear to be engaged in a robust programme of work.

Academic Freedom

In the documents we analysed, there was little discussion of the limits of academic freedom or how to negotiate potential conflicts between this right and other obligations. Only **Warwick University** explicitly limits academic freedom to the subject areas within which a given academic works. The first half of the formulation in Warwick's policy is typical of institutional descriptions of academic freedom. It describes in point 3.2 that freedom as: "the freedom of an Academic within the law, to question, test, and put forward ideas, to express views and opinions, to perform acts, or to associate themselves with any views or acts – even where they be unorthodox, controversial, or unpopular, or where they may offend, shock, or disturb." But the second half of the formulation provides a stipulation not found elsewhere bounding academic freedom to subject boundaries and stating that it exists "provided that such expression lies within, or can reasonably be claimed to be a judgement, conclusion, or opinion based upon or flowing from, the areas of their research, professional expertise, or competence."

Recommendations: Institutional ways forward on Freedom of Speech and Responsible Debate

“Universities should view the recent legislation and the broader cultural interest in freedom of speech as opportunities to explore the methods by which debate can be conducted in ways that maximise the potential for solution to concrete practical challenges we face together, with the minimum aim of ensuring shared understanding.”

We suggest a fundamental shift in the way in which speech is conceptualised, away from a right to say what one wants, within the constraints of other laws, and towards a right to develop mutual understanding and work towards solutions, within the context of living in diverse communities where deep disagreement is sometimes inevitable but never all-encompassing.

In this model, the purpose of speech is not to simply get one's viewpoint into public, but to participate in collective and creative endeavour. We believe such collective and creative endeavour – responsible debate – is fundamental to the operation of universities and creates a new dynamic that avoids many of the damaging forms of strategic or unintended misunderstanding.

The global context in which Higher Education in the UK is functioning is increasingly unstable. Adam Tooze¹ characterises it as a 'polycrisis' where

intersecting economic, political and environmental crises reinforce one another. These crises each lead to intensified interest in the issues that cause and perpetuate them, and this interest can suggest possible solutions. In this context the concepts of free speech, consensus and protection from harm may be insufficient in their reach and potential to allow universities to function successfully in their expected role.

Instead, we suggest that universities should view the recent legislation and the broader cultural interest in freedom of speech as opportunities to explore the methods by which debate can be conducted in ways that maximise the potential for solution to concrete practical challenges we face together, with the minimum aim of ensuring shared understanding. Doing this means finding ways to facilitate opportunities for expression of genuinely held ideas about how to resolve some of the crises facing the world.

¹ Tooze, Adam (2021). *Shutdown: How COVID Shook the World's Economy*. London: Penguin

We need a profound shift from the current position where speech is understood as individual expressions of private positions. We need to move away from emphasising the limited right to engage in this sort of speech, an emphasis that seems to underpin many of the policy documents we surveyed. This model unhelpfully suggests that the most important question is one of how to balance each individual's right to access the 'marketplace of ideas', with competing rights of others.

However, the relevance of free access for the expression of privately held positions in a 'marketplace of ideas' is greatly diminished if we understand the principal goals of debate to one of deepening and widening our shared understanding of problems, and designing and pursuing solutions collaboratively. On this model, speech is protected as a proposal for collective thinking and shared understanding. These proposals need not be right or good to deserve being heard, but they do need to be forwarded in a spirit of shared reasoning about how to solve practical challenges we face together.²

In light of this proposed change in emphasis, the Centre for Responsible Debate aims to articulate some of the practical ways in which spaces for this kind of speech and debate can be created.

For example, we think universities should seek to facilitate this move away from a focus on the right of the speaker to access the ears and eyes of an audience. Universities should instead focus on the role of debate in allowing greater understanding of the positions of others.

To facilitate this, organisation of public events, university forums and classrooms should prioritise discursive contexts where individuals can form and change their position (and this not be seen as a sign of weakness) in collaboration with others. And the overarching motive should be to seek common purpose in collective discussion and action even when this transpires against a backdrop of continuing disagreement.

To achieve this, we believe universities should seek to be seen as spaces where we practice and aim to perfect the civic skill of disagreeing in ways that do not destroy the social relations through which any course of action must be resolved. Universities should be places where changing one's position is encouraged on the basis of facts, understanding and discussion. We think this can be fostered by creating more dedicated spaces for particular issues to be discussed in a manner that draws on the best ways of working from disciplines like deliberative democracy. And it can be pursued by doing more to embed ways of debate and discussion throughout the curriculum so that they can be widely practiced. This might mean offering opportunities to have more reflective discussion on issues of contention, considering what agreement and disagreement feel like and practicing how to disagree in a way that avoids polarisation.

We believe the Young Academy of Scotland's Charter for Responsible Debate provides a good starting point for collective reflection on the norms of good debate culture on university campuses.

Hence, we'd encourage universities to use this document or something like it as a catalyst for discussions about the culture of discussing contentious ideas in the classroom and other university events.

² For further development of this idea, see Chrisman, Matthew (2022). 'Discursive Integrity and the Principles of Responsible Public Debate.' *Journal of Ethics and Social Philosophy* 22 (2).

A sample approach for a particular issue may be to create something like a citizens' jury where a controversial issue can be digested, where protagonists on multiple sides can present their viewpoints, and where the issue can be iteratively and collaboratively discussed and recommendations co-developed. Using participants selected by sortition from the relevant stakeholder groups gives the recommendations a broader relevance than the decisions of institutions or committees. This then provides a reference point for future debates, and it will allow for all protagonists to understand how their positions are understood by the broader community. This is the sort of process the Centre for Responsible Debate has been designed to facilitate.

An important part of moving toward more responsible debate is that it should be practiced in a variety of contexts and not just at the moment where a contentious issue arises. This points to the value of having debate that is part of everyday life. There should be opportunities through the curriculum and through other everyday interactions for which the University community is expected to practice responsible debate. This may take the form of a structured debate on a key issue in each course, and the assessment of skills like listening in debate as well as making proactive points, the development of solutions, and the formation of collective intelligence.

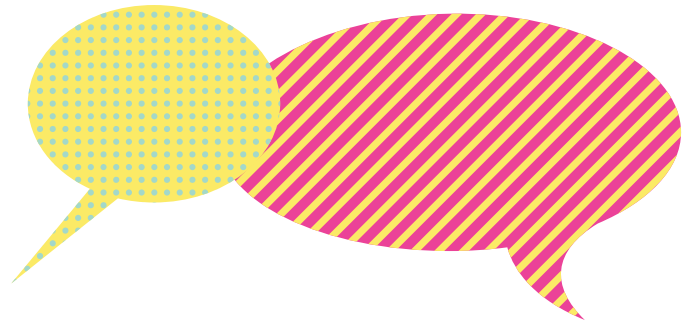
By allowing people to practice responsible debate, develop the skills to achieve agreement, or understand disagreement and to find shared solutions, institutions will be better placed to engage with contentious issues as they arise. Given the elevated temperature of debate both nationally and internationally this will be of increased importance.

In summary, this might look like:

- Richer forms of debate in classes, seminars and other teaching contexts, for instance having moderated discussions where students are asked to listen and repeat back opinions about contentious issues before engaging with the other person in the same way, creating a two way process in which individuals aim to ensure that they have fully understood the position of their interlocutor before beginning the debate.
- Community consultation on and coproduction of aspirational principles for discussing contentious issues with common purpose.
- Processes for adopting positions on contentious issues that use deliberation methods to help create a shared position. Using methods like a citizens jury to take evidence, opinions and lived experience may help to create deeper understanding of the positions of others, and allow for wider acceptance of any policy.
- A shift from a focus on voicing one's own opinion to a focus on building a shared position. This shared understanding may be one of recognising others' reasons for taking the position they do, or it may be a new and shared position that recognises elements of all the individual positions. This moves the process from debate and discussion as an expression of private viewpoints to debate and discussion as a way to recognise the views of others and to reach shared positions.

The time to take a more positive approach is now.

Conclusion

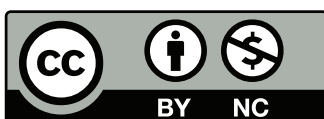


There is a broad range of responses to the question of freedom of speech, and the legislation recently introduced by the UK Government. These responses cover legal, social policy and political approaches. While freedom of speech is not a fundamental right in UK law, it is recognised as having significant value, though bounded by restrictions on hate speech.

In the documents we analysed here, there is a focus on lawful expression as the key boundary for speech. And there is considerable policy variation. (*See appendices.*)

Current policy in this area is mostly defensive, in the sense that it seeks to manage a situation that has arisen from a clash of rights. However, there is another way to think about these questions which The Centre for Responsible Debate is keen to prompt. A positive approach to debate would see debate as a way to resolve contentious issues, or at the very least help people to understand where difference arises. Rather than seeing debate as something that needs to be dealt with through policy, institutions could use the concept of responsible debate and deliberative approaches to create a shared understanding about different perspectives surrounding contentious issues and to facilitate the pursuit of common purpose amongst those with diverse points of view.

The recommendations we have made in this report are designed for institutions that want to move from a defensive position on freedom of speech to a constructive position which uses the idea of freedom to contribute to responsible debate as a catalyst for harnessing diverse ideas in positive collective action.



responsibledebate.org