

Freedom of Expression in
Universities and University Colleges

MONA WILLE (ED.)

FREEDOM OF
EXPRESSION IN
UNIVERSITIES AND
UNIVERSITY COLLEGES

MORE DEMOCRACY, MORE
OPENNESS, AND MORE HUMANITY?

sap SCANDINAVIAN
ACADEMIC
PRESS

Freedom of Expression in Universities and University Colleges. More Democracy, More Openness, and More Humanity?

© Spartacus Forlag AS / Scandinavian Academic Press, 2020

Published with support from the Fritt Ord Foundation.



FRITT ORD

This book is published Open Access, and is distributed under the terms of the Norwegian Copyright Act (Åndsverkloven) and the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, duplication, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made. For non-commercial purposes only.

Third parties are prohibited from applying legal terms or technological measures that restrict others from doing anything permitted under the terms of the license. Creative Commons license terms for re-use do not apply to any content (such as graphs, figures, photos, excerpts, etc.) not original to the Open Access publication and further permission may be required from the rights holder.

Book design: Punktum forlagstjenester

ISBN 978-82-304-0221-4

Scandinavian Academic Press
c/o Spartacus Forlag AS
Pb. 6673 St. Olavs plass, 0129 Oslo
www.scandinavianacademicpress.no

Contents

Introduction <i>Mona Wille</i>	7
Freedom of Expression and the Law <i>Vidar Strømme</i>	17
On the Double Exceptionalism of Liberal States <i>Minda Holm</i>	55
Religious Attire, Equality, Trust, and Freedom of Expression <i>Lars Gule</i>	89
Populism on Campus <i>Alison Scott-Baumann</i>	127
The Fifth P of Resilient Campuses <i>Stijn Sieckelinck</i>	157
The Perceived Legitimacy of Academic Freedom <i>Bjørn Haugstad</i>	187
About the Authors	231

Introduction

Mona Wille

We are a small country, but we are a proud people.
We are still shocked by what has happened,
but we will never give up our values.
Our response is more democracy,
more openness, and more humanity.

Jens Stoltenberg, then Norwegian prime minister, two days after the
terror attacks on 22 July 2011 (Regjeringen, 2011, my translation).

Higher education institutions are widely perceived to be symbols and guardians of the values of liberal democracy. However, there are concerns from both right- and left-wing political groups in Europe about the nature, scope, and relevance of such values. More specifically, there is much debate about whether academic freedom and freedom of expression in universities are under threat.

Norwegian higher education institutions are, in general, regarded as open institutions in terms of admission, access, and academic freedom. Higher education is largely state-financed, and freedom of speech is an established value in society. Students and organizations have the right to initiate and participate in ideological, political, and religious debates. Both students and staff have the right to express ideas, share knowledge, and develop research without fear of censorship and sanctions. Freedom of expression is incorporated into the Constitution, and the principle of academic freedom is incorporated into the Act Relating to Universities and University Colleges. However, the nature of a liberal democracy is that these rights can be challenged—intentionally or unintentionally—by individuals, societal developments, and new policies.

Governmental responses to security issues can affect fundamental liberal democratic values, and trigger discussions on how far security measures in academia can go without compromising core values underlying the higher education institutions. In 2019, the Norwegian government announced a set of recommended measures for preventing radicalization and violent extremism in universities and university colleges (Regjeringen, 2019). These measures have led to some associations with the UK's Prevent strategy, with a certain fear that the institutions' core values of academic freedom and freedom of speech will be threatened by securitization ideologies. But the then Norwegian Minister of Education and Research was from the start of this process in 2017 very clear that 'It is not the task of the university to monitor students and keep records of those with radical views, and this is definitely not something we want for the future either' (Røe Isaksen cited in Wille, 2017, p. 24).

However, the situation is not as clear as the minister suggests. For example, clothing is now monitored to a certain degree in Norway. The government proposed a ban on face veils

in higher education institutions in June 2017. Only 1 of the 8 Norwegian universities was in favour of banning face veils on campus (Regjeringen, 2017). The majority of Norwegian universities opposed the ban not because they are defenders of face veils as such, but because they see their current, local regulations as appropriate. Concerns have been raised about the practical implications of such a ban, in addition to what it would signal in terms of tolerance—or lack thereof—to minority groups and religions, particularly to parts of the Muslim community. On the other hand, a niqab is by many seen as the very symbol of intolerance—a violation of basic Norwegian values, such as openness and gender equality—and as an obstruction to communication. Regardless of the universities' opposition, the Norwegian government implemented the ban in 2018 for the whole education sector, including the universities and university colleges (Regjeringen, 2018).

The Norwegian universities and university colleges show a strong commitment to their role as open institutions and arenas of free debate and there have not (yet) been any clear practices of no-platforming¹ or creation of safe spaces² on Norwegian campuses. As former rector at the University of Oslo says: 'We have rather been criticised for being too open [...]' (Ottersen cited in Wille, 2017, p. 26). Further, Norway has experienced how a policy that advocates and defends openness and tolerance also exposes matters that can be highly unpleasant and distressing for students and staff. Finding the border between what can and cannot be accepted can be challenging. The complexity of the many rules, norms, and interests that need to be balanced by the institutional leadership, was apparent when the terrorist behind the massacre on 22 July 2011, Breivik, from his prison cell, applied for admission to study political science at the University of Oslo. He killed 77 people, 4 of them being the University of Oslo's own students, and he had named and threatened a select group of staff members at

the university. Should he be admitted to the university, or should he be denied admission based on his actions? According to existing rules, every inmate in Norwegian prisons that meets the required academic standards has the right to higher education. The university leadership decided to follow the rules and granted Brevik admission to study political science from his prison cell.

Polarization and an increasingly hardened rhetoric in the exchange of opinions and beliefs, can serve to undermine rational public debates and scare voices to silence. Concerns are raised (by e.g. Fukuyama, 2018) about the threat populism and identity politics pose to liberal democracies. How does this environment affect the universities and university colleges that are expected, if not required, to constitute an arena for free and open debate, for curiosity-driven research, and democratic, open, and student-centred learning?

This anthology presents a variety of perspectives, written by authors with different disciplinary backgrounds and expertise within the fields of free speech, policy development, and higher education. Their research backgrounds cover philosophy, liberal ideology, security politics, higher education, economy, law, pedagogy, extremism, and multiculturalism. The authors also represent a wide range of vocational backgrounds as well as diverse political orientations.

The anthology explores the subject of freedom of expression in universities and university colleges and aims to provide insights to better understand a remarkably under-investigated issue of high societal concern. The main geographical scope of this volume is Norway, but with Norway being at an early stage both in terms of research and public debate on free speech in universities as such, references are also made to practices outside Norway. Many of the contributors point to the UK where free speech in universities has become a significant factor in debates and academic research due to the government's Prevent strategy

(HM Government, 2015). There are unquestionably considerable national differences between Norway, the UK, and the other Western countries that are referred to in this anthology. However, the international references are meant to illuminate the broad and transnational character of freedom of expression and provide lessons that Norway may learn from. Norway's immediate response to the deadly attacks on our liberal values in 2011 was to hold on even tighter to those very values. The following chapters will show that this is easier said than done.

What is freedom of expression and how far does this freedom reach? Lawyer Vidar Strømme opens this anthology with an introduction to the legal basis of freedom of expression in his chapter 'Freedom of expression and the law'. Strømme has the right of audience in the Supreme Court of Norway and has a long experience with free speech cases. He argues that freedom of expression must be particularly protected in higher education institutions, as these institutions are based on the very ideal of freedom of expression. Strømme discusses the central Article 10 in the European Convention on Human Rights—when is interference with freedom of expression 'necessary in a democratic society'? He examines where the boundary lies between what is acceptable and what is illegal and highlights specific juridical concerns related to the higher education sector in particular: is it possible to dismiss professors based on things they have said or written? Is no-platforming in breach of Article 100 ('There shall be freedom of expression') in the Norwegian constitution? The juridical implications of the face veil ban in Norwegian universities and university colleges are also examined, as well as possible juridical conflicts related to the institutions' role in regard to the newly suggested measures for preventing radicalization and violent extremism.

When we as a society are being tested in the most severe ways, are we then able to hold on to our values and the fundamental principles of our democracy? Minda Holm explores the

political and societal background of freedom of expression in higher education in her chapter, 'States of exception'. Holm is a research fellow at the Norwegian Institute of International Affairs (NUPI), and she sees the higher education sector as vulnerable to securitization measures implemented from above based on what she calls 'the apparent logic of the normal'. The distance between what is defined as 'normal' and 'extraordinary measures' is larger in self-defined liberal democratic states than in others, she argues. Consequently, and with reference to the 'war on terror' after 9/11 and Norway's response to 22 July, Holm shows how liberal states struggle with the conflicting demands of values versus security. She argues that then Prime Minister Stoltenberg's statement of not wanting a 'witch-hunt' on opinion after the 22 July attack paradoxically signalled both a desire to restrict freedom of speech as well as defend it. Furthermore, she explores the gradual changes of policies in the name of security and how illiberal policies often are legitimized as part of a process needed to deal with a security issue. These are fundamental issues in the debate on free speech in universities and university colleges. Moreover, the widespread use of emergency legislations across the globe during the Covid-19 pandemic, demonstrates how Holm's discussion on the conflictual demands of values versus security is of utmost relevance for liberal democratic societies at large.

Lars Gule is an associate professor at Oslo Metropolitan University, with several years of experience in teaching and researching topics related to extremism, multiculturalism, freedom of religion, and freedom of expression. In his chapter 'Religious attire, equality, trust, and freedom of expression', Gule presents a dual perspective on free speech in higher education institutions by investigating 'openness' versus 'humanity'. He reflects on freedom of speech not being an absolute right and argues that expressions can attack human dignity and the equal enjoyment

of human rights, thus highlighting the importance of finding a balance between free speech and the need to ensure what he sees as required conditions of communication. Gule discusses in depth the face veil ban in higher education institutions, a position he supports. The notions of 'trust' and 'transparency' are key in his niqab discussion and his chapter as such. He examines no-platforming, trigger warnings, and safe spaces, also in the perspective of violating the rights of others and draws interesting parallels to the UK and its Prevent strategy. Gule raises critical questions to the Norwegian government's newly recommended measures for preventing radicalization and violent extremism, warning that Norway might be moving in the same direction as the UK in terms of censorship on campus.

With the frequent references to UK's practices on free speech in universities, the research by Alison Scott-Baumann, professor at the School of Oriental and African Studies, University of London, is of particular interest. In her chapter 'Populism on Campus', she examines the current state and future of free speech on campus in Britain. She calls for 'virtuous disobedience' and argues that free speech on campus can transform populism into a positive force. Scott-Baumann presents the paradoxical situation that research on whether there is a chilling effect on free speech or not, is difficult to conduct, because talking about extremism may be considered an act of extremism and therefore related to potential reputational damage. She questions the depiction of students as fragile snowflakes obsessed with political correctness and suggests this is a populist narrative that reflects a sense of moral crisis in the country at large. Further, she warns there is a risk that the very roots of democracy are being threatened and offers solutions as to how the universities best can handle this situation.

The Norwegian government's measures to prevent radicalization and violent extremism constitute a recent and relevant

example of new policies initiated with the intention of preventing a potential security threat both for the higher education sector as such and for the society in general. With his broad background in research on radicalization and extremism, Stijn Sieckelinck, a senior researcher at Vrije University of Amsterdam and chair of the Expertise Lab on Resilient Identities at the Institute for Societal Resilience, offers essential insights into these phenomena in his chapter 'The fifth P of resilient campuses'. With his own university being situated in Amsterdam, one of the most diverse cities in the world in terms of ethnicity, Sieckelinck's contribution is of particular relevance to the discussion on freedom of expression in higher education. The Amsterdam situation forms an informative contrast to the current state of affairs in Norway. Sieckelinck draws a picture of campuses in Western societies being used as recruiting grounds for various extremist movements. Vrije University of Amsterdam is proud of its diversity, but confronted with identity politics on local, national, and international levels, the university is taking the threats of radicalization and polarization seriously. Sieckelinck discusses how to prevent radicalization and violent extremism using his own university as a case. He asks whether measures and actions in this regard lead to university staff 'spying' on students rather than 'seeing' them. Further, he says that while campus security personnel primarily look for suspects, teachers aim to educate and transform their students. His arguments for a pedagogical alternative to the managerial approach in preventing radicalization and violent extremism are key in the further European debate on this matter.

The discourse on freedom of expression in the higher education sector requires a thorough exploration of academic freedom as such. With his background as former state secretary in the Norwegian Ministry of Education and Research and as a former research director at the University of Oslo, Bjørn Haugstad has

extensive experience with the higher education sector both as a policymaker and an institutional manager. With the anthology's final chapter, 'The perceived legitimacy of academic freedom', Haugstad probes what can be done to safeguard academic freedom. He warns that academic freedom and free speech are under threat, even in liberal democracies. With rising populism, he argues that academic freedom is more important than ever. His paraphrasing of John F. Kennedy shows a clear direction in his advice: 'Ask not what your country can do for academia—ask what academia can do for your country'. Haugstad's final words on the opportunity for academia to lead the way by example, take us back to the very nature, purpose, and democratic functions of the higher education sector, which should be front and centre of all future developments of the universities.

Notes

1. A practice where persons or organizations are being refused to make their ideas or beliefs known publicly, because their beliefs are seen by some as dangerous or unacceptable.
2. Places (on campus) where students from marginalized groups can come together and be free from biases, criticism, and potentially threatening ideas and conversations.

References

- Fukuyama, F. (2018). *Identity: The Demand for Dignity and the Politics of Resentment*. New York: Farrar, Straus and Giroux.
- HM Government (2015). 'Prevent Duty Guidance: for Higher Education Institutions in England and Wales.' https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445916/Prevent_Duty_Guidance_For_Higher_Education_England_Wales_.pdf.
- Regjeringen (2017). <https://www.regjeringen.no/no/dokumenter/horing-om-forslag-om-a-innfore-forbud-mot-bruk-av-plagg-som-helt-eller-delvis-dekker-ansiktet-i-barnehager-og-utdanningsinstitusjoner/id2556032/?expand=horingssvar&lastvisted=54e2c626-17dc-4434-a91b-a2acc4646365>.
- Regjeringen (2018). <https://www.regjeringen.no/no/aktuelt/til-hosten-bli-det-forbudt-med-ansiktsdekkende-plagg-i-all-undervisning/id2603581/>.
- Regjeringen (2019). <https://www.regjeringen.no/no/aktuelt/tiltaksplan-ekstremisme/id2629514/>.
- Wille, M. (2017). 'Countering Radicalisation and Violent Extremism. The Role of Norwegian Higher Education Institutions.' Master's thesis. Representralen, University of Oslo. https://www.uis.no/getfile.php/13367609/SEROS/Beredskapsr%C3%A5det/Wille_Thesis_June2017%20-%20til%20r%C3%A5d%20for%20samsik%20og%20beredskap.pdf.

Freedom of Expression and the Law

Vidar Strømme

Introduction: Freedom of expression as political philosophy, as natural law, and as positive law

Freedom of speech is a fundamental prerequisite for a functioning society, for democracy, for institutions such as universities and colleges, and for the individual.

This chapter is about the legal regulation of freedom of expression in Norway. Freedom of expression is a human right. Since the terms freedom of expression and human rights often are used interchangeably but have slightly different meanings, I

will start by exploring the history of freedom of expression and its implications.

A foundation for freedom of expression can be found in political philosophy, where freedom of expression has been justified in different ways. The ideas of the enlightenment are still alive and have had direct significance for the wording of the Norwegian constitutional provision on freedom of expression, Section 100. The trial of Galileo Galilei in 1633 is perceived as a breakthrough for the idea that rational criticism is a prerequisite for truth-seeking, development, and human interaction. Many philosophers during the 17th and 18th centuries emphasized freedom of speech. John Milton's *Areopagitica* was central for the abolition of censorship. John Locke is another well-known advocate for freedom of expression.

These reflections were not unknown in Norway at the same time. Among others, Ludvig Holberg communicated the ideas of the enlightenment and claimed that 'the greater the character of a people, the greater freedom it gives its poets'.

Later political philosophers have also developed justifications for freedom of expression. For example, Ronald Dworkin has shown how freedom of expression can be rooted in a principle of equality and not just in a principle of freedom. Everybody is responsible for informing themselves and making their own decisions, and everyone must then be able to obtain information and communicate to the same extent (Dworkin, 1977). Karl Popper has justified the freedom of speech in two ways. As a philosopher of science, he has shown that the quest for truth is a continuous process that will die if the expression of hypotheses, conjectures, and refutations is not encouraged (Popper, 1974). As a political philosopher, Popper argued that the processes of democracies and open societies presuppose freedom of expression (Popper, 1973).

This philosophical area overlaps with human rights thinking, understood as a search for universal norms that apply to all

human beings – a natural law. The boundaries are not sharp, but those who want to present norms on natural law can be said to have greater ambitions than those who reflect on ethical issues. The natural law norms are typically claimed to be valid, not just well-founded. This validity is derived from different authorities. Immanuel Kant was deeply concerned with freedom of expression and based freedom of expression norms on rationality. When human rights and international law entered national legal systems, God was designated as the undeniable authority of the norms. This is evident in John Locke's work, but more subdued in Hugo Grotius, who is considered as one of the founders of international law (Grotius, 1631).

The topic of this chapter is not political philosophy or natural law but a third category, the positive law – the law applied by the courts. The ideas of freedom of expression and of natural law found their way into constitutions and conventions, which are legal documents. The ideas became human rights and eventually became part of the positive law that was enforced by the courts in each country. Freedom of expression as a legal concept is, in principle, treated in Norwegian law in the same way as other rules, such as rules on damages and purchase of goods. Legal rules, (legal) literature, and practice from the courts form the basis for deciding what is 'right' in each individual case. The Norwegian legislation explicitly paves the way for certain international conventions to have a direct impact in Norwegian law so that we also have to look beyond the country's own legislation. The rules on freedom of expression in Norway are valid by virtue of being part of this legal system.

The legal review below will, therefore, aim to elucidate and explain the legal basis of freedom of expression. Where do we find this basis and how far does it reach? What exactly is this freedom of expression; what is its content? It is also natural to look at typical conflict situations and what guidelines exist to resolve them.

Although the subject of this chapter is positive law, it is nevertheless important to emphasize that the fundamental reflections on freedom of expression are also central to the law. Both the legislators' and the courts' reasoning largely indicates deliberations that can be said to have a philosophical approach. For example, in several cases, the Supreme Court has considered what long-term 'chilling effect' it may have for freedom of expression if the media is required to disclose information about journalistic sources (Supreme Court, Rønnestein case, 2010 and Rolfsen Case, 2015). In order to arrive at a legal argumentation, it is therefore important to have an understanding of both the legal framework and of the underlying ideas. For this reason, basic political philosophy still remains relevant.

When the Norwegian constitution Section 100 was revised in 2004, important parts of the basic ideas underpinning freedom of expression were included in the actual text of the section. The reason for this was a desire to force subsequent lawmakers and courts to review these fundamental considerations when ruling in individual cases or enacting new laws (NOU 1999:27, p. 243). The preparatory work for Section 100 also contains discussions on the philosophical basis for freedom of expression. Among others, the philosopher Karl Popper is referenced (NOU 1999:27, p. 23 and 25).

It is thus the intention that the legal patterns of argumentation should be open and take into account the basic reasons for freedom of expression. This also has implications for legal discussions on freedom of speech at universities and colleges. These institutions are based on the same ideals as the freedom of expression itself; freedom of expression should thus be particularly protected there.

The basis of the legal freedom of expression in Norway

In Norway, freedom of expression is protected by the Constitution, as stipulated in Section 100. This protection sets the terms for ordinary legislation; the Parliament (*Storting*) cannot enact laws that violate provisions in the Constitution. The protection is particularly effective because the courts have the opportunity to override laws that violate the Constitution. Judicial review of legislation by the courts has been practised from the 19th century, and from 2015 it is stipulated in Section 89 of the Constitution.

Section 100 of the Constitution has protected freedom of expression since 1814, but the protection was strengthened and clarified by an amendment of the Constitution in 2004.

The first paragraph of Section 100 asserts that there shall be freedom of expression. In the remainder of the section, it is emphasized that freedom of expression is the main rule, and the strict criteria for any exemptions to this main rule are laid out. Only if these criteria are met, will the legislature or courts have authority to intervene in freedom of expression.

There is reason to note this structure of the provision: the main rule and the starting point is the freedom of expression, and any restriction of this freedom must be justified in a convincing manner, based on the criteria in the provision. If such a justification cannot be established, freedom of expression prevails. This starting point applies in general terms and encompasses all aspects of speech, from students' everyday statements on social media to art and serious political debates.

Section 100 of the Constitution has these features in common with Article 10 of the European Convention on Human Rights (ECHR). Article 10 of the ECHR is also a very general provision that covers all aspects of freedom of expression.

Article 10, in general, prohibits any interference with freedom of expression, except when such interference is ‘necessary in a democratic society’ based on a strict proportionality assessment. Through the Human Rights Act of 1999, the ECHR is made part of Norwegian law.

Another common feature between the Constitution and the ECHR is that interference in the freedom of expression presupposes that the legislature has established a legal basis for the procedure, so that interference is ‘according to law’. Good arguments are not enough to restrict freedom of expression. A ban on the actual statements in the form of law must also be in place. Examples of such laws are the Criminal Code’s prohibition against espionage and hate speech, as well as the rules of damages for violating privacy and defamation.

ECHR Article 10 has had, and still has, great significance in Norwegian law, because the European Court of Human Rights (ECtHR) has produced a large number of precedents that help to clarify the rights.

The importance of the primacy of freedom of expression was manifested in Norwegian law around the turn of the millennium after ECHR Article 10 was made an integral part of Norwegian law. During this period, the ECtHR found that Norway had violated the right to freedom of expression in three cases. These cases were brought by Norwegian media companies and authors, who claimed that they were wrongfully convicted of defamation in Norwegian courts. ECtHR agreed and found that Norwegian courts had wrongfully interfered in their exercise of freedom of expression (ECtHR Nilsen and Johnsen, 1999; Bergens Tidende, 2000; Bladet Tromsø, 1999). Thus, it turned out that Norwegian legal provisions did not necessarily meet the strict requirements for freedom of expression, although this had been taken for granted in Norway up until then. The Norwegian legislation on defamation was strict. The rules were designed

as penal provisions, in which the person who had uttered any defamatory accusation was initially responsible if he could not provide a sound reason for acquittal.

After this, Norwegian courts had to acknowledge that freedom of expression must be the starting point for the deliberations in such cases. Restricting freedom of expression, e.g. through a defamation sentence, can only take place if the strict criteria for the exemptions are convincingly established. This may seem like an insignificant nuance, and Norwegian lawyers believed that the courts had always adhered to human rights. The subtle distinction, however, had great consequences and illustrates the importance of such patterns of argumentation. Before these realizations, the media had lost almost every court case on defamation. Later the results were the opposite; the media won almost all cases (see Schiøtz and Strømme, 2002, p. 401).

ECHR had also emphasized the importance of freedom of expression to a greater extent than in Norwegian tradition. Already in the 1970s, in the so-called *Handyside* case, regarding the confiscation of a controversial book for pupils, the ECtHR highlighted this in a manner cited in many subsequent cases. Here, the court stated that freedom of expression is one of the essential foundations of a 'democratic society':

Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of Article 10 (art. 10-2), it is applicable not only to 'information' or 'ideas' that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the state or any sector of the population. Such are the demands of the pluralism, tolerance and broadmindedness without which there is no 'democratic society'. This means, amongst other things that every 'formality', 'condition', 'restriction' or

‘penalty’ imposed in this sphere must be proportionate to the legitimate aim pursued.

This is now the prevailing view in recent Norwegian case law, and the reference to the development of society, democracy, and the development of the individual is found in Section 100 of the Constitution as it reads after 2004.

The most important foundation for freedom of expression in Norway is thus the Constitution, Section 100 and ECHR, Article 10. Article 19 of the United Nations Convention on Civil and Political Rights (ICCPR) has similar content, but since it does not have its own court of law, Article 19 is often most important in political discussions.

In addition, Norway has laws that regulate the more detailed aspects of freedom of expression, such as the government’s duty to provide access to their documents, rules on the judiciary’s relations with the public, witness duty, and the protection of whistle-blowers.

Different aspects of freedom of expression

Freedom of expression, the provisions of Section 100 of the Constitution, and ECHR Article 10 relate to different categories of, or relations to, expressions. One main category is the right to communicate ‘outwards’ by making statements in speech, writing, or any other form. Freedom of expression also includes, however, the right to receive information from others. Since freedom of expression is so important, another issue is whether the authorities have a positive duty to facilitate free speech in the best possible way. Freedom of speech also includes a right not to speak—a negative expression of freedom. What about unexpressed mental content? Are thoughts and opinions protected? And if so, what does that entail?

Below is an overview of these categories, the freedom of communication, infrastructure requirements, the right to information and freedom of thought. After this overview, I will proceed with an overview of the position of freedom of expression at universities and colleges, before we deal with some more concrete and practical situations that may arise at such institutions.

Freedom of communication

When people refer to freedom of expression or speech, mostly they are referring to freedom of communication (see Eggen, *Ytringsfrihet*, 2002, part III). This includes the right to make statements as one pleases, with restrictions for the sake of the reputation and privacy of others or, for example, national security reasons. The legal challenge is as follows: what is ‘necessary’ in a democratic society, and is there established legislature providing a sufficient legal basis for any restrictions? The category ‘freedom of communication’ also covers issues of censorship or ‘prior restraint’, as well as the many questions regarding who is to be held liable for digital social media defamations. At universities and colleges, for example, questions can also arise as to whether it is possible to dismiss professors based on statements they have made. If utterances have special protection, as opposed to actions, where is the boundary between an expression and an action? Is it possible to ban certain clothes?

The strong protection of the freedom of communication is stipulated in the first four paragraphs of Section 100 of the Constitution:

There shall be freedom of expression.

No person may be held liable in law for having imparted or received information, ideas or messages unless this can be justified

in relation to the grounds for freedom of expression, which are the seeking of truth, the promotion of democracy and the individual's freedom to form opinions. Such legal liability shall be prescribed by law.

Everyone shall be free to speak his mind frankly on the administration of the State and on any other subject whatsoever. Clearly defined limitations to this right may only be imposed when particularly weighty considerations so justify in relation to the grounds for freedom of expression.

Prior censorship and other preventive measures may not be applied unless so required in order to protect children and young persons from the harmful influence of moving pictures. Censorship of letters may only be imposed in institutions.

In Norwegian, the old-fashioned term 'should' (*bør*) is used in the first paragraph, but there is agreement that 'shall' reflects the true meaning.

The fundamental protection of freedom to communicate is specified in the second paragraph, that no one shall be held liable for any utterances unless the liability can be justified on the basis of the same three ideas that freedom of expression is based upon (the seeking of truth, the promotion of democracy, and the individual's freedom to form opinions). This requirement ensures that any curtailment on the freedom of expression must be in accordance with the basis of freedom of expression. Freedom of speech is not absolute, but it is not sufficient that any state agency believes that some restriction ought to be implemented. Any possible need for interference must be tested against the basic ideas of freedom of expression in each individual case and be found to outweigh the value of free expressions, measured on the same scale.

The legislature must adhere to these principles, for example when enacting strict libel provisions, and so must the courts and any administrative branch when deciding in individual cases.

The provision also applies regardless of the form of interference in the freedom of expression. Sanctions such as punishment and damages obviously fall within the scope, and the same applies to direct bans on expressions. An example of a ban came up in 2007, when the District Court in Oslo had decided that the Norwegian Broadcasting Corporation (NRK) could not broadcast a TV program that revealed police methods in a serious criminal case (the NOKAS case), because the broadcasting could place implicated persons in physical danger. The Supreme Court, on the other hand, ruled that banning the program would be illegal and contrary to the Constitution (Supreme Court, Brennpunkt case, 2007).

Other regulations that are not sanctions may also be in conflict with the protection if the regulation hinders freedom of expression. The Constitution should be understood in the same way as ECHR Article 10, and the ECtHR has, on several occasions, emphasized that it is the practical realities that are decisive. For example, the ECtHR has rejected a ban on political advertising on television, even if the expressions were not banned as such as advertising was allowed in other media (ECtHR *TV Vest*, 2008). The ECtHR has also applied these principles in cases on, for example, stringent requirements for issuing press releases (ECtHR *Karademirci*, 2005), and restrictions on money that can be used for election campaigns (ECtHR *Bowman*, 1998).

The provision also applies regardless of the form of the expressions. The protection does not only apply to text, but also to images or electronically transmitted statements. As stated in the quotation from the *Handyside* case, the protection not only covers advanced debate and statements but also statements that, based on their content and form, shock or disturb any sector of the population. There is a wealth of practice, especially at the ECtHR, where, for example, racist and pornographic utterances

are dealt with, cases on cartoons and satire, and everything from textbooks to social media expressions.

The protection under both the Constitution Section 100 and the ECHR is thus extensive. Almost no cases have been resolved with the argument that freedom of expression does not apply. This does not mean all expressions are protected, however. The crucial point is usually whether, despite the protection, it is necessary to intervene in the freedom of expression, i.e. whether the proportionality test is successful. This model of two steps is quite similar in the Constitution and the ECHR. In the first step it is considered whether there are any interference in the broadly defined right. The possible breaches of the right are considered in the second step, in the proportionality test. The model is evident in the two paragraphs of Article 10, which read as follows:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority . . .
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

In order for any interference to be ‘necessary in a democratic society’, based on the stated criteria, the ECtHR requires that a

‘pressing social need’ must be demonstrated, and this is a strict requirement. The national state is given a certain amount of discretion by these assessments, a ‘margin of appreciation’, but the leeway is often narrow with regards to freedom of expression.

It is often a matter of weighing the freedom of speech against ‘the rights of others’, such as the reputation or privacy of others, or protection against racist utterances. To the extent that such opposing rights themselves are protected under the Constitution or the ECHR, the trade-off must be considered as a trade-off between two values of equal weight.

While Article 10 of the ECHR sets out the criteria for interfering in the freedom of expression, Section 100 of the Constitution refers to the positive basis for freedom of expression: the search for truth, the functioning of democracy, and the individual’s personal formation of opinions. The wording of Section 100 was drafted by a Norwegian working group, the Freedom of Expression Commission (*Ytringsfrihetskommissjonen*). The reasoning is explained in the Commission’s 1999 report, ‘Freedom of speech should take place’ (NOU 1999:27). The Freedom of Expression Commission particularly emphasized seeking truth as an important value. One cannot find the truth once and for all. Science and knowledge accumulation are processes, and these processes require freedom of expression.

This rationale is close to the Humboldtian education ideal discussed below in connection with academic freedom. In addition, the third rationale, the individual’s free opinion formation, is particularly relevant to universities and colleges. While the first rationale is particularly relevant for the scientific staff, the value of each person’s development is critical when evaluating regulations that will affect students. As we shall see, the current legislation indicates that freedom of expression holds a particularly strong position at universities and colleges.

Infrastructure requirements

Infrastructure requirements mean possible obligations for the state to ensure real access to freedom of communication. While the section on freedom of communication concerned the state's interference in freedom of expression, the topic here is whether the state must also positively facilitate the opportunity for the public to use their right to free speech. Freedom of communication is a negative freedom for the citizen, freedom from interference in expressions. Possible infrastructure requirements relate to positive duties for the public sector to establish systems that encourage free speech, such as providing a legal framework for maintaining a plethora of public media, providing legal assistance for those accused of speech-related violations, or establishing a suitable framework for free expressions at universities.

Unlike Article 10 of the ECHR, Section 100 of the Constitution has a final paragraph, not cited above. This paragraph is labelled the 'infrastructure requirement rule' and reads as follows:

It is the responsibility of the authorities of the State to create conditions that facilitate open and enlightened public discourse.

Based on this special provision, it is reasonable to assume that such positive duties exist for the Norwegian national authorities. However, how far these duties extend is uncertain. In the preparatory work (NOU 1999:27, Chapter 2), it is pointed out that the requirement for an 'open' conversation means that the state must facilitate broad participation in debates which cannot be left to the market and institutions to steer without intervention.

One particular question is whether this provision applies to attempts to no-platform unwanted persons or views at universities.

Freedom of information and right to information

It follows from Section 100 of the Constitution that freedom of expression is not limited to making statements or sharing opinions. It also protects the right to receive information. This aspect is often called the freedom of information.

In principle, it should be permissible for everybody to visit lectures of all kinds, and there should be a very high threshold for sanctioning anybody for reading or possessing 'banned' literature. Examples of such prohibitions in Norwegian law can be found in Section 311 of the Criminal Code, which prohibits 'acquiring' or 'possessing' representations of sexual abuse against children. The Criminal Code can also be applied to receiving information as part of, for example, espionage or fraudulent behaviour in the stock market.

The freedom of information sometimes collides with other legal principles, as in cases regarding illegal downloading and use of copyrighted material.

A prerequisite for sanctioning such forms of receiving and using information is, as with freedom of communication, that the interference in the freedom of information is necessary. In borderline cases, prohibitions such as those mentioned above can also be problematic. What if the mentioned images of children have a strong artistic dimension, and what if the copyrighted material is used by journalists to reveal dubious or illegal activities? The police must necessarily be in possession of images of abuse in order to investigate such crimes, but what limits must the police operate within to gain access to it? It is thus clear that the prohibition of receiving and possessing information cannot be a blanket ban. In some cases, like in the ones mentioned above, there may be legitimate reasons to handle such material. Thus, any interference into freedom of expression must be individually

considered and should not extend beyond the purpose of the ban.

In addition, freedom of expression in some instances entails a right to obtain information—an information right. This means that citizens are entitled to access public information, a right which entails a duty of openness. If such information rights exist under the Constitution or the ECHR, this right cannot be circumvented by adopting rules on, for example, confidentiality or archiving, which prevent such access.

It is clear that to some extent, such information rights actually exist, protected by the ECHR and the Constitution. Two quite new Norwegian Supreme Court decisions are illustrating. One of the cases looked at whether the Norwegian Broadcasting Corporation, NRK, could demand the release of old audiotape recordings from the spy case against the former state secretary Arne Treholt in 1985. The prosecuting authority claimed in vain that criminal procedure rules prevented this and that the information should be kept in the archives of the police (Supreme Court, Treholt case, 2013). In another case, NRK also succeeded in a claim for access to film recordings from an episode where a patient was killed during a fight with the police and an ambulance driver during hospital admission (Supreme Court, hospital case, 2015).

The principles of information rights generally apply not only to the prosecuting authority but to any public authority. This does not mean, however, that any public authority is obliged to hand out all possible information. The cases show that in order for an enforceable information right to exist, the information is required to have some significance or general interest. If that is the case, the ECHR and the Constitution apply, and the crucial question is whether the authority can refuse to hand over the information, despite this. This is the same 'necessity' assessment as discussed above but formulated as a question of whether it is necessary in a democratic society to exempt the information from access.

Freedom of thought and negative freedom of expression

There is agreement among jurists that Section 100 of the Constitution protects a right to believe what one wants, even though this right is not explicitly mentioned in the text. The freedom comprises the right to have any possible thoughts and ideas, on any subject.

It should be assumed that this freedom of thought is absolute. The state has no right to intervene in the freedom of thought, no matter what reasons may exist. This is also enshrined in ECHR Articles 9 and 10. There should be no ‘thought censorship’ whatsoever.

After expressing a thought, however, the thought will appear as some form of utterance. The absolute protection then ceases. After the expression of a thought or idea, the question is simply whether the expression as such is protected.

In practice, the protection of freedom of thought will function as a protection against indoctrination or attitude campaigns, and as an obstacle to demanding binding promises to hold certain opinions as conditions for employment or admission as a student. Every person can have thoughts and opinions as he or she pleases. But does this imply a right to have these opinions in peace, in the sense that others must refrain from trying to change these opinions? Can a state employer or college fill a building with religious symbols incompatible with other views, in order to attract some people and deter others?

These questions were crucial in a well-known case on the use of crucifixes at Italian schools (ECtHR *Lautsi and others*, 2011). The ECtHR found, under considerable doubt, that the use of crucifixes was acceptable because this was a tradition in the country, and especially because it followed from another article in ECHR that the parents had a protected right to choose

schools for their children. The latter reason does not apply to universities and high schools in general, which must, therefore, be careful if considering such practice.

Absolute freedom of thought must necessarily correspond with a right to refuse to give information about these thoughts, i.e. negative freedom of expression.

It must be assumed that the right to indulge in silence is protected by the Constitution and the ECHR.

However, there can be no general right to remain silent, regardless of the subject and situation. On the contrary, there are many legitimate statutory duties to provide information to the authorities in various situations. For example, in a modern society, one has to report information on income, finances, and business activities, and one cannot refuse to take an exam referring to the negative freedom of expression. A witness in a court must, as the main rule, give his or her testimony as requested.

In order to establish a right to negative freedom of expression, the justification must be sought in the same way that otherwise justify the freedom of expression. What is 'necessary in a democratic society'?

A central principle that can be labelled as a negative freedom of expression is the media's right to protect their sources. The principle is enshrined in both the Norwegian constitution Section 100 and ECHR Article 10, because a lack of such a right would have a 'chilling effect' on the freedom of expression. A good example of legal reasoning on this question is a Norwegian Supreme Court ruling on the protection of a filmmaker's material. The filmmaker wanted to create documentary films about 'warriors' who joined the IS. The Norwegian security police (PST) wanted insight into his material and seized the film material that would reveal involved persons and their motives. The seizure was annulled by the Supreme Court (Supreme Court, Rolfsen case, 2015). The rationale is particularly illustrative

because it shows how the arguments for such a seizure must be compatible with the arguments for freedom of expression. It is not sufficient to refer to the fight against terror if the reasons for interference are not sufficient in the individual case. The decision was translated into English and given a special award at Columbia University as the best court ruling on freedom of expression in the world in 2015.

Another example of negative freedom of expression is the right to remain silent in criminal investigations directed at oneself, a right that also follows from the ban on so-called self-incrimination. No one is obliged to aid in the conviction of themselves.

Freedom of expression at universities and colleges

The Humboldtian education ideal is often said to be the basis for Norwegian universities and colleges. The basic idea is that research should be free and independent, and that teaching should be based on research. The reason for, and the content of, this academic freedom largely corresponds to the ideas of freedom of expression. In Norway, it is also accepted that the freedom of expression must be strongly protected in these institutions. This follows partly from the legislation on universities and colleges but is also accepted in areas that are not directly regulated in the law.

The Norwegian law on universities and colleges is from 2005, and in 2007, the amended law (Section 1–5) emphasized academic freedom in particular: ‘[u]niversities and colleges shall promote and protect academic freedom’.

The law stipulates that research, teaching, and professional and artistic work must maintain a high level of professionalism

and be conducted in accordance with recognized scientific, artistic, and educational principles. It is also specified that the owner of the institution is not allowed to give instructions on learning content or individual research. The individual employee also has an individual right to his or her own work within the framework of the employment contract.

The law expressly states that there should be transparency around research and that employees have the right to publish.

The right to publish implies an emphasis on freedom of expression. But the enactment of academic freedom strengthens the freedom of expression in general, even though the concept of freedom of expression is not used in the law. The preparatory work for the law indicates that freedom of expression is meant to be a part of academic freedom, and points out that, by virtue of their teaching and research roles, employees should have ‘a particularly wide latitude to make bold statements’ (NOU 2006:19, p. 37).

The preparatory work for the law also refers to a joint statement from the Global Colloquium of University Presidents in 2005, which emphasizes the importance of freedom of expression:

Academic freedom may be defined as the freedom to conduct research, teach, speak, and publish, subject to norms and standards of scholarly inquiry, without interference of penalty, wherever the search for truth and understanding may lead (NOU 2006:19, p. 12).

This foundation is almost a repetition of the reasons for freedom of expression, as listed in Section 100 of the Constitution. The search for truth and the development of each individual’s scientific and social skills is the basis for both academic freedom and freedom of expression.

Universities and colleges must thus vigorously protect freedom of expression, also beyond what is directly dealt with in legislation. Not only is the right to publish and speak almost

unlimited ('freedom of communication'), the rights of employees must also be vigorously protected when it comes to the other aspects of freedom of expression discussed above. For example, a researcher must be able to demand a great deal of access to relevant information ('right to information'), and it must be almost unthinkable to punish a researcher for having received information ('freedom of information').

Norwegian courts have assumed that freedom of expression prevails at universities and colleges, including outside the core activities of research and teaching. In particular, it is assumed that the wide-ranging freedom of expression also applies to administrative issues. In 2011, the Supreme Court dealt with a question of whether a professor of medieval history was lawfully dismissed from his position at the university. He had sent emails with unusual strong wordings, criticizing colleagues in connection with examination schemes, and the courts found that he had for a long time refused to attend meetings and thus created a difficult working environment. The Supreme Court upheld the dismissal but stated that Section 100 and ECHR Article 10 of the Constitution:

... provides a *very broad* framework for what a scientific employee can say about *academic and administrative* issues, even if this involves criticizing management. The free academic exchange of views is a fundamental value and a prerequisite for universities and colleges to be able to fulfil their mission in a democratic society. In this connection, reference is made to the ECtHR judgment of 23 June 2009 in the case of *Sorguc vs Turkey* (17089/03) (ECtHR-2003-17089) Section 35, cf. Section 21. A scientific employee must also consider *his behaviour* towards colleagues and others he comes into contact with in his position. He must also consider his *working environment*. In *the most serious* cases, freedom of speech will also have to give way on an arena such as this,

in the sense that expressions that are unjustifiable ('utilbørlig') due to form, timing, forum, scope, or detrimental effect, can form the basis for summary dismissal (emphasis added) (Supreme Court, professor case, 2011).

It follows that the authorities' interference in freedom of expression must be reserved for 'the most serious cases', even if the topic is administrative matters and not research. In the actual case, this was only acceptable because the utterances and other acts had actual effects on the working environment. That being the case, the utterances were not just abstract expressions; they could be understood as actions. How the boundary between utterances and actions should be drawn is, however, not further discussed in the ruling.

Although freedom of expression is particularly prevalent at universities and colleges, questions regarding boundaries between the acceptable and illegal may arise. As a rule, one sees that the same general principles apply in this arena, as in the rest of society. Balancing the interests could nevertheless give different results due to the academic ideals. In what follows, I will give some examples of how I believe the boundaries should be drawn in different situations.

Defamation, privacy, and hate speech—classic balancing of interests

Most of the educational institutions do have stories about personal controversies, which can appear eccentric from a distance. Often such disputes are academic disagreements but can also pertain to the size of offices or to promotions or wage issues. The question is whether colleagues or other individuals at such institutions can make stronger accusations than elsewhere.

In Norway, there are statutory provisions that make it illegal to allege untruths of a serious nature about others, for example, make accusations of breaches of law or of professional incompetence. If such accusations amount to defamation or libel, the responsible party can be ordered to pay damages for any economic loss and to pay punitive damages. Earlier, these provisions were contained in the Criminal Code, but are now of a purely civil nature (Law on Torts, 1969, Article 3–6a).

In addition, violating privacy is actually a crime, according to the Criminal Code (Section 267). These are not necessarily offensive charges but disclosure of sensitive and private information about, for example, illness or marital problems, or improper sharing of sensitive images on social media.

In the ECHR, the protection of reputation and privacy are considered two aspects of the protection of the private sphere. What is considered two legal principles in Norway is therefore regulated in one provision in the ECHR, namely Article 8 on the protection of privacy. Norwegian courts use the same balancing model that ECtHR has established for this protection. The model for assessment established according to Article 8 is relatively simple and consists of a list of factors that are to be considered (ECtHR *Von Hannover*, and *Axel Springer*, 2012). These factors are as follows—in descending degree of importance:

The first factor, which the court calls ‘an initial essential criterion’, is whether the expressions can be said to be of ‘general interest’. ECtHR’s practice shows that little is needed to constitute ‘general interest’. The strength of this factor depends on the degree of public interest in the impugned expression. At universities and colleges, the protection of academic freedom will mean that utterances concerning academic issues enjoy a high degree of protection. On the other hand, expressions about purely private matters are unlikely to be accepted any more than elsewhere in society.

The next factor is labelled ‘another important’ topic and usually applies to the media. This factor emphasizes the function of the media as a ‘public watchdog’ and the importance of this role in a democratic society. This factor even implies an acceptance of mistakes and errors, in order not to deter the participants from carrying out the activity. The factor may also be applied if the statements are made as a result of research, and authors of scientific publications could also invoke the argument. Both media and science have a watchdog function, and both will from time to time make mistakes. As the social benefit of possessing functional watchdogs is essential, it should outweigh the need to protect insulted persons, especially if the activity is carried out in good faith.

The third factor focuses on the subject of criticism. To what extent does the subject deserve the criticism? In its list of factors, the ECtHR states that these are ‘also factors to be taken into consideration’. The fact that it is relevant whether the criticism is justifiable is almost self-explanatory. However, the significance must not be exaggerated; what is justifiable or not is often not known until long after the speech situation. Freedom of expression should focus on the situation when expressions are made and ensure that nobody is unduly deterred from making statements at the outset.

In the fourth place, ECtHR has gathered elements that ‘may also be taken into account’. This applies in particular to the degree of insult in the expression, and whether the utterance has led to negative consequences for the persons involved.

The fifth step is considering factors that ‘cannot be disregarded’. Here the courts consider, for example, how the information was obtained, and whether any ethical misconduct has been committed during the work.

In general, employees or students at universities and colleges cannot argue that there is a different threshold for defamation or libel regarding personal matters there than in the rest of society. If the impugned statements stem from professional

disagreement, however, stronger words might be permitted.

There is also reason to note that individuals who are exposed to defamation do not have to accept as much as the institution where they are employed.

The ban on hate speech is of a different nature than the rules on defamation and privacy. Section 185 of the Criminal Code prohibits hateful expressions made in public directed at certain groups or individuals based on their ethnic or national origin, religion, gender, or disabilities. The background for the ban is the Convention on the Elimination of All Forms of Racial Discrimination from 1965, obliging the states to establish effective preventive strategies against racism. As freedom of expression is protected in the Norwegian constitution, on the other hand, all cases on hate speech must be carefully considered so that both the Convention and the Constitution can be adhered to.

In recent cases, the Supreme Court has made a clear distinction between expressions directed at religion as such on the one hand and against people exercising the religion on the other hand. A statement on Facebook containing expressions like ‘black spawn of the devil’ and ‘go back to Somalia and stay there, you corrupt cockroach’ directed at a certain person, amounted to hate speech. The statement ‘utter filth, this damned Islamic cult of Satan’ was not considered hate speech, as it had a subject—religion—and was not directed at persons. According to the Supreme Court, the right to criticize religion lies at the core of the right to free expression (Supreme Court, racist cases, 2020).

Freedom of speech for employees

In this section, I will consider what limitations the employment status has for the degree of freedom of speech.

A general norm in Norwegian labour law is that employees

must be loyal to their employer. As long as the employee keeps within this principle of loyalty, he or she cannot be ordered to keep silent or be sanctioned for any expressions.

The principle of loyalty is a general principle in labour law. It is not statutory but developed in case law and may vary from area to area. At universities and colleges, Section 1–5 of the law, on academic freedom, will be a starting point. Freedom of expression is protected by the Constitution and thus has a higher rank than the duty of loyalty that stems from case law. If a statement is actually protected by freedom of expression, freedom should take precedence.

In addition, in order for violations of a duty of loyalty to lead to sanctions, a disciplinary penalty for example, some additional conditions must be fulfilled.

First, the principle of loyalty exists only between the employer and the employee. There is no corresponding obligation to be loyal towards colleagues or the outside world in general. A scientific employee can thus become very unpopular with colleagues or most people without the employer being able to sanction any expressions or behaviour. The employer's interests are only affected if the behaviour is of such a magnitude that it affects the working environment. This was the reasoning in the case regarding the dismissal of a history professor mentioned above.

Secondly, disloyal utterances must have a real detrimental effect before it can form the basis for sanctions. It is not enough that a statement is somewhat controversial or inaccurate, and it is not enough that this provokes a discussion or that others feel insulted. Universities and colleges should be able to cope with disagreements and highly engaged persons.

For a dismissal, several other conditions must be fulfilled, as follows from the Government Employees Act, Sections 20 and 26. The breaches of duty must consist of repeated violations, grave violations, or continued violations after warnings have been issued. Such cases are very rare.

In addition to the mentioned case of the history professor, the Supreme Court has ruled on a case regarding an associate professor in high school who in his teaching had maintained the superiority of the Germanic race and denial of the Holocaust (Supreme Court, teacher case, 1982).

The Supreme Court found that the dismissal of the associate professor was valid. Here too, the court refrained from linking the dismissal directly to statements, since freedom of expression was emphasized in the case. Instead, the court pointed out that a person who taught history this way could not be fit as a teacher, and this lack of competence was held as the basis for dismissal. One can probably criticize how the courts in these cases rely on an unclear distinction between utterances and actions, but at least the judgments imply that the threshold for dismissal is high.

In 2019, in a third case also involving a history professor, the courts again found the dismissal warranted. This professor was, among other things, accused of having sent messages of a sexual nature to students and colleagues. The professor characterized himself in an interview as Norway's 'first metoo victim'. Regardless, the debate shows some of the difficult assessments that need to be made. When the trial came up, the professor's messages and posts on social media were not highlighted. The court's reasoning was mainly that the professor had repeatedly acted intoxicated in a work context.

Student freedom of expression

The general freedom of expression also applies to students. The question is whether they, as students, have greater freedom of expression than what they would otherwise have.

The law on universities and colleges applies to students. The principle of academic freedom stipulated in § 1–5 must also include

them, but the specific rights in the provision are only related to persons who conduct research and education, i.e. the employees.

Universities and colleges are not just places where students learn academic knowledge. Traditionally, such institutions should also facilitate the students' participation in debate and democratic processes and contribute to their personal development as good citizens. These social aims are partly fulfilled through certain student associations called 'studentsamskipnad'. These student associations shall provide for the students' welfare and serve as platforms for educating democratic skills. A separate law on these student associations was enacted in 2007. In addition, a separate regulation was issued in 2008. This regulation describes in more detail how the student associations shall provide 'social, democratic, professional, and cultural measures . . .' (Section 5).

According to these rules, the state has a role in preparing students for their role in a democratic society, and for their personal development. These values coincide with the core values spelt out in Section 100 of the Constitution, indicating that students should enjoy a high degree of freedom of expression.

This does not mean that there are special rules for students, however, only that this background must be taken into consideration in legal assessments. For example, as student associations are supposed to be a training ground for argumentation and debates, statements during debate must be highly provocative or shocking for sanctions to be justified.

Radicalization, control, and no-platforming

Universities and colleges are, naturally, places for radical thinking and rebellion among young people. This is, in principle, desirable rather than problematic. On the other hand, groups that have illegal or even violent potential may also emerge.

This applies to political extremism of various kinds and also to extreme religious groups.

Are the adverse effects of this something that educational institutions should try to counteract, and if so, how? Are there any legal limits for the students' own measures, by excluding, for example, certain groups or individuals from the premises through no-platforming?

Preventing radicalization and violent extremism is a legitimate task. However, there is a number of principles that limit the methods that can be applied.

In Norwegian law, the investigation or monitoring of persons is entrusted to the police, activities that must be legally authorized and justifiable before they are initiated. If colleges or universities are to initiate measures against radicalization, these must, therefore, be limited to measures that cannot be regarded as such interventions. Educational institutions are not allowed to exercise power towards persons and cannot intervene in an individual's private life. If the institutions believe that threats of radicalization need mitigation, the means must be limited to educating employees on these topics and increasing vigilance. Nothing prevents an institution from cooperating with the police, but this cannot consist in any systematic monitoring of persons.

One method of preventing radicalization is to control or prevent utterances. Student organizations in several countries have implemented principles of no-platforming to prevent unwanted persons or speeches, initially to stop racist or fascist utterances. The best-known example is the National Union of Students in Britain, which has introduced such a policy, primarily to block speeches from members of the British National Party. In addition, many individual cases of such practice are known. For example, the author and feminist Germaine Greer was no-platformed in 2015, because she had spoken earlier about transgender people in a way that was criticized. Some wonder whether educational

institutions have failed to equip their students well enough to endure the stresses of freedom of speech. Not only should one be offered 'safe spaces' and be given 'trigger warnings'; the most provocative utterances should also be completely forbidden. Are there any legal limits for implementing such a policy?

Basically, no one is entitled to the right to speak on others' arenas, and nobody can demand to have an audience. Just like newspaper editors, the right to refuse someone to speak in their own arena, is part of the freedom of speech.

The 'platform' available to a social actor, like a newspaper, a theatre, or a university, is embedded in legal rules and is usually governed by ethical principles. The holder of the platform basically has the right to decide who is allowed to speak and about what subject. The legal framework is quite similar for different 'platforms' and prohibits incitement of violence, defamation, violation of privacy, and hate speech. The ethical principles can vary widely from a free academic rostrum to a newspaper editor's specific view of society that he or she wants to promote.

Common to these platforms, however, is that the one who controls the platform has the freedom to make decisions within these legal and ethical frameworks. Neither the university director nor the editor is obliged to give anybody access to speak. On the other hand, they also have no obligation to refuse anyone to speak. In order for the platform to maintain its integrity, it is important to note that freedom of expression does not require such extra duties. If we hold that anybody has a right to speak, climate 'realists', vaccine opponents, and political extremists would have to be invited to events in a disproportionate degree and so-called 'false balance' would be the result. If we hold that a duty to refuse certain people to speak exist, no-platforming is the result.

This means that both the university director, the editor, and other platform owners should resist attempts to influence their right to choose who is to speak.

On the other hand, when one can choose speakers, it is perfectly legitimate to define any platform narrowly. There is nothing wrong with creating an association or a newspaper where only climate realists get their say, and no one else. This is also a consequence of the freedom of expression. At universities and colleges, however, this does not necessarily apply in the same way.

There are at least two situations where it is not permissible to point-blank refuse groups or individuals with unpopular views, as long as they remain within the legal and ethical framework.

The first situation is where the university or college itself chooses to follow principles of no-platforming. According to the Act relating to universities and university colleges, Section 1–5, on academic freedom, the person who is responsible for research and teaching must be able to choose the method, content, and structure of these tasks. This must entail an obligation to protect the academic employee who wishes to use controversial literature or invite a controversial colleague if he or she considers this to be professionally sound. A policy of excluding people or groups solely on the basis of political views, detached from the subject matter of the profession, must be said to be fundamentally in violation of academic freedom. Since the educational institution itself can choose whom they want to invite, such conflicts will most likely arise if instructions are given to cancel invitations that employees have already made.

In a pending draft on a new law on universities and colleges, the committee has proposed to strengthen the institution's duty to protect employees against such pressure (NOU 2020:3, p. 132). The committee observes that it is not sufficient that the law establishes a principle of academic freedom in a debate climate that is increasingly polarized. The law must also oblige the institution to protect each individual who wishes to exercise this freedom.

The second situation is where student organizations introduce broad principles of no-platforming. For the students, the

legal starting point is different from that of the institutions: As the holder of their own platform, they are free to decide who is to speak. However, this freedom does not fully apply.

Through the Norwegian legislature on colleges, universities, and student associations, the state and school owners have a responsibility for the students' welfare, participation in debates, etc. and for making premises and resources available for such purposes. These services should be available to 'all students' according to the regulation, Section 8. The state pays substantial sums for these goods that are meant to benefit all students. According to the Norwegian tradition, stipulated in the regulations, this scheme is called 'free station' (*fri stasjon*).

When funds are given to benefit 'all students', the state must ensure that all students benefit and that no groups are excluded. It becomes particularly important when these benefits and grants are meant to increase participation in social and democratic processes. These government funds can be seen as a concrete result of the state fulfilling its duty pursuant to Section 100 of the Constitution, as the funds are given to secure an infrastructure for an 'enlightened public discourse' at universities and colleges. Against this background, it seems legally unacceptable to allow student organizations with far-reaching no-platforming principles to have exclusive use of the resources made available under these schemes.

Prohibiting and regulating the use of religious clothing

As the only Nordic country, Norway adopted a national ban on the use of garments covering the face in 2018. The law is effective from 1 August 2018. Prohibitions have been introduced throughout the school sector, in primary schools, folk high schools, in vocational educations, and in the introduction programs for

newly arrived immigrants. In the law on universities and colleges, the ban has been included as a new Section 7–8.

The law has a broad formulation. The ban applies to both students and employees. It applies to several situations. The law mentions teaching and ‘similar situations’, as well as ‘trips, expeditions, and the like’ that take place in connection with teaching. If one is to use such clothing, it must be justified by ‘climatic, educational, learning, health, or safety’ reasons. Religious reasons are not mentioned.

The reason for the ban is, in particular, the use of religious headgear such as *niqab* and *burka*. However, the law applies to all types of garments. The prohibition may seem extensive, as it bans clothing which completely or partially covers the face, but it is likely to be understood that only garments covering the essential parts of the face are prohibited.

The question of whether this prohibition violates the freedom of expression has not been fully clarified. Even if the ban should not be regarded as violating freedom of expression, it is not a given that it is politically desirable. The protection of free speech, like other human rights, is only a minimum right. In the period after the ban was introduced, there has been relatively little debate on this regulation in Norway.

According to ECtHR case law, it is clear that such a ban is an interference in the rights as per ECHR. Usually, this is discussed as an interference with the right to privacy and freedom of belief under ECHR Articles 8 and 9, but one may equally refer to the freedom of expression in Article 10.

The legal question is thus not whether the ban is an interference, but whether the interference can be justified as ‘necessary in a democratic society’. This requirement of ‘necessity’ must be thoroughly justified as discussed above, pure political considerations are not sufficient. One of the legitimate considerations that may justify an intervention is the ‘protection of the rights

and freedoms of others'. According to case law, consideration for safety can be relevant, and especially in an ECtHR decision (ECtHR, SAS case, 2014) it was emphasized that the use of face-covering headgear could undermine a 'respect for the minimum requirements of life in the society', which is a prerequisite for 'living together' in a society.

The latter decision concerned a ban on such garments in all public places in France, not just schools. Many have perceived this decision as a reasonably safe indication that the Norwegian ban will also stand since ECtHR accepted a more extensive ban in this case. On the other hand, the reasoning is somewhat different in France than in Norway. The Norwegian ban is based on teaching conditions, while the French ban applied to the public space based on safety concerns. The argument in the French decision, on 'life in the society', might not be directly applicable to the Norwegian ban.

There are also several decisions by the ECtHR that allow bans on facial garments in schools and universities. Several of these are summed up in the above-mentioned SAS case. These decisions, however, originate from countries where the use of certain headgear has resulted in violence and other effects that ECtHR considered the domestic authorities to be better placed to consider. These cases seem to contain a factor that is missing in the Norwegian deliberations, namely deep conflicts between religious groups. According to ECtHR, such conflicts make it,

... necessary to place limitations on freedom to manifest one's religion or beliefs in order to reconcile the interests of various groups and to ensure that everyone's beliefs are respected (ECtHR SAS 2014, § 126).

In these cases, it was crucial that the aim was to prevent riots and unrest based on religion, while the Norwegian ban is not justified on such considerations.

Although the Norwegian ban generally complies with the ECHR, in practice, individual cases may appear that do not. While legislation deals with general categories, the courts deal with specific cases. The ban is comprehensive, and it must be decided whether it should be applied or not in many situations. One challenge may be that the Norwegian provision requires that the use of the headgear must be justified in cases of doubt, while the articles in the ECHR and the Norwegian constitution require that the prohibition must be convincingly justified.

Concluding remarks

As shown above, the legal protection of freedom of expression is deeply rooted in social philosophy and protected through legal norms that are often labelled as human rights law. These norms are, however, also ordinary legal norms, like all other domestic rules.

Both international and domestic norms on freedom of expression have a process of testing any interference in freedom of speech, through specific steps.

The first step is to consider whether the utterance or act is protected at all. Is a ban on certain public demonstrations a ban of acts or of expressions? Is an order to show your driving license to a police officer an interference in freedom of expression? Generally, the protection can be applied to a broad area, not only to traditional speech or writing. The protection applies regardless of form, and an indirect effect on freedom of speech might be sufficient. Very few court cases are solved on the basis that the protection does not apply at all. It does not only apply to active speech, but also the right to receive information, and imposes a certain duty on the state to provide means for communication in society.

The next step considers whether such interference in freedom of expression is necessary in a democratic society. In most court cases, this is the crucial question. This is a strict test, where the state must offer convincing and sufficient arguments for each regulation. The balancing test is, in principle, always the same, but the outcome will depend on the nature and severity of the interference and the speech situation.

Academic freedom is intertwined with freedom of expression. At universities and colleges, the ideal of academic freedom should pave the way for even stronger freedom of expression. And according to both domestic and international court decisions, this is indeed so.

The freedom of expression is, however, not won once and for all. Maintaining this freedom requires constant vigilance. At universities and colleges, increased commercialization can imply less leeway for deviating expressions. The fight for equality and social justice inevitably leads to a paradox of tolerance: to what extent should we tolerate the intolerant? The debate over these questions is in itself one of the most important exercises of the freedom of expression.

References

- Dworkin, R. (1977). *Taking Rights Seriously*. Harvard: Harvard University Press.
- ECtHR, Handyside vs UK, Judgment 7 December 1976.
- ECtHR, Bowmann vs UK, Judgment 19 February 1998.
- ECtHR, Bladet Tromsø and Stensaas vs Norway, Judgment 20 May 1999.
- ECtHR, Nilsen and Johnsen vs Norway, Judgment 25 November 1999.
- ECtHR, Bergens Tidende and others vs Norway, 2 May 2000.
- ECtHR, Karademirci vs Turkey, Judgment 25 January 2005.
- ECtHR, TV Vest AS and Rogaland pensjonistparti vs Norway, Judgment 11 December 2008.
- ECtHR, Lautsi and others vs Italy, Judgment in Grand Chamber 18 March 2011.
- ECtHR, Von Hannover vs Germany, Judgment 7 February 2012.
- ECtHR, Axel Springer vs Germany, Judgment 7 February 2012.
- ECtHR, SAS vs France, Judgment 1 July 2014.
- Eggen, K. (2002). *Ytringsfrihet* (Freedom of Expression). Oslo: Cappelen Akademisk forlag.
- FOR-2008-07-22-828 om studentsamskipnader (Regulation on Student Associations).
- Grotius, H. (1631). *De Jure Belli ac Pacis*. Paris: Apud Nicalaum Buon.
- Holberg, L. (1984). *Memoarer. Breve til en høyvelbåren herre 2*. Oslo: Aschehoug.
- Høyesterett Rt-1982-1729, (Norwegian Supreme Court, Teacher case).
- Høyesterett Rt-2007-404 (Norwegian Supreme Court Brennpunkt case).
- Høyesterett Rt-2011-1011 (Norwegian Supreme Court, Professor case).
- Høyesterett Rt-2010-1381 (Norwegian Supreme Court, Runestein case).
- Høyesterett Rt-2013-374 (Norwegian Supreme Court, Treholt case).
- Høyesterett Rt-2015-1286 (Norwegian Supreme Court, Rolfsen case).

- Høyesterett Rt-2015-1467 (Norwegian Supreme Court, Hospital case).
- Høyesterett Rt-2020-185-A and B (Norwegian Supreme Court, Racist cases).
- LOV-1999-05-21-30 om styrking av menneskerettighetenes stilling i norsk rett (Law on Strengthening the Status of Human Rights in Norwegian Law).
- LOV-2017-06-16-67 om statens ansatte mv. (Law on Government Employees).
- LOV-2005-04-01 om universiteter og høyskoler (Law on Universities and Colleges).
- LOV-2007-12-14 om studentsamskipnader (Law on Student Associations).
- Milton, J. (1644). *Areopagitica: A Speech of Mr. John Milton for the Liberty of Unlicensed Printing, To the Parliament of England*. A pamphlet.
- NOU 1999:27, *Ytringsfrihet bør finne sted* (The Freedom of Expression Commission).
- NOU 2006:19, *Akademisk frihet* (Academic Freedom).
- NOU 2020:3, *Ny lov om universiteter og høyskoler* (Draft of New Law on Universities and Colleges).
- Popper, K. (1973). *The Open Society and its Enemy*, vol. I and II. London: Routledge & Kegan Paul.
- Popper, K. (1974). *Conjectures and Refutations: The Growth of Scientific Knowledge*. London: Routledge & Kegan Paul.
- Schiøtz, C. and Strømme, V. (2002), 'Paradigmeskifte i injurieretten' (Paradigm Shift in Libel Law), *Lov og Rett*, 2002, pp. 401-401.

On the Double Exceptionalism of Liberal States

Minda Holm

Introduction

The overarching focus of this anthology is on freedom of expression in higher education institutions. As Mona Wille points out in her introduction, there is a general concern that the values of freedom of expression and academic freedom are under threat in liberal-democratic societies. One of the greatest challenges, she argues, comes from a changing security context. Within this context, the values underpinning liberal-democratic societies at large, including academia, are at times challenged in the name of security measures. In this chapter, I take a wider perspective on this issue, zooming out to see how security politics and liberal identities intersect. My intention here is to give a critical contextualization to the broader theme of the book. I do so by highlighting how a certain logic of double exceptionalism permeates how liberal-democratic societies deal with issues of security. To understand the general societal and political trends

in relation to academia and freedom of speech, we must also understand how self-described liberal states struggle with the conflictual demands of values on the one hand and security-related pragmatism on the other. Most recently, these conflictual demands have come to the forefront of our attention as a result of the global Covid-19 pandemic and the wave of emergency legislations introduced in a number of European states.¹

Empirically, I focus on the Norwegian balance between values and security after the terrorist attack in July 2011. The political foundation of many of today's European states is in part based on a set of liberal values pertaining to the rule of law, democracy and human rights, where freedom of speech is central. As a moral and political value, freedom of speech is seen as foundational to the identity of liberal-democratic states, exemplified by the speech the Norwegian prime minister at the time, Jens Stoltenberg, gave in response to Anders Behring Breivik's attack: 'With the world's most powerful weapons—the free word and democracy—we will find the course for Norway after 22 July 2011' (Stoltenberg, 2011). Norway's response to the attack on its liberal values—Breivik explicitly targeted the long-ruling Labour Party, with a manifesto decrying 'cultural Marxism'—was, at least rhetorically, to emphasize and protect those very values. Many commentators applauded the value-based rhetorical response of the Norwegian prime minister as an exemplary stance and an alternative to the typical security-centric response of governments to terrorist attacks. Instead of threatening with a ruthless and swift response, a typical response across regime types after terrorist attacks, the Norwegian prime minister emphasized the value-based order at the heart of Norwegian self-perception. Freedom of speech was also at the centre of the public debate in the aftermath of the attack (Eide, Kjølstad, and Naper, 2013), suggesting that the government's framing was effective.

In apparent contrast, when faced with severe security dilemmas, the response from states has often been to enter into a form of ‘state of exception’, where certain normal governing rules simply no longer apply, or to ‘securitize’ an issue in order to place it outside of ‘normal’ politics, yet within the parameters of domestic law. The period after the terrorist attack on 9/11 2001 has been defined in part by a spread of such security practices in both liberal and illiberal states. Justified by an overarching need to protect lives first and values (implicitly) second, the world has witnessed a systematic role-back of liberal values such as freedom of speech in the name of security, with states either circumventing democratic processes or enabling such policies by working through their democratic institutions. In part, I will argue, this is made possible (that is, legitimized) through a wide-spread self-perception in the Western world of their own states being ‘inherently’ liberal. Policies restricting or contradicting liberal values thus do not alter their identification as defenders and representors of these same values.² There is thus a double form of exceptionalism at play here: the right to transgress normal liberal politics and the claim to not let that transgression alter one’s liberal identity. This chapter will discuss these dilemmas—of security vs liberal values, and the self-perception of liberal-democratic states—in the context of the liberal West after 9/11, connecting the Norwegian response to the broader trends in how states navigate between liberal identities on the one hand and politics of security on the other. My intention with this move is thus to highlight some of the broader dynamics at play in how liberal-democratic societies relate to, and often sidestep, their liberal-democratic character—specifically in times of increasing securitization. I leave it for others in this volume to shed light on how this dynamic relates to academia and the university sector.

I proceed in three steps. First, I discuss the logic of double exceptionalism at play in how liberal-democratic societies deal

with security issues. Secondly, I discuss how this logic has panned out in Norway after the terrorist attack on 22 July 2011. Thirdly, I conclude with a broader discussion on the implications of my argument for the topic of this book, including how the dynamics between security and liberal values play out in seemingly more ‘normal’ times, and how the dynamic unfolds in the current global pandemic crisis we are in.

The double exceptionalism: liberal identities and logics of security

At the heart of the tension between the logic of security and the logic of a state’s liberal identity is what I here will term a double idea of exceptionalism. On the one hand, there is the powerful and well-established idea that security threats may warrant a temporal and spatial hold on both ‘ordinary’ legal frameworks and the day-to-day actions of those in charge of a state’s security, such as police officers and border guards. National security apparatuses typically gain more power when a country faces a national security threat, and central citizen rights may be set aside through a legitimation that is about protecting their lives. This is what is often referred to as the ‘state of exception’, with reference to the work of German interwar philosopher Carl Schmitt and Italian philosopher Giorgio Agamben. The basic tenet is that those who are in power can use their sovereign authority to sidestep normal politics. For Carl Schmitt, the essence of this process was that the sovereign held the power both to declare what constitutes emergency, and what would be the appropriate response to such an emergency. Freedom of speech, for example, was within this context presented as a potential threat to the stability of the sovereign sphere. In Giorgio Agamben’s work, the state of exception is presented as an illusory practice. Debates

over law versus politics serve more as ideological mechanisms to legitimize the sovereign's acts than as actual constraints on the sovereign (Huysmans 2008, Schmitt 1996, Agamben 2002). The central premise in both arguments is that the sovereign state holds the power to both transgress, create, and in other ways set aside the law. In many countries, this can be done explicitly through declaring a state of emergency, but the state of exception as an analytical concept reaches wider, pointing to the logic inherent in how states can use security to move around or altogether sidestep the law. In state of emergencies, those in control over the government are (more so than usual) in control over the state.

The focus of 'non-normal' politics is also at the heart of securitization theory. Securitization is the oft-employed theoretical concept used to describe those processes through which a state presents something as a security threat that has to be dealt with outside of 'normal' politics (Buzan, Wæver, and de Wilde 1998). Through effectively presenting an issue area—terrorism, architecture, pandemics, immigration—as a matter of security, the state moves it into the realm of the extraordinary. Practices that may follow with successful securitization processes, include extensive (re)allocation of resources, preventive arrests, expanded detainment provisions at home and abroad, restrictions on freedom of speech (including the press), enhanced interrogation techniques, mass surveillance, curtailment of citizenship rights, and so on. In addition to potentially restricting liberal rights, more power is usually given to the executive, meaning that policies of scaling down on civil liberties are often done through executive power, sidestepping 'normal' legislative power and parliamentary practices. When mobilized as a legitimizing trope to respond to an imminent security threat, secrecy and expediency are usually added to the list of permissible behaviours on the part of the state. More generally, as securitizing an issue has the

effect of placing it outside the realm of ‘normal’ politics, it also means that successful securitization is one of de-politicization. As Benjamin Herboth notes, ‘processes of securitization are processes of de-democratization’ (2016, p. 139), meaning that what constitutes ‘normal’ politics in this prism is democratic, to which issues of security are—or at least can be—an exception. This does not mean that securitization processes do not happen in more authoritarian states, but that the distance from what is defined and perceived as ‘normal’ and ‘extraordinary measures’ is usually far wider in liberal-democratic states.

Although these political processes of exception follow a similar underlying logic of security, they operate on a wide scale, ranging from ‘full-on’ state of emergencies to more limited judicial changes. The US ‘war on terror’ after 9/11 is the clearest modern example of the former in a self-defined liberal-democratic state, where both domestic and international law have been sidestepped in the name of counterterrorism and security more broadly. Both Congress and Senate have been bypassed, and the war on terror has been used to legitimize e.g. incursions into other states and so-called ‘precision targets’, seeing terrorist suspects as lawful targets that can be ‘eliminated’ rather than dealt with through ordinary legal channels. While US actions have been most extreme, the post-9/11 era has been defined by an increased logic of securitization also spreading elsewhere. More limited judicial changes include governments granting more surveillance power to their national security agencies or restricting freedom of expression online. While the common logic is one of security and ‘non-normal’ (exceptional) politics, the logic represents and can enable a wide range of different behaviour ranging from illegal (outside the law) to legal (through the law). Some states stop at granting more surveillance powers to their security agencies through judicial changes; others continue to cascade illiberal laws and practices in the name of security; others again sidestep

law altogether with the justification that expediency is key. As the preliminary responses to the very recent global Covid-19 pandemic has highlighted, both official state of emergencies and increased securitization processes can also reach deep into realms not typically seen as related to the domain of security, such as elementary schools, shops, businesses—and, important for this volume, universities.

There is a difference between on the one hand the logic channelled through imminent security risks, and the slower, more abstract threat of a potential future security risk. Changes can come overnight—as with states of emergency—in the face of perceived imminent threats to national (or regional) security. They can also come incrementally and over a longer period of time, opening up a space for gradual changes in policies in the name of security. A central aspect underpinning these processes is a turn in the last two decades from defence to ‘prevention’ when dealing with security issues. As Rens Van Munster notes with reference to the US war on terror and its global aftermaths, ‘[d]ue to its emphasis on prevention, the war on terrorism institutionalizes the state of exception as a permanent aspect of global order’ (2004, p. 152). Thus, illiberal policies are often legitimized as part of a long-term process to deal with a security issue. In contrast, when danger is presented as imminent, policies may also become more ruthless, justified through the need to act swiftly and outside ‘everyday’ routines of ordinary politics. A more gradual response is found in how states use the presence of a feeling of insecurity to push through more piecemeal changes to society, such as broadened surveillance powers for the state. The central point for this volume, as it relates to freedom of speech, is thus the extent to which security measures legitimizes a pause, rupture, or circumvention of the everyday logic of liberal-democratic societies. This rupture happens both in phases of exception and seemingly ‘normal’ times, blurring the borders

between where and why security measures and ‘unnatural times’ start and end. Whilst official, full-on state of emergencies on their part usually come to an end, residues of the exceptional measures may remain in place. Indeed, state of emergencies are also strongly associated with autocratization processes, seen by democracy researchers as both a ‘cause and a consequence of democratic decay’ (Lührmann and Rooney, 2019, 19). Of course, this does not apply to all states, but the fluid borders between the exceptional and the normal is, paradoxically, an ever-present threat.

The practices of securitization described above cut across regime types, making the way in which security has been used to sidestep normal politics probably one of the most international phenomena of modern times. The ‘war on terror’ has also had the effect of normalizing these practices across regime types. In Russia, President Vladimir Putin consolidated his power in the early 2000s in part through promising to ‘wipe out’ Chechnyan terrorists. Freedom of speech was explicitly curtailed, prohibiting media from covering the events on the ground (see e.g. Wilhelmsen, 2017). That stance became more legitimate in the face of the US-led international coalition after 9/11, meaning that authoritarian states could make new alliances with liberal states in the war against terror. Because the US has both been leading the war on terror and representing themselves as the leader of the free world, they have also expanded the notion of what is perceived as acceptable liberal responses to security threats in the past two decades. This has had two overarching consequences in terms of the behaviour of other states: first, it means that alliances of self-defined liberal states can be legitimized more easily in the fight against terrorism with highly illiberal states such as Egypt, Turkey, or Uzbekistan. Secondly, it means that the repertoire of acceptable responses from self-identifying liberal states is *de facto* expanded through practices

of other liberal-democratic states. This latter part is essential when we seek to understand how ‘security’ is used vis-à-vis our liberal rights also in seemingly less securitized spheres, such as higher education and academia, the context of this anthology.

Crucially, the employed logic of a ‘state of exception’, or the more mundane and everyday practices of security regulations challenging aspects of liberal rights, does not mean that the self-perceived liberal identity is set aside in states that define themselves as liberal-democratic. Seen as a stable attribute of a state, the perceived liberal identity persists—at least in the eyes of the beholder—despite illiberal actions. This is the second form of security-related exceptionalism, which I analytically denote as ‘states of exception’—that states with an explicit liberal identity see their identity as historically fixed, irrespective of their illiberal actions. Though related to the idea of US exceptionalism, its consequences are broader and more ontological, speaking to a persistent historical trend of liberal democratic states routinely not living up to their own ideals, yet still maintaining their position of moral superiority. Politics—messy, full of contradictions and pragmatic decisions—don’t go well with ideas of absolute identities and moral absolutes. At no time in recent history was this dynamic more pronounced than after 9/11. Despite the profoundly illiberal actions that followed as part of the war on terror, including restrictions on freedom of speech, the government maintained its rhetoric of being both a defender and representor of those same values. In a speech commemorating the fifth anniversary of the 9/11 terrorist attacks, President Bush noted:

In the first days after the 9/11 attacks I promised to use every element of national power to fight the terrorists, wherever we find them. One of the strongest weapons in our arsenal is the power of freedom. The terrorists fear freedom as much as they do our

firepower . . . We are fighting to maintain the way of life enjoyed by free nations (Bush, 2006).

The war on terror was presented as ‘the fight of all who believe in progress and pluralism, tolerance and freedom’, and that they were ‘in a fight for our principles, and our first responsibility is to live by them’ (Bush, 2001). President Obama—a favourite of many European politicians and 2009 recipient of the Nobel Peace Prize, yet one who neither shut down Guantanamo Bay and massively increased the use of so-called targeted killings through drone strikes—similarly emphasized the US as the representor of these values. In the central speech on foreign and security policy given during his second term, Obama stated:

I believe, that a world of greater freedom and tolerance is not only a moral imperative, it also helps to keep us safe . . . America’s support for democracy and human rights goes beyond idealism—it is a matter of national security . . . Respect for human rights is an antidote to instability and the grievances that fuel violence and terror (Obama, 2014).

Seeing oneself as the embodiment of liberal values no matter what matters a great deal. The securitization processes we have seen emerge in Europe over the past 20 years have not come about in a vacuum. Although the fluid and far-reaching US ‘state of exception’ is more extensive than, for example, the logics of security employed in France or Norway, they both operate within a related and interconnected sphere of logics. The war on terror after 9/11 was portrayed as a collective effort, with the infamous postulate of ‘either you’re with us or against us’. Whereas the Iraqi war was a somewhat more solitary endeavour in terms of alliances, the decade-lasting and on-going war in Afghanistan, and the later intervention in Libya, was very

much a result of team play both within the UN and NATO. Poland, Lithuania, and Romania—all NATO members since 1999 and 2004 respectively—helped the CIA in their ‘rendition programs’, meaning that they let the CIA carry out torture and inhuman and degrading treatment at secret facilities on their soil. Many of the securitization processes have also happened precisely within the framework of the transatlantic alliance and within the EU (Balzacq, 2008; Stambøl, 2016). Despite at times highly illiberal practices in liberal-democratic states, the parallel insistence on the value communities between states such as the US and France, or the US and Israel, persists (see e.g. Holm, 2017). What this means is that a liberal identity is not breached by profoundly illiberal practices, since the field of ‘security’ is seen as being an exceptional realm. This is thus what I term the double exceptionalism: the exceptionalism to transgress the law and ‘normal politics’, and the exceptionalism to not let that transgression alter the self-perception one has built on those ‘normal’ politics.

One might of course interject that the US ‘war on terror’—with the extensive outside operations in the Middle East and elsewhere—bear little resemblance to the form of security logics increasingly routinized in European politics. The important thing to note here is the extent to which these logics feed of each other: what may be deemed permissible for certain liberal states in so-called thick, full-on ‘states of exception’—in the US war on terror, torture, extraterritorial operations, restrictions on freedom of speech—affects the space for what is defined as appropriate security measures in other liberal (and non-liberal) states. Whether we call it norms or something else is irrelevant; what matters is that the definition of appropriate security measures is also expanded also internationally through a set of practices that align in logic. As Roe writes, ‘Extraordinary politics is . . . what normal politics is not. And normal politics is how things are

ordinarily done in liberal democracies' (Roe 2012, p. 251). Since liberal democracy—what constitutes 'normal politics'—is seen as a stable attribute of many Western states, more illiberal actions—such as curtailing freedom of speech or religion in the name of security—has seemingly little bearing on that self-perception. Of course, these practices can also create a domestic and international backlash, with states such as Russia and Iran referring to 'double standards' as the systematic gap between actions and words increase in self-identified liberal states (Holm and Sending, 2018; Holm, 2019). The double exceptionalism is largely enabling in the short-term and in the domestic and value-based context (i.e. the liberal West), but it also creates a crisis of legitimacy at the international level. This is a side-note when it comes to the topic of this book, but it also points to the way in which liberal-democratic states have contributed to a crisis of legitimacy of the values that they are supposed to front. Self-defined liberal states have historically always also acted in illiberal ways, both at home and abroad. But, paired with an increased attempt to spread liberal-democratic values elsewhere after the end of the Cold War, the persistent and unavoidable gap between identity and practice is becoming both increasingly visible and contested.

Understanding how this logic of double exceptionalism plays out matters: in a context of an increasingly securitized society, we as citizens have to be conscious of how the logic of security intersects with our identities (and practices) as 'liberal' societies. In the following section, I will explore how the tension between the logics of security and values have played out in Norway after the terrorist attack on 22 July 2011. I will discuss how respective governments have handled the value/security tension and specifically in relation to freedom of speech, before concluding with a discussion on wider implications for how we think about the tensions between liberal values, freedom of speech, and security.

Norway: the attack on freedom, 22 July 2011

On 22 July 2011, the Norwegian right-wing extremist Anders Behring Breivik carried out the deadliest attack on Norwegian soil during peacetime. Attacking first the government quarters through a self-made bomb, killing 8, Breivik then drove to a small island, Utøya, 38 km northwest of Oslo, where the youth wing of the country's governing Labour Party had their annual political summer camp. At Utøya Breivik massacred another 69 people, mostly teenagers. Breivik's attack was both a physical and a symbolic attack. The physical attack—a bomb in the main government quarters and on a summer camp—brought a new-found challenge, as it was the first major terrorist attack on Norwegian soil. In terms of symbolism, Breivik's direct targeting of the Labour Party—its youth wing in particular—was a frontal attack on both the liberal and the social-democratic basis of Norwegian society. Targeting civil servants in a government building further underscored the perception that this was a deliberate attack on Norwegian political identity. Just before the rampage, Breivik distributed a 1,500-page manifesto in which his ideological visions were spelt out, targeting political correctness, 'cultural Marxists', feminist supremacy, multicultural policies, and Islam. Notably, he also denied being guilty of a crime, as he saw the actions as 'necessitated by the real possibility of a Muslim take-over of Europe, assisted by the 'cultural Marxists' of the Norwegian Labour Party, and by the party's lax immigration policies' (Walton 2012, p. 4). In Breivik's own assessment, it was thus crucial that the court did not deem him to be mentally unfit for criminal accountability, as that would have undermined the political credibility of his acts and visions.

The official response

The government's immediate political response to the attack was to emphasize the core values of Norwegian political society. Addressing the public in the days afterwards, Norwegian Prime Minister Jens Stoltenberg, himself from the Labour Party, emphasized the need to not let the terrorist win by moving away from core values such as freedom of speech: 'With the world's most powerful weapons—the free word and democracy—we will find the course for Norway after 22 July 2011.' Honouring Norway's values, defined as liberal-democratic, was presented as the penultimate response to violence: 'We must never give up on our values. We must show that our open society will also pass this test. That the answer to violence is even more democracy' (Stoltenberg, 2011). International commentators applauded the official response seen as a call to values instead of the typical securitizing processes seen after terrorist attacks. Media researchers have also concluded that freedom of speech was at the centre of the public debate in the aftermath (Eide, Kjølstad, and Naper, 2013), indicating that the government's framing was effective in setting the agenda.

In parallel with the government's emphasis on values, the Norwegian Police Security Service (PST) soon proposed changes to the existing counterterrorism laws that would give them more power. The suggested changes were legitimized through the need to 'secure democracy' (Fimreite et al. 2013, p. 851). PST was criticized after the attack for not having taken seriously the online activity of anti-immigration and anti-Islamist groups, where Breivik had himself been an active participant (Andersson 2012, p. 421). The official commission tasked with evaluating the attack similarly concluded that better routines could have made them more aware of Breivik's preparations (Kolås, 2017, p. 525). Still, judging from opinion polls, the public was at the time more supportive of the

values-first response. Contrary to what is commonly expected after terrorist attacks, Norwegians reacted with less support for counterterrorism measures after the attack. Comparing public opinion on counterterrorism measures in 2006, 2011, and 2012, public attitudes changed towards being less favourable to counterterrorism measures right after the attack than when asked in 2006 and 2012 (Fimreite et al., 2013). Only 2 out of 10 feared a new terrorist attack right after 22 July. At the same time, there was little reaction or public discussion around the legal changes introduced after the 9/11 attack, which Fimreite et al. (2013) ascribe to high levels of public trust. The weakened support of counterterrorism measures after the attack can plausibly be connected to how the government so adamantly emphasized a value-based response.

Some see the value-based response of the government as problematic. While Prime Minister Stoltenberg emphasized freedom of speech and (liberal) democratic values more broadly, he also explicitly warned against a 'witch-hunt' on opinions in the aftermath of the attack. Paradoxically, racist and Islamophobic speech could thus flourish more openly, whereas people were discouraged from targeting those who operated within the same or nearby ideological spectre as Breivik. Breivik had for ten years been active in the Norwegian populist far-right Progress Party (FrP)'s youth wing, as well as connected to certain central extreme-right bloggers both in Norway and abroad. By lauding free speech as a central value, critics such as Muller Myrdahl (2014) see the room for hate speech expanding widely, de facto legitimizing continued attacks on immigrants and Muslims in particular. An extensive report on public attitudes towards freedom of speech published in 2014 concluded that a majority of Norwegians favour some restrictions on freedom of speech, with 60 per cent of respondents partly or fully disagreeing with the statement that 'speech that mocks religion should be allowed', 68 per cent disagreeing with the statement that 'racist

speech should be tolerated' (Staksrud et al., 2014). Yet, studies also show that hate speech and prejudices are on the rise, particularly against Muslims (Hoffmann and Moe, 2017; Wiggen, 2012). Media studies have similarly concluded that criticisms of Muslims and 'foreign cultures' have become more normalized in Norwegian mass media, particularly after 9/11. After the attack of 22 July, previously marginalized anti-immigrant and anti-Muslim voices got even more public attention, thus de facto to some extent normalizing their presence (Figenschou and Beyer, 2014; Andersson, 2012). The heavy emphasis on free speech thus had a side-effect of giving more public attention to Breivik's less extreme ideological affiliates.

The response of the government cemented the perception that freedom of speech and liberal-democratic values were both central to Norwegian identity and the only 'right' way to respond, thereby de facto overshadowing the negative implications of a near-absolutist interpretation of that free speech. One of the most cited interlocutors in Breivik's manifesto, Peder Nøstvold 'Fjordman' Jensen, who had advocated for a civil war and deportation of Europe's Muslims, was awarded a controversial book stipend by the Fritt Ord Foundation (Fritt Ord), an influential private foundation supporting freedom of expression. The Minister of Culture at the time, herself from the Labour Party, supported the stipend, stating that it was an excellent opportunity to show what 'our democracy is made of' (Tajik, 2013). Yet, as freedom of speech was elevated as a value central to Norwegian collective identity, it also meant that some discussions were explicitly played down in public—as with regards to the ideological similarities between Breivik and both extremist and non-extremist political iterations on the far right. The prime minister's statement after the attack on not wanting a 'witch-hunt' on opinions paradoxically signalled both a desire for a restriction on freedom of speech and support for it. The

subsequent leader of the Labour Party, Jonas Gahr Støre, would six years later admit that they explicitly avoided talking about the connection between the attacker and the Progress Party. Drawing a hypothetical comparison to if the attacker had been Muslim and a member of a congregation, Støre noted that that congregation would have been ‘turned upside down’—and that that wasn’t done to the Progress Party. In 2017, Støre stated:

After 22 July it was important for our society to say that the entire democracy was attacked, that it was an attack on us all. But maybe it was wrong to say that 22 July struck all of us. It obfuscates where the hate towards us [the Labour Party] stems from (Støre quoted in Skybakmoen, 2017).

Støre’s point also speaks to the extent to which Breivik was framed as a ‘lone wolf’, in line with the typical racialized discourses on terrorism. Had he been Muslim, the ideological context would, without doubt, have been central. Most probably, his identity as ‘Norwegian’ would have been played down, as has happened in terrorist attacks elsewhere in Europe where the attacker(s) has been a citizen born and raised in the country, but also a Muslim (more on this later). As Falkheimer and Olsson (2014) argue, the attention to Breivik was highly depoliticized in its individualization. This is worrying, as Norway has a history of violent right-wing and racist extremism that should—immediately—have been seen as a central context. The fact that Norwegian media also gave Breivik ample space to publicly state his ideas must thus be both seen in connection to i) the fact that he was seen as ‘one of us’—Norwegian, white, Christian, thus sensationalizing his ‘otherness’ within the context of that in-group, and as acting ‘alone’—despite his well-known ideological counterparts, and ii) in connection to the heavy emphasis on freedom of speech as the only right kind of response.

Breivik's rights vs security

During Breivik's trial, there was a public debate over whether his freedom of speech should be restricted for the sake of the public, particularly for those most closely affected by his acts. Whereas some argued that the terms of his confinement should include full restrictions on external communication, others saw this as an unjust and unnecessary addition to his physical confinement (NRK, 2012a, 2012b). There was also a debate over whether Breivik should be allowed to use the court proceedings as a way of publicizing his thoughts, with the court allowing him to do so (NRK, 2012c). Overall, there was thus a heavy emphasis in the public debate on Breivik's freedom of speech, turning the treatment of him as an individual into a test of Norwegian society's handling of the security/values nexus. As one of the prosecutors stated in an interview with regards to giving Breivik that space:

Otherwise he's won. And you know, he wanted to change Norwegian society and I'm sure he'd feel it was a victory if we gave up our principles. At this moment we're being tested—can we hold on to our principles? (McPherson, 2012).

In part, the policy of emphasizing values was also put to the test by Breivik himself. In March 2016, Breivik sued the Norwegian state for human rights violations, claiming that his terms of confinement constituted a break with the European Convention on Human Rights. The court ruled partly in Breivik's favour, arguing that the solitary terms of confinement were inhumane. The judge, Helen Andenæs Sekulic, stated that 'the prohibition of inhuman and degrading treatment represents a fundamental value in a democratic society. This applies no matter what—also in the treatment of terrorists and killers' (Fouche and Doyle, 2016). Yet, the state repealed the verdict, which in a new court

round resulted in the state's victory over Breivik. Notably, the verdict was not that he did not have the same rights as others, as is often the logic in the far-end cases of states of exception, but that his human rights had not been violated (NRK, 2017).

Similarly, when Breivik applied to the University of Oslo to study Political Science, the official response was that he had the same right as others. He was thus admitted in July 2015, with the restrictions of a) not being allowed to visit campus or b) have contact with students or staff. The rector of the university published a statement, explaining their reasoning:

By sticking to our rules and not clamouring for new ones, we send a clear message to those whose misguided mission it is to undermine and change our democratic system. It is part of the universities' mission to uphold democratic values, ideals, and practices, also when these are challenged by heinous acts (Ottersen, 2015).

The overall emphasis in the public arena has thus been to treat Breivik as an equal legal subject, within what could be defined as the 'normal', liberal-democratic state of affairs. The heavy public prioritization of his rights is a notable break from the logic typically employed after terrorist attacks. Yet, whereas there has been a distinctive emphasis on the rights of Anders Behring Breivik, including his freedom of speech, other parallel practices—in the name of counterterrorism and security more broadly—have fallen within the realm of securitization. The before-mentioned Norwegian Police Security Service has, for instance, attempted to intervene in the work of journalists, arguing that it was for the sake of national security (Wibe-Lund et al., 2015). In 2013, the terrorism laws were changed to enable prison sentences up to 6 years for those who had 'encouraged or recruited' people to terrorist acts. In 2014, the Minister of Justice (from the Progress Party) decided to temporarily arm near 6,000 Norwegian

police officers in response to an unidentified terrorist threat, bypassing the Norwegian Parliament (Omdal, 2014). This was followed up by a proposal to Parliament, and the police were temporarily armed from 25 November 2014 to 3 February 2016 due to ‘heightened security risks’. The Police Security Service recommended a permanent armament of police in 2017, arguing that the police needed to be able to respond quickly to jihadist terrorists (Haug Røset and Hopperstad, 2017). The proposal was accepted with revisions in June 2018, with a ‘partial’ armament of police in select areas such as airports and railways.

An official committee was in 2016 tasked with looking into how the military could assist the police, with the majority of the committee concluding that more tasks could be transferred to the military, including counterterrorism at sea. The Police Union reacted strongly, stating that ‘In peacetime, a democratic society does not use its defence to carry out the tasks of the police’ (Hultgreen, 2016). That same year, the conservative government coalition initiated legal changes that gave the police ‘expanded access to use secret coercive measures in investigations, aversion, and prevention of serious crimes’ (Justis- og beredskapsdepartementet, 2018). The government also initiated increased surveillance measures for the police (‘communication control’), including camera surveillance and covert audio surveillance. In 2017, a control mechanism was established to keep judicial track of their surveillance work. The committee’s task was limited to the police, meaning that they were not to look into the work done by the Norwegian secret services (Statens Sivilrettsforvaltning, 2017). The government and the Police Security Service argued for immediate implementation of the measures, while the opposition parties, including the Labour Party, argued for restrictions to the proposed changes, including source protection for journalists (Akerhaug, 2018). In 2018, the government also established an official panel tasked with

reviewing whether the existing law that applies during war or when Norway's independence is under threat, enabling the government to sidestep Parliament and existing laws, could also apply in other forms of crisis. The direct context was the refugee crisis in 2015, and the government justified the review by stating that there 'also in peacetime can occur extraordinary situations where there is a need to act quickly, and where today's laws are not adequately flexible' (Regjeringen, 2018). The official report, published in June 2019, was in favour of developing a new law for extraordinary crisis situations, though noting that the refugee crisis would not meet the requirements for an extraordinary situation.

An expose in 2018 revealed that the Norwegian Intelligence Service (NIS) had partnered with the US National Security Agency to build a surveillance base whose operations were kept out of public scrutiny. The most controversial aspect was that despite the NIS' mandate forbidding surveillance of Norwegians, the base had collected metadata also on Norwegian citizens (Bye Skille et al., 2018; Moltke, 2018; Stormark, 2018). Critics pointed out that this constituted a breach both of the laws regulating the NIS and freedom of speech (Wessel-Aas, 2018). While the head of NIS vehemently denied that they operated in breach of Norwegian law, the debate highlighted the extent to which Norwegian secret services are operating in a legal grey area, justified by an overarching security threat perception. As one commentator stated in response: 'It is vital to ensure that those who are tasked with protecting Norway's democracy themselves do not violate the values that they are entrusted to protect' (Stormark, 2018).

The Progress Party, which Breivik had been a member of, has been at the forefront of targeting the Labour Party (AP) for not doing enough in response to potential terrorist threats, though with an emphasis on jihadists. In March 2018, the then Norwegian Justice Minister Sylvi Listhaug, from the Progress

Party (FrP), caused an uproar—which would eventually lead to her withdrawal from her post—after publishing a photo on Facebook of masked men from the terrorist group Al-Shabaab, with the comment ‘AP cares more about the rights of terrorists than your security’. The rhetorical attack was by many perceived as particularly tasteless as the Labour Party had been the main target of the largest terrorist attack in Norway. The Facebook post was in response to the Labour Party having rejected, along with a majority in Parliament, a government proposal that would make it possible for the police to strip foreign fighters of their citizenship without prior court proceedings. The Labour Party was not opposed to the measure per se but insisted that it should happen through judicial proceedings. The Justice Minister explicitly played on the value-first based approach of the Labour Party, bluntly stating that this very logic protected the rights of terrorists. The Labour Party leader Støre responded that ‘Norway has a Minister of Justice who deliberately, calculatingly stokes the exact same hatred that took so many lives on 22 July’ (Vignæs and Konstad, 2018), causing a backlash of critique. The Justice Minister’s political advisor, who was responsible for the earlier controversial Facebook statement, criticized the Labour Party leader for turning 22 July into ‘something political’:

Jens Stoltenberg [the former prime minister from the Labour Party] did an outstanding job in uniting everyone [after 22 July], and not making something political out of it—but Støre clearly has other plans. Stoltenberg would never have done that (Espen Teigen quoted in Blaker, 2018, my translation).

On the one hand, the period after 22 July has been marked by a strong symbolic prioritization of liberal-democratic values—particularly freedom of speech—vis-à-vis Breivik. Yet, in other areas, we have witnessed changes that are moving incrementally

towards restricting liberal values, as in increased surveillance powers. Freedom of speech also came at the cost of increased hate speech towards Muslims and immigrants—hate speech that Breivik himself perpetuated—whereas the party at the centre of his attack, the Labour Party, paradoxically remained mostly silent about the connections Breivik had to a central Norwegian political party.

On the exceptional versus the normal: security and values

The Norwegian story after the 22 July attack illustrates the extent to which the relationship between the exceptional—the crisis—and the normal is fundamentally uncertain. Unlike in the 22 July attack, where the threat was specific, individualized and delineated, most security measures happen—as was discussed earlier—in the preventive realm, in the realm of risks and potential threats. What constitutes ‘normal times’ is never given, as liberal-democratic societies in general also have become far more securitized in the period after 9/11. The handling of the Breivik case—from his trial to the terms of his imprisonment—was closely tied up with a performative aspect of wanting to showcase Norway’s liberal-democratic identity even when faced with a crisis. Here, the Norwegian state actively sought to move in the opposite direction of what the logic of security usually implies. Yet, in other parallel processes, security was used in Norway as a rationale for sidestepping some of the values associated with that identity, highlighting the extent to which the logic of security is a pervasive, everyday aspect of liberal-democratic society. Whereas the logic of the exceptional applies in how security measures are bracketed as pauses in the ‘normal’ state of affairs, what constitutes ‘normal’, as non-securitized,

is also increasingly in flux. When threat-perceptions become a persistent and stable part of a society's view of its surroundings, the logic of exception is routinized and is no longer exceptional, but highly normal (cf. Neal, 2012). The policies of security are seen as running parallel but not in contradiction to those values that they seek to defend. In contrast, for states deemed 'authoritarian' such policies are seen as a further cementation of their illiberal politics. Despite illiberal responses in liberal-democratic states, the liberal self-identification remains strong, blurring the boundaries of how security affects our foundational values in both the short- and long-term.

The flipside to the strong emphasis on freedom of speech is to what extent hate speech is taken seriously. In one of the paramount liberal formulations of the principles including freedom of speech, John Stuart Mill emphasized that it could only be limited if people were harmed due to the liberties of others. In the more absolute iterations, the harm principle does not include speech mocking or bashing e.g. religious communities. Norway has leaned towards the more absolutist interpretation of free speech, though with implicit restrictions on what was deemed permissible to openly discuss (in Norway, Breivik's political past). Since terrorist attacks on liberal societies are also portrayed as distinctly symbolic attacks on values, those values become further isolated as part of the reaction—alongside a range of more illiberal policies in the name of security.

In some ways, the rhetoric of values often seen in self-defined liberal-democratic states create an entrapment through the totalized or absolute representations of their identity: no state can only be liberal or illiberal. Political practices will always contain hybridity in terms of values. One of the essential tasks of the modern state is to ensure the security of its citizens. At the same time, the logic of security has developed in such a way that the designation of both specified and unspecified threats—or,

more vaguely, ‘risks’—give the state an enormous amount of power. In states with no pretence of being liberal-democratic, this logic of security often flows into the general logic of governance, and is thus to be expected. Though it is also within the logic of liberal-democratic states to have an open climate for discussion, the spectre of security may easily interfere with that. Paradoxically, due to both high levels of public trust and a wide-spread assumption of the rightness of the government’s response, and in convergence with the logic of secrecy and expediency in security, illiberal practices may end up going under the radar. Security is also a realm of politics, but because security both historically and presently has been spoken about and acted upon in a depoliticized manner, many seem to forget its inherently political character. ‘Security’ is thus more often accepted at face-value as an argument for certain measures, forgetting that what constitutes the right response to a security issue is always political—and thus must also be debated and potentially contested, including when it comes to how it affects our foundational liberal-democratic values.

At the same time, if unknown practices become public—for example through journalistic scrutiny, as in the beforementioned case with the wide-scale US–Norwegian data collection—there is also an available open public space for criticism. As Pastor writes, this is the great strength of liberal systems, in that ‘by encouraging criticism, it defuses destructiveness’ (Pastor quoted in Moshirzadeh, 2011, p. 125). Hence, whereas criticism of securitizing practices is typically struck down in more authoritarian regimes, the logic of self-defined liberal societies is to explicitly open up for criticism and disagreement. Just before this book went to print, the potential democratic value of this form of criticism was illustrated in the Norwegian setting. After the Covid-19 pandemic also hit Norwegian society, the government drafted an emergency law that was to be quickly

processed through parliament, giving the government extensive new powers, and allowing it to sidestep existing law. Yet several prominent legal scholars reacted strongly against both the law and the process, with the parliament subsequently amending the law. In contrast, a Covid-19 state of emergency law issued in Hungary, giving the Prime Minister the right to rule by decree indefinitely, was widely seen as the final nail in the coffin for Hungary's remaining democratic credentials (its liberal credentials already long gone).

In the 2000s, the discourse of security threats is seemingly everywhere—be it from a potential future refugee crisis, a pandemic, an international terrorist threat, gradual (societal) radicalization, or climate crisis. As a consequence, the very constitution of 'normal times' as distinct from 'exceptional times' is increasingly blurred. This matters. It means that security measures are increasingly becoming a part of the normal state of affairs. As this normalization happens, the instincts of citizens to react when faced with new measures might also fade. The threshold for what is deemed 'exceptional' is increasingly elevated, as the 'normal' embodies an increasingly wide range of security measures. With that follows the unavoidable question—what does it mean for an extensively securitized society to be liberal? I leave that question open for reflection, but my hope is that the remaining chapters in this anthology—that deal more specifically with the area of freedom of speech and academia—will address some of those questions more directly.

If there's a lesson to be drawn from my discussion here it's that issue areas designated as realms of security must always be questioned and (re)politicized: in the constant battle between the realm of the exceptional and the realm of the normal, politics has to be front and centre. This means that the impulse on the part of both the public and politicians to accept security as an argument for restricting values should constantly be debated,

and if necessary, challenged. When it comes to academia and the higher education sector, most of the debates happen in that place of the normal rather the immediate and the exceptional. Yet, that also leaves the sector vulnerable to securitizing measures implanted from above within the apparent logic of the normal, be it with regards to counter-radicalization, a pandemic, or in combating extremism. What constitutes the right way to deal with issues of security is never given. Nor is it given that security automatically legitimates a suspension or encroachment of existing laws and rights, including free speech. This might seem like somewhat of a banal point, but given how ‘security’ is being used also in states defined as liberal-democratic, a point that must be frequently repeated.

Notes

1. Academic publications usually take time. My contribution in this anthology was written in 2018, updated in 2019 follow several rounds of peer-review and editorial feedback. As such, the Covid-19 pandemic was not yet an issue. Upon the deadline for the final book manuscript, in March–April 2020, this context had been radically altered: including, in the Norwegian context, a debate around a proposed ‘emergency law’ that I now briefly deal with in this chapter. In Hungary, a state of emergency law was widely criticized by other EU countries for allowing Prime Minister Viktor Orbán to rule by decree without a set time limit. I’m only able to briefly touch upon these issues in this chapter, but how states react to the pandemic is illustrative of arguments that I make in more general terms here.
2. The term ‘liberal’ is inherently contested, used in multiple ways both by political actors and in the academic literature. In this chapter, I refer to ‘liberal’ more or less interchangeably with liberal-democratic states, as those based on the parallel pillars of the rule of law, democracy, human rights, tolerance and protection of minorities, support for civil society and existence of market economy. This is, in terms of specific institutions, how liberals define their own ideology, rather than how that ideology is described from a critical (outside) perspective, where neoliberalism as a specific (co)governing logic is usually given far more attention. For the latter, see for example Nancy Fraser’s or Wendy Brown’s excellent work.

References

- Agamben, G. (2002). ‘The State of Emergency.’ Extract from public lecture. Available at: <http://www.generation-online.org/p/fpagambenschmitt.htm> (Accessed 25 May 2018.)
- Akerhaug, L. (2018). ‘Arbeiderpartiets vinglete antiterrorpolitikk’, *Minerva*, 14 March 2018.
- Andersson, M. (2012). ‘The Debate about Multicultural Norway Before and After 22 July.’ *Global Studies in Culture and Power*, 19, pp. 418–427.
- Balzacq, T. (2008). ‘The Policy Tools of Securitization: Information

- Exchange, EU Foreign and Interior Policies', *JCMS: Journal of Common Market Studies*, 46, pp. 75–100
- Blaker, M. (2018). 'Espen Teigen: – Støre sto for en av de drøyeste påstandene jeg har hørt i norsk politikk.' Nettavisen [online]. Available at: <https://www.nettavisen.no/nyheter/espen-teigen--stre-sto-for-en-av-de-droyeste-pastandene-jeg-har-hrt-i-norsk-politikk/3423429194.html> (Accessed 19 May 2018.)
- Bush, G.W. (2001). 'Address to a Joint Session of Congress and the American people', 20 Sept. 2001. Available at: <https://2001-2009.state.gov/coalition/cr/rm/2001/5025.htm>. (Accessed 15 May 2018.)
- Bush, G.W. (2006). 'Address to the Nation on the Five-Year Anniversary of 9/11', 11 Sept. 2006. Available at: <http://www.americanrhetoric.com/speeches/wariniraq/gwbush911aftersyears.htm>. (Accessed 15 May 2018.)
- Buzan, B., Wæver, O., Wæver, O., and De Wilde, J. (1998). *Security: A New Framework for Analysis*. London: Lynne Rienner Publishers.
- Bye Skille, Ø., Hansen, S., Døvik, O., Lied, H., and Jansson, H.K. (2018). 'Antennene som samler inn data om norske borgere.' NRK [online]. Available at: <https://www.nrk.no/dokumentar/xl/antennene-som-samler-inn-data-om-norske-borgere-1.13881286#authors--expand> (Accessed 20 May 2018.)
- Cameron, D. (2015). Twitter, 7 January 2015. https://twitter.com/david_cameron/status/552793169696681984 (Accessed 2 May 2018.)
- Cowell, A. and Savage, C. (2018). 'Lithuania and Romania Complicit in CIA Prison, European Court Says' [online]. *The New York Times*. Available at: <https://www.nytimes.com/2018/05/31/world/europe/lithuania-romania-cia-torture.html> (Accessed 5 June 2018.)
- Eide, E., Kjølstad, M., and Naper, A. (2013). 'After the 22 July Terror in Norway', *Nordic Journal of Migration Research*, 3, pp. 187–196.
- Falkheimer, J., & Olsson, E.-K. (2015). 'Depoliticizing terror: The news framing of the terrorist attacks in Norway, 22 July 2011.' *Media, War & Conflict*, 8(1), pp. 70–85.
- Figenschou, T.U., and Beyer, A. (2014). 'The Limits of the Debate: How the Oslo Terror Shook the Norwegian Immigration Debate.' *International Journal of Press/Politics*, 19, pp. 430–452.
- Fimreite, A.L., Lango, P., Læg Reid, P., and Rykkja, L.H. (2013). 'After Oslo and Utøya: A Shift in the Balance between Security

- and Liberty in Norway?' *Studies in Conflict and Terrorism*, 36, pp. 839–856.
- Fouche, G., and Doyle, A. (2016). 'Norway Violated Mass Killer Breivik's Human Rights, Court Rules', Reuters, April 20. Available at: <https://www.reuters.com/article/us-norway-breivik-idUSKCN0XH1ME> (Accessed 15 May 2018.)
- Haug Røset, H., and Hopperstad, M.S. (2017). 'PST ønsker generell bevæpning av norsk politi.' VG [online]. Available at: <https://www.vg.no/nyheter/innenriks/i/2MzOG/pst-oensker-generell-bevaepning-av-norsk-politi> (Accessed 1 June 2018.)
- Herborth, B. (2016). 'Everyday Exceptions'. In Hellmann, G., and Herborth, B. (eds.) *Uses of 'the West': Security and the Politics of Order*. Cambridge: Cambridge University Press, pp. 136–155.
- Hoffmann, C. and Moe, V., ed. (2017). 'Holdninger til jøder og muslimer i Norge 2017: Befolkningsundersøkelse og minoritetsstudie'. HL-senteret. Available at: <https://www.hlsenteret.no/aktuelt/nyheter/2017/resultater-holdningsundersokelse.html> (Accessed 25 May 2018.)
- Holm, M. (2017). 'Norge, USA og det liberale verdifellskapet', *Internasjonal Politikk*, 75(1), pp. 1–12.
- Holm, M. (2019). 'Mutual Lack of Introspection and the "Russia Factor" in the Liberal West', *New Perspectives*. 27(1), pp. 7–14.
- Holm, M., and Sending, O.J. (2018). 'States before Relations: On Misrecognition and the Bifurcated Regime of Sovereignty', *Review of International Studies*, 44(5), pp. 829–847.
- Hultgreen, G. (2016). '– Politi og forsvar et demokratisk problem.' Dagbladet [online]. Available at: <https://www.dagbladet.no/nyheter/politi-og-forsvar-et-demokratisk-problem/64004699> (Accessed 25 May 2018.)
- Huysmans, J. (2008). 'The Jargon of Exception—on Schmitt, Agamben and the Absence of Political Society', *International Political Sociology*, 2(2), pp. 165–183.
- Justis- og beredskapsdepartementet (2018). 'Forslag til endring i kommunikasjonskontrollforskriften §18' (Høringsnotat). Regjeringen [online]. Available from: <https://www.regjeringen.no/contentassets/2544735b50954c08910b4ef67a5e6fb4/horingsnotat-forskriftsendring-kontrollutvalget-for-kommunikasjonskontroll.pdf> (Accessed 2 June 2018.)

- Kolås, Å. (2017). 'How Critical Is the Event? Multicultural Norway after 22 July 2011', *Social Identities*, 23, pp. 518–532.
- Lysaker, O. (2018). 'Moralsk ansvar i urolige tider'. In Syse, H. (ed.) *Norge etter 22. juli. Forhandlinger om verdier, identiteter og et motstandsdyktig samfunn*. Oslo: Cappelen Damm Akademisk, pp. 85–107.
- Lührmann, A., and Rooney, B. (2019). 'When Democracy has a Fever: States of Emergency As a Symptom and Accelerator of Autocratization', *V-Dem Working Paper*, 2019:85.
- McPherson, B. (2012). 'Prosecuting Breivik', *The Foreigner* [online]. Available at: <http://theforeigner.no/pages/columns/prosecuting-breivik/> (Accessed 27 May 2018.)
- Moltke, H. (2018). 'Norway Used NSA Technology for Potentially Illegal Spying.' *The Intercept* [online]. Available at: <https://theintercept.com/2018/03/01/norway-nsa-victory-garden-surveillance/> (Accessed 5 June 2018.)
- Moshirzadeh, H. (2011). 'Intercivilizational Dialogue and Global Governance', *Arguing Global Governance: Agency, Lifeworld and Shared Reasoning*, p. 117.
- Muller Myrdahl, E. (2014). 'Recuperating Whiteness in the Injured Nation: Norwegian Identity in the Response to 22 July', *Social Identities*, 20, pp. 486–500.
- Neal, A.W. (2012). 'Normalization and Legislative Exceptionalism: Counterterrorist Lawmaking and the Changing Times of Security Emergencies', *International Political Sociology*, 6, pp. 260–276.
- NRK (2012). 'Jussprofessor: – Breiviks ytringsfrihet kan begrenses'. Available at: https://www.nrk.no/227/artikler/_ytringsfriheten-kan-begrenses-1.8213862 (Accessed 28 May 2018.)
- NRK (2012b). '– Breiviks ytringsfrihet bør begrenses'. Available at: https://www.nrk.no/kultur/_breivik-bor-fratas-ytringsfrihet-1.8210377 (Accessed 28 May 2018.)
- NRK (2012c). 'Derfor får Breivik en «talerstol»'. Available at: https://www.nrk.no/227/artikler/breivik-en-talerstol_-1.8059086 (Accessed 28 May 2018.)
- NRK (2017). 'Borgarting lagmannsrett: Anders Behring Breivik ikke utsatt for menneskerettighetsbrudd'. Available at: <https://www.nrk.no/norge/>

- [borgarting-lagmannsrett -anders-behring-breivik-ikke-utsatt-for-menneskerettighetsbrudd-1.13401871](https://www.borgarting-lagmannsrett.no/utvalgte-saker/borgarting-lagmannsrett-anders-behring-breivik-ikke-utsatt-for-menneskerettighetsbrudd-1.13401871) (Accessed 28 May 2018.)
- Obama, B. (2014). Remarks by the President at the United States Military Academy Commencement Ceremony [online]. The White House. Available at: <https://obamawhitehouse.archives.gov/the-press-office/2014/05/28/remarks-president-united-states-military-academy-commencement-ceremony> (Accessed 5 June 2018.)
- Omdal, S.E. (2014). 'Det enkleste er pistol', *Bergens Tidende* [online]. Available at: <https://www.bt.no/kultur/i/1qLjq/Det-enkleste-er-pistol> (Accessed 5 June 2018.)
- Ottersen, O.P. (2015). 'Anders Behring Breivik is offered admission to the University of Oslo'. Available at: <https://www.uio.no/om/aktuelt/rektors-blogg/2015/anders-behring-breivik-is-offered-admission-to-the-university-of-oslo.html>. (Accessed 26 May 2018.)
- Regjeringen.no (2018). 'Skal vurdere endringer i beredskapslovgivningen', press release, 9 February 2018. Available at: <https://www.regjeringen.no/no/aktuelt/skal-vurdere-endringer-i-beredskapslovgivningen/id2589264/> (Accessed 10 October 2019).
- Roe, P. (2012). 'Is Securitization a "Negative" Concept? Revisiting the Normative Debate over Normal versus Extraordinary Politics', *Security Dialogue*, 43, pp. 249–266.
- Schmitt, C. (1996). *The Concept of the Political*, translated by George Schwab. New Brunswick, NJ: Rutgers University Press.
- Sedgwick, M. (2012). 'Jihadist Ideology, Western Counter-Ideology, and the ABC Model', *Critical Studies on Terrorism*, 5(3), pp. 359–372.
- Skybakmoen, J. (2017). 'Nå snakker Støre om at Breivik var medlem av Fremskrittspartiet.' Filter Nyheter [online]. Available from <http://filternyheter.no/na-snakker-store-om-at-breivik-var-medlem-av-fremskrittspartiet/> (Accessed 2 June 2018.)
- Staksrud, E., Steen-Johnsen, K., Bernard, E., Gustafsson, M.H., Ihlebæk K.A, Midtbøen, A., Sætrang, S., Trygstad, S., and Utheim, M. (2014). 'Status for yringsfriheten i Norge. Resultater fra befolkningsundersøkelsen 2014.' Oslo: Fritt

- Ord, ISF, IMK, FAFO. Available at: <http://ytringsfrihet.no/publikasjon/rapport-ytringsfrihet-i-norge-holdninger-og-erfaringer-i-befolkningen-2014> (Accessed 5 May 2018.)
- Stambøl, E.M. (2016). 'EU Initiatives along the "Cocaine Routes" to Europe: Fighting Drug Trafficking and Terrorism by Proxy?', *Small Wars and Insurgencies*, 27, pp. 302–324.
- Statens Sivilrettsforvaltning (2017). 'Kontrollutvalget for kommunikasjonskontroll'. *Sivilrett* [online]. Available at: <http://www.sivilrett.no/kontrollutvalg-for-kommunikasjonskontroll.424474.no.html> (Accessed 5 June 2018.)
- Stoltenberg, J. (2011). 'Sjokkerende og feigt', 22 July. Available at <https://www.regjeringen.no/no/dokumentarkiv/stoltenberg-ii/smk/taler-og-artikler/2011/sjokkerende-og-feigt/id673127/> (Accessed 16 May 2018.)
- Stormark, K. (2018). 'Hysj-kontrollen bør styrkes, ikke svekkes.' Aldri mer.no [online]. Available at: <https://www.aldrimer.no/hysj-kontrollen-bor-styrkes-ikke-svekkes/> (Accessed 5 June 2018.)
- Tajik, H. (2013). 'Kommentar: Vår demokratiske beredskap.' *VG* [online]. Available from: <https://www.vg.no/nyheter/meninger/i/7e2b4/kommentar-vaar-demokratiske-beredskap> (Accessed 5 June 2018.)
- Van Munster, R. (2004). 'The War on Terrorism: When the Exception Becomes the Rule.' *International Journal for the Semiotics of Law* (Revue internationale de Sémiotique juridique) 17, pp. 141–153.
- Vignæs, M., and Konstad, M. (2018). '– Vi har en regjering som nører opp under hatet som førte til 22. juli.' NRK [online]. Available at: <https://www.nrk.no/norge/kraftig-listhaug-kritikk-fra-store-1.13959298> (Accessed 5 June 2018.)
- Walton, S.J. (2012). 'Anti-feminism and Misogyny in Breivik's "Manifesto"', *NORA – Nordic Journal of Feminist and Gender Research*, 20, pp. 4–11.
- Wessel-Aas, J. (2018). 'Sviket mot Grunnloven.' NRK [online]. Available at: <https://www.nrk.no/ytring/sviket-mot-grunnloven-1.13940422> (Accessed 5 June 2018.)
- Wibe-Lund, T., Ofte Arntsen, E., Jahren, A., and Matre J. (2015). 'Filmskaper fratatt upublisert materiale av PST.' *VG* [online]. Available at: <https://www.vg.no/nyheter/innenriks/i/8gwix/>

[filmskaper-fratatt-upublisert-materiale-av-pst](#) (Accessed 2 June 2016.)

Wiggen, M. (2012). 'Rethinking Anti-Immigration Rhetoric after the Oslo and Utøya Terror Attacks', *New Political Science*, 34, pp. 585–604.

Wilhelmsen, J. (2017). *Russia's Securitization of Chechnya: How War Became Acceptable*. New York: Routledge.

Religious Attire, Equality, Trust, and Freedom of Expression

Lars Gule

Introduction

The discussions of various limitations on freedom of expression in institutions of higher education are at different stages in different (Western) countries. Thus, discussions are different in the US and the UK than they are in Norway. Some of the subjects, especially no-platforming and safe spaces, are under more intense debate outside the country. Nevertheless, it is reasonable to expect that such disputes will influence Norwegian debates as well. Therefore, this chapter draws on the debates and experiences from other countries.

My starting point is that the human right to freedom of expression should be understood in a broad sense. The way we

dress is part of our self-expression. So is hairstyle and beards, piercings, the use of accessories, perfume, bags, the use of pins, etc. We are making statements about who we are as well as our religious and/or political positions in many of these ways. We use our freedom of expression in this broad sense to present ourselves, our identity as we see it, to our surroundings. Accordingly, we can also express different identity political positions.

This broad understanding of freedom of expression is recognized in the European Convention on Human Rights (ECHR), Article 10. This right should not be limited without good cause. However, such reasons exist. They are also set out in the ECHR, Article 10, Section 2:

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are *necessary in a democratic society*, in the interests of national security, territorial integrity or public safety, for the *prevention of disorder or crime*, for the *protection of health* or morals, for the *protection of* the reputation or *rights* of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary (emphasis added).

The emphasized words in this section are what I consider especially relevant in the context of this chapter. For example, piercings are restricted in the medical sector. Because of the danger of infections, doctors and nurses cannot have piercings at work (at least not in the Norwegian health care system). This limitation of their rights would fall under ‘protection of health’, meaning that a person will have to choose between practising as a doctor or nurse or have piercings. Accordingly, based on the evidence-based knowledge we have of infections, it cannot be a human right to practice as a nurse or doctor with piercings.

The ‘protection of health’ implies a no-right to cause harm to others. This would also be a violation of the (human) rights of others. Thus, one individual’s (human) rights end where they conflict with those of others. The violation of someone’s human rights might cause offence but being offended, i.e. having one’s feelings hurt, is not proof of a violation of rights. Thus, a distinction between violating human rights and having one’s feelings hurt should be made. I will argue that covering one’s face in communication with others, certain forms of no-platforming, trigger warnings, and safe spaces are practices that can violate the rights of others, not only hurt their feelings.

The unacceptability of practices that represent harm to others, by limiting the freedom of others, for example, can be extended to expressions. The harm to others that expressions can do comprises verbal attacks on human dignity and the equal enjoyment of all human rights. A source of inspiration here is the work of Jeremy Waldron (see especially Waldron, 2012). More generally, my understanding of human rights is spelt out in my doctoral dissertation (Gule, 2003).

This dual perspective—freedom/right vs harm to others—can also be expressed in a different way. On the one hand, it concerns freedoms and rights, and on the other hand, the conditions for and quality of communication that is required in an academic institution. Based on centuries of experience, it is safe to say that research and teaching are best carried out in an environment where communication between scholars and between scholars and students, is based on openness and equality. This is the basis of intersubjective knowledge. Thus, open and equal communication is an epistemological condition for the creation, discovery, and/or development of scientific knowledge. This means that it is necessary to find a balance between freedom of expression and the need to ensure the required conditions of communication—openness, equality, and trust. Thus, the

conscious or willed reduction or degradation of these conditions could be called ‘harm to others’.

Religious dress and freedom of expression

In June 2018, the Norwegian Parliament (Stortinget) adopted amendments to the various Norwegian laws on education. The amendments introduced a ban on facial coverings in all teaching situations (Regjeringa, 2018). The ban was a result of worries about the use of *niqab* by some pupils and students and had been under political discussion for some time. It is not a general ban on facial coverings on campus (nor in public in general) but in situations of instruction.

The human right to freedom of expression means that there must be generous leeway for the use of religious apparel, like turbans, *hijabs*, *kippahs*, and *niqabs*. The yardstick for acceptance or rejection must be whether or not the clothing limits the rights of others, not whether it causes offence (hurt feelings). This is also pointed out by the Ministry of Education and Research in their presentation of the new law (Regjeringa, 2018, p. 36). This requires an exploration of what such limitations on the rights of others entail. It is obvious, as in the case of possible infections, that physical harm—pain, injuries, the (potential) spreading of diseases—violates the rights of others. So does psychological harm, even though it can be more difficult to document than physical harm, like a broken arm or a serious infection.

However, the violations of the rights of others must be—and is—understood in a broader sense than the infliction of physical and psychological injuries. It is also about illegitimate limitations of the freedoms of others. For example, it is an unacceptable limitation of someone’s freedom to say that he/she is not allowed to drink alcohol because someone else does not drink (being a

teetotaller or for religious reasons). In the same way, a vegan cannot impose his/her veganism on everybody else. Of course, freedom of expression gives both the vegan and the teetotaller the right to argue their case, but they have no right to impose their position on others, not even by majority decision.

This is relevant in academic institutions when it comes to what should be served in canteens and cafeterias on campus. Resources will often limit the choices on a menu. What is clear is that no one can demand that their dietary requirements should trump all other considerations. Thus, Muslims and Jews cannot demand completely *halal* and/or *kosher* kitchens. 1) This would limit the dietary choices of others, and 2) would require the use of resources beyond what is reasonable. Such use of resources would in most cases limit the freedom of both the institutions and its staff and students in their pursuits of knowledge because these resources should be (better?) used for research and teaching, i.e. in realizing the purpose of the institution.¹

These reflections are relevant for the question of religious attire: can some forms of apparel represent limitations of the rights of others? Not in a physical sense but in limiting the freedom of others in unacceptable ways. In general, clothing cannot be said to do this. Some might find some forms of clothing—or perhaps the lack of it—offensive, provocative, or indecent. Nevertheless, that does not represent harm to others or limit their freedom.

Free and equal communication

However, communication might be limited by clothing as we know that communication goes beyond speech. Modern linguistics and semiotics will also emphasize that communication between people goes beyond words, involving, for example, body language, facial expressions, and tone of voice. Moreover,

clothes, symbols, and music are also ways of communicating. Within this paradigm, a discourse must not necessarily contain verbal language, but may as well consist of action, objects, movement, music, etc. Thus, it is no longer assumed that a communication situation is monomodal, where there is only one form of expression, one so-called modality, that is effective in creating meaning. Communication is multimodal. We have seen a shift from the one-sided emphasis on verbal language towards communication in a wider sense (see Bateman, Wildfeuer, and Hiippala, 2017, and many others). This implies that our understanding of reality is not exclusively created through the words we choose to use, but also through a number of other 'semiotic resources'. 'Semiotic resources' is a term from social semiotics, based on the idea that meaning is created in social interaction, and accordingly, the term semiotic resources is used as a broader expression than 'signs' in 'classical' semiotics.

Much of the body language that is relevant here, in teaching situations, is facial, i.e. related to facial expressions. We could emphasize the importance of seeing the other's face in physiological-psychological terms by referring to the growing insights into the significance of mimicry and the relevance of mirror neurons in interpersonal relations (Gallese, 2008). Seeing the face of those we communicate with, is important for social cohesion and bonding, factors that are important in establishing the trust that is required to establish a common understanding of the meaning of words, gestures, etc. It is only because we have the broader experience of multimodal communication, that we can trust our understanding of words in monomodal settings—for example, when we talk on the phone or listen to the radio. Thus, limiting communication to a monomodal type in an academic setting would be a profound reduction of the possibility to express ourselves and convey meaning in a broader sense than through the material on the reading lists. The multimodality of

communication is part of how intersubjectivity of knowledge is established.

However, I will also argue in a more philosophical-ethical way, drawing on some elements in the philosophy of Emmanuel Levinas (1906–1995). For Levinas, seeing ‘the face’ of the other is of the highest importance as it establishes the fundamental ethical responsibility towards the other (e.g., Levinas, 2006, p. 31ff). By ‘face’ Levinas means the human face but as an abstraction (ibid, p. 39). Nevertheless, even if he saw the first unreflective encounter with the face as the ‘living presence’ of another person and, therefore, as something experienced socially and ethically, the specific face would still be important. ‘The face is a living presence; it is expression. . . . The face speaks. The manifestation of the face is always discourse.’ (Levinas, 1991, p. 66). Levinas’ position is succinctly summarized in the following:

‘Living presence,’ for Levinas, would imply that the other person (as someone genuinely other than myself) is exposed to me and expresses him or herself simply by being there as an undeniable reality that I cannot reduce to images or ideas in my head. This impossibility of capturing the other conceptually or otherwise indicates the other’s ‘infinity’ (i.e., irreducibility to a finite [bounded] entity over which I can have power). The other person is, of course, exposed and expressive in other ways than through the literal face (e.g., through speech, gesture, action, and bodily presence generally), but the face is the most exposed, most vulnerable, and most expressive aspect of the other’s presence (Braungardt, n.d.).

It is not necessary to accept all of Levinas’ (quite impenetrable) philosophy in order to agree with him on the importance of seeing the other’s face so as to recognize the other as a person with dignity and human rights. Another philosophical approach could be that of Socrates (d. 399 BCE), the dialogical method

(see paragraph on pedagogy below). It is difficult to understand how a serious and open dialogue could be carried out between persons on an equal footing if one person—teacher or student—insists on remaining hidden behind a mask.

But, how can it be a violation of someone's rights if 'the other' does not want to reveal his or her face? It is the covered person whose humanity cannot be fully recognized by others. Is this not an individual choice, an individual right to not be identified? In many circumstances, this is so. On the street, one can wear whatever one finds suitable—or deems religiously required.² The situation changes when someone wants to communicate with others and especially if they want to be part of a community. 'Community' and 'communication' both relate to something common, something shared. The word university itself is derived from the Latin *universitas magistrorum et scholarium*, roughly meaning 'community of teachers and scholars'. Being part of a community—e.g. a university or an academic community—means sharing interests, approaches, methods, space (in several ways) as well as languages (common and technical). It also entails interpersonal relations, recognition, and responsibilities. In short, one cannot be a full member of an academic community with its lectures, seminars, and conferences, as well as be part of the campus environment, if one is 'absent', i.e. facially anonymous. This present 'absence' of the person with his or her face covered limits the possibility of everybody else for full and equal communication with the person.

This limitation of the full and equal communication limits the communicative freedom of everybody else when we see communication as a reciprocal process. The quality of communication is reduced. This means that the covered person imposes his/her communicative restriction on others, much in the same way as a teetotaler would impose his/her non-drinking of alcohol on everybody else. This is a limitation of the freedom *in* communication that is unacceptable because the

non-anonymous communicants cannot withdraw from the communicative situation when they are in an academic setting.

Freedom in communication comprises the right to understand the other(s), the communication partner(s), on equal terms. Of course, anyone can retain or not divulge information, about themselves or other matters, in communicative settings, but this would reduce the possibility for others to understand. One could argue that this is something we always do as we never give out our whole life story, including medical records etc., when communicating with others. However, no one is saying that one needs to know everything about a person to understand him or her. The distinguishing criterion here is relevance. While childhood experiences can be relevant in some cases (and should be divulged when relevant), the face is almost always relevant in direct communication—for the reasons given above.

Someone who is hiding her/his face from others is not communicating in an open and equal way. That person is concealing an important part of the communicative context and thus depriving the communicating party of a significant portion of what is needed in order to understand what is communicated. This is limiting the freedom of others by placing an unequal burden of communication on the non-covered party in the communicating relationship, as well as reducing the quality of communication, thus representing harm to others.

In many contexts—on the street, for instance—there is no obligation to communicate with everyone. If someone with a facial covering—veil, crash helmet with the visor down, huge sunglasses—approaches me for directions, I can turn my back or walk away. I am not obliged to accept the inequality of the communicative situation and can remove myself. This is different for both teachers and fellow students. They cannot just leave or turn their backs. This is why facial covering is not acceptable in teaching situations.

This means that apparel that limits access to the faces of the communicating parties hinders communication. It makes it more difficult to assess meanings—especially meanings in context. Is the speaker sad, happy, joking, using irony, etc.? What is the impact of the words spoken to the covered person? Do they create strong emotions or is the recipient oblivious to the joke, the irony, the insult? None of this can be ascertained if the ‘speakers’ are hiding their faces. (It might still be difficult to ascertain the meaning, but that is not an excuse for ‘artificial’ limitations of the possibility to discover the context.)

Pedagogy

Pedagogy can be understood as the art and act of teaching. As a theoretical discipline pedagogy draws on other disciplines such as psychology and sociology. Within this framework, the above reflections are relevant to the understanding of the pedagogical situation, i.e. the act of teaching.

Accordingly, based on the pedagogical considerations related to all the reasons articulated above, it is important for teachers to see the faces of pupils and students. This is a way of ascertaining that they understand what is being taught in class—there and then. It will make the teacher or lecturer able to adjust his/her use of words, tone of voice, gestures, examples, illustrations on the blackboard etc., to suit the level of knowledge of the pupils or students.

There are many pedagogical approaches and methods, but an ideal is still the maieutic method of Socrates (or Plato; Leigh, 2007). This method is a form of a cooperative argumentative dialogue between individuals, based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presuppositions—a method that is very suitable

in academic settings. It is a dialectical method, involving an open discussion between (nominally) equal partners in which the defence of one point of view is questioned; one participant may lead others to contradict themselves in some way, thus weakening the defender's point. Again, openness, transparency, and trust are required, but also developed in such a setting but only if the participants are on an equal footing.

It is not only this Socratic or Platonic method that requires equality and openness in the communication between the participants in the teaching situation. Many modern pedagogical methods emphasize the importance of avoiding authoritarian approaches where the teacher or lecturer only speaks to rather than with the pupils/students.

It is hard to see that classes where (some or all) students have their faces covered represent an optimal teaching environment. It is even more important that the pupils and students can see the face of the teacher. This is highly relevant in our context, where the teacher/lecturer must have the same 'right' to hide his/her face as pupils/students. Of course, there are important differences between teachers/lecturers and pupils/students, but as we are discussing a mainly religiously motivated face veil, the religious argument cannot be relevant to or valid for only one side in the communicative situation. If the argument is based on freedom of religion, it must apply equally to both teacher and student. It is hard to envision sound arguments for differing degrees of religious freedom for teachers and students. For example, if teachers can wear a turban, kippa, or hijab, pupils and students should also be able to wear such apparel, and vice versa. Accordingly, if there are sound reasons for why teachers cannot cover their faces, it follows that neither can students.

Thus, based on pedagogical knowledge it would seem clear that facial coverings prevent the parting of knowledge from teachers and lecturers if they wear it, and that it makes it difficult

to impart knowledge to pupils/students who wear it. Consequently, wearing facial coverings in teaching situations represents an infringement of the rights of others, the right of those who do not cover their faces to have the best possible teaching environment and the best possible way of learning.

Trust vs suspicion

Trust has already been mentioned (for more on the importance of trust, see Grimen, 2007). Social interaction relies on trust. Trust can be defined as a firm belief in the reliability, truth, or ability of someone or something. Your trust in someone is your belief that they are honest and sincere and will not deliberately do anything to harm you.

Trust depends on openness and transparency, i.e. knowledge of whom we are associating with. This transparency requires at least a visual access to the others' faces. Furthermore, based on the philosophical reflections above about human dignity, human rights, and mutual responsibility, trust is also based on these factors. They all imply equality. Someone who is hiding him- or herself from the others in a community, undermines trust. It is hard to trust someone who is not present, who has withdrawn from the social relations with others. If a withdrawn person appears anonymously (masked), it is hard to avoid the perception of being spied upon by that person.

Thus, a masked person—e.g. someone wearing a face veil—will be the object of suspicion. That person can also be seen as a threat. The suspicion will, of course, be stronger if you do not meet the person and learn who is behind the mask. However, the academic setting is wider than the closer interpersonal relations that can be established in a class (despite the inequality in the communicative situation). Academia consists of numerous

students, staff, auditoriums, canteens, and outdoor spaces. A campus represents the physical and intellectual setting where trust—including openness, transparency, non-suspicion, and confidence—is of utmost importance for the free pursuit of academic objectives. Accordingly, masked persons on campus undermine trust and violate the rights of others to have the best possible access to academic knowledge, as it also reduces the conditions for intersubjectivity. Wearing a face veil is not a way to practice freedom of expression on campuses. It represents an individual or group identity and, therefore, an identity political position. This contradicts the ethos of the university as a common community, a space for all teachers and students as scholars (and not as Christians, Muslims, Jews, Communists, Conservatives, Feminists, etc.; such identities should be secondary and subordinated the role and identity as scholars in the academic setting).

Merit and professional requirements

Openness, transparency, and trust in academia are fundamental to academia's meritocratic arrangement. If the meritocratic academic system is going to work, it is dependent on honesty, accountability, and confidence. Movement through the system, whether promotions for academic staff or the successive gaining of degrees, is based on merit. This also means that the 'right to education', especially on an academic level, is a limited right. One cannot demand the right to an education if one is unqualified. Thus, qualification assessments are part of the process of progress in education.

Sometimes this assessment goes beyond a valuation of the knowledge acquired. It will also imply an assessment of how the pupil or student acquires knowledge. Does it require special

conditions or measures? Can the pupil/student be taught with others, or does it require individual tuition? Does the student behave in a way that makes it impossible to impart knowledge to her/him in a class with others? Finally, it is a question of suitability. For a number of educations, e.g. teachers and nurses, suitability assessments are part of the overall education process. If personality traits or religious demands make it impossible to live up to or practice the professional standards required by higher education providers and professional unions, then that person has disqualified him-/herself from the study program as well.

Nor can the argument that a face veil is a religious requirement override the theoretical and pedagogical considerations of communication outlined above. That can open the door to other religious practices that will limit the freedom of others, perhaps in a discriminatory way, and/or impose unacceptable costs on the institutions. For instance, one cannot argue that one's religion forbids one to receive instruction from a male (or female) teacher or supervisor and have such a demand accepted.

Furthermore, in many cases, universities train people for professions. In most cases, modern professional ethics do not accept discrimination between the sexes. Thus, training someone on a gender-differentiated basis and then expecting them to behave in a non-discriminating way when they start their professional careers, as teachers, doctors, nurses, social workers, etc., makes no sense. Then the trainees—professionals in the bud—have not been adequately prepared for their 'real-life' work. In short, if they have been allowed to wear facial coverings during their education, they have been given substandard training not suited for their expected professional behaviour. This is not a way to understand freedom of expression in universities.

Freedom of expression and the need for no-platforming

No-platforming can be understood in a limited way as the policy of the British National Union of Students (NUS) that prevents the organizations it lists, which are known to hold racist or fascist views, from speaking at NUS events. This policy also says that NUS officers should not take part in public events with members of these groups (Equality and Human Rights Commission, 2019, p. 35).

With this limited understanding of no-platforming, it is an NUS policy only. Of course, no-platforming can be understood more broadly, even in a generic sense. In its broadest meaning, no-platforming would be any decision not to invite or allow someone to speak at or otherwise participate in an event because of the views of the non-invited person. However, this is a very broad understanding of no-platforming. It would also include any editorial decision not to publish someone's letter to the editor, reject a paper at a conference because of its poor content, not invite a guest lecturer because of certain absurd positions, or lack of pedagogical ability to impart information, etc. In short, one could see no-platforming as the consequence of any editorial or academic decision not to publish or invite someone if the reasons are related to content (and not practical or financial).

Thus, we see that no-platforming can be construed as a wide concept and something occurring every day and as something necessary and unavoidable. It is part of the responsibility of editors, academics, and other institutions. In this sense, everyday no-platforming decisions are part of academic freedom and not a limitation of freedom of expression. No one should be able to oblige someone responsible for an academic course to invite a certain speaker. And no one should have the power to prevent the same responsible academic from inviting a certain guest

lecturer. The non-invitation or non-publication of someone could also be important to ensure the widest possible freedom of expression for others.

In the same way, no one should be able to oblige a student group or union to invite someone for an event or debate. The student group should be solely responsible for whom they invite—and not invite or un-invite. Their reasons are their reasons. This relates to both freedoms of organization and expression.

Whether no-platform policies and practices are a threat to academic freedom or not, depends on, *inter alia*, two factors: why and how the policy is implemented. If a no-platform policy is implemented in order to prevent someone from violating the human dignity and human rights of others, this is a legitimate position, cf. the NUS policy against racists and Nazis. Even if it is not possible to predict whether someone is going to make utterances that will denigrate the human dignity and violate the rights of others, it can be acceptable not to invite or even un-invite, i.e. no-platform, someone whose position otherwise would be legitimized by the person's participation in the event, on the same platform, with serious non-violating participants.

The US group Foundation for Individual Rights in Education (FIRE) has a narrower understanding of no-platforming, calling it 'disinvitation':

The term 'disinvitation incident' is used to describe the controversies on campus that arise throughout the year whenever segments of the campus community demand that an invited speaker not be allowed to speak (as opposed to merely expressing disagreement with, or even protesting, an invited speaker's views or positions). We make a distinction between an attempt to censor a speaker and the actual end result of a

speaker not speaking. ‘Disinvitation incidents’ is the broadest category, including ‘unsuccessful disinvitation attempts’ and ‘successful disinvitations’ (Foundation for Individual Rights in Education, 2016).

FIRE claims that not only are unsuccessful disinvitation attempts increasing but so too are successful disinvitations, which fall into three categories:

1. Formal disinvitation from the speaking engagement.
2. Withdrawal by the speaker in the face of disinvitation demands.
3. ‘Heckler’s vetoes’—in which students or faculty persistently disrupt or entirely prevent the speakers’ ability to speak.

According to FIRE’s database, the number has been increasing over the last 20 years (Foundation for Individual Rights in Education, n.d.).

In a restricted sense, the non-invitation of a person who is seen as lacking academic merits or having views that dehumanize individuals or groups, would not be an example of no-platforming. However, if a person has been invited and then upon second thought is un-invited, it would be an example of no-platforming according to not only FIRE, but also the British Equality and Human Rights Commission. If the views expressed were not unlawful, then according to British law, such no-platforming would be illegal (Equality and Human Rights Commission, 2019, p. 37). As it is difficult to know in advance what a speaker will say at a future event, there are several problems here.

If the un-invitation of a speaker is the result of outside pressure (from others than the organizers of the event), the organizers could be held responsible for a violation of Section 43 of the Education (No 2) Act 1986. Section 43 places a legal duty on universities and other higher education providers to take ‘reasonably practicable’ steps to ensure freedom of speech within the law for their members, students, employees, and visiting speakers (Equality and Human Rights Commission, 2019, p. 13). This can be seen as a positive defence of the freedom of expression but represents a problem for the freedom of organizers to change their mind.

This duty to defend freedom of expression in universities means that ‘reasonable steps’ include acts to prevent protesters from disrupting the event. Thus, it is not acceptable to bow to pressure from protesters. However, protesters also have a right to express their views and should be allowed peaceful protest against an event or speaker (Equality and Human Rights Commission, 2019, p. 36).

On the other hand, the Prevent duty has made it an obligation incumbent on all academic institutions, to no-platform extremists (more on this in the section on ‘Preventing extremism’). However, if a responsible academic person or a student group is obliged by law or public regulation to receive acceptance from someone—an approving or controlling body at the university—this amounts to censorship. Censorship is the scrutiny of (assumed or expected) content of any form of public expression of ideas, meanings, opinions in books, films, newspapers, etc., including public speaking and lectures, intending to prevent or suppress undesired expressions (Anastaplo, 1997). ‘Undesired expressions’ can comprise what is seen as obscene, politically unacceptable, or a threat to security or public order.

Historically, censorship has been carried out by state organs, often regulated by law, even if often practised without legal

foundations in authoritarian regimes or dictatorships (Anastaplo, 1997). Thus, if the state makes it mandatory through laws to screen invited lecturers before they are invited, this represents direct control over academic activities. This is also the case for extracurricular activities on campus organized by student groups.

Censorship must be distinguished from the non-publication of articles, non-invitation of lecturers, etc. for various reasons by private actors, e.g. editors, voluntary organizations, student unions, etc. Such institutions often have as their *raison d'être* the propagation of certain views, opinions, and ideas, and cannot be obliged to become platforms for contrary opinions. This would also be an infringement of both freedom of expression and organization.

No-platforming in the broadest sense represents a challenge to freedom of expression in academia because this could prevent important but controversial persons from speaking. Still, there are reasonable limits to whom one should offer a platform. On the other hand, the denial of a platform to persons because they hold controversial opinions or because someone might be provoked, have his/her feelings hurt or be offended, is unacceptable. However, it might be right to deny someone a platform to avoid giving legitimacy (see below) to certain expressions. Where to draw the line is not always easy to determine—and it is probably not possible to establish definite guidelines in this area.

A general guideline is that human dignity and human rights of individuals and groups should not be violated. Then, however, the challenge is to ascertain when to prevent someone from speaking based on an assumption that something violating human dignity and human rights will be expressed. The alternative might be to let the person speak (no no-platforming!) and then react—with condemnation or prosecution—after the fact.

Safe spaces and trigger warnings

So-called safe spaces can be a place (e.g. on a university or college campus) intended to be free of bias, conflict, criticism, or potentially threatening actions, ideas, or conversations. It can be a term for an area or forum where marginalized groups can avoid mainstream stereotypes and thus the groups can avoid (confirmation of) marginalization. The aim could be to create welcoming, inclusive environments on campus.

Alternatively, it can be a 'space' in which a shared political or social viewpoint is required for participation. Then a feminist safe space, for example, would not allow free expression of anti-feminist viewpoints or perhaps not even positions critical of central feminist tenets. These types of safe spaces represent a serious challenge to freedom of expression in universities because they can be seen as a form of no-platforming of approaches critical to the ideas protected by the safe space. How this is practised becomes important.

Physical safe spaces for certain people or groups—women, minorities—are meant to protect the select group from oppression, harm, or even re-traumatization, as for example in safe spaces for battered and raped women. Women-only classes and workshops are also such safe spaces. Such physical safe spaces are often reserved for members of the oppressed group only. In this form, safe spaces are initially unproblematic—when it is understood as an area where oppressed, harmed, and traumatized people for a period of time can avoid meeting perceived threatening situations. However, when everywhere is meant to be a safe space where no conflicts or perceived threats should occur, 'censoring' bodies will have to enforce safe space standards established on the basis of what might amount to subjective perceptions or specific identity policies.

Of course, everywhere should be a safe space from violence and crime, including threats of violence and violations of human

dignity and human rights. This does not entail a right to not be offended, provoked, or having one's feelings hurt. Nor does it mean a right not to have one's opinions challenged. There cannot be a safe space from this—not in a free society and especially not in serious academic institutions. In academia, it is important to expose students and staff to new and provocative, even offensive, knowledge. To be provoked can be part of the learning process. It is essential to the development of critical thinking and research.

Thus, expanding safe spaces, beyond relevant therapeutic contexts, can be a threat to freedom of expression. Such safe spaces 'have been cited as a reason why freedom of expression may be restricted by SUs [Student Unions], although actual examples are hard to find' (Equality and Human Rights Commission, 2019, p. 39).

Trigger warnings represent a form of mental safe space. They can be defined as written warnings to alert students in advance that material assigned to a course might be upsetting or offensive (National Coalition Against Censorship, 2015, p. 3). They are meant to give students (and others) a chance to deselect or discard certain forms of knowledge. This can be provocative literature or a controversial lecturer.

In certain circumstances, one can understand that, for example, raped women do not want to read novels in an English literature class that can be retraumatizing, or that Jews do not want to read *Mein Kampf* in a political philosophy or political science class. Nevertheless, confronting such provocative literature, films, or other forms of expression are often necessary in order to gain knowledge and understanding. It would be a dangerous loss to education, research, and the accumulation of knowledge to attempt to sanitize students' reading material and curricula from what often is subjectively perceived as injurious.

Another matter is to inform students and others in advance of the content of texts, films, and lectures so they can be mentally prepared to handle what is presented. To shock students and others just for the shock effect, is hardly a pedagogical principle to be generally endorsed.

All in all, safe spaces and trigger warnings in the form of zones and information that will prevent re-traumatization and shock effects are no threat to freedom of expression in academia. However, defining what safe spaces and trigger warnings are too broadly do represent such a threat. A continuous and concrete discussion on where to draw the lines will always be necessary. The guiding principle should, again, be to avoid violating the human dignity of others, including avoiding unnecessary restrictions on the freedom of others.

The discussion about safe spaces and trigger warnings was preceded by, in the late 1980s and early 1990s, and is interrelated with the discussion of speech codes at American universities. This was controversial and has been the matter for court proceedings (Larsen, Lohman and Slavensky, 2013, p. 193ff). The United States District Court for the Eastern District of Michigan has struck down a speech code at the University of Michigan, indicating that too broad speech codes seeking to prohibit hate speech probably violate the First Amendment (*Doe vs University of Michigan*, 1989). Rather than using self-identified speech codes, such language has been more successfully challenged through harassment policies, diversity mandates.

Discriminatory harassment includes conduct (oral, written, graphic or physical) directed against any person or, group of persons because of their race, color, national origin, religion, sex, sexual orientation, age, disability, or veteran's status and that has the purpose or reasonably foreseeable effect of creating an offensive,

demeaning, intimidating, or hostile environment for that person or group of persons (Uelmen, 1990).

The arguments against codes to prevent verbal harassment or hate speech are that the costs of enforcing such codes far outweigh their benefits. Threatened by 'politically correct' students who are backed by hate speech codes, students who have reasonable, yet nonconforming points of view, will be afraid to speak in classes, i.e. there will be a chilling effect. Hate speech codes encourage an artificial reality on campus that prevents students from learning to tolerate diversity effectively. Furthermore, hate speech codes may obstruct the kind of education that promotes tolerance of diversity in other ways. Over time, the same fervour that brought forth hate speech codes, will bring further restrictions by administrators eager to create egalitarian institutions in a nonegalitarian world (Uelmen, 1990). Some of these arguments are echoed in the views opposing trigger warnings and safe spaces.

Non-legitimizing hate speech

Universities are prestigious institutions. This prestige is established through the quality of their staff and research record. This, in turn, gives legitimacy to the knowledge disseminating from universities. It is seen as trustworthy and even as more trustworthy than other forms of information and knowledge. Thus, universities are not value neutral as they represent the value of truth to a very high degree. Their prestige, if not directly endorsing certain opinions, nevertheless institutionally legitimates the views of guest speakers, lecturers, and others given a university platform.

If the opinions are controversial or offensive, this should not be a problem. Then the ensuing academic and public debate will

balance the matter. If someone is invited to present a theory of a flat earth, it would only diminish the status of the university that allows such absurdities. This is because the position that the earth is flat is easily rejected on empirical grounds. Of course, a university or other institutions of higher learning should not invite a flat earther to speak as it would be a waste of time to listen and refute already refuted ideas. Thus, they would also avoid giving legitimacy to absurdities.

However, if a Holocaust revisionist or denier is invited—to give a lecture, participate in a conference or a panel—much more is at stake than the empirical facts. Holocaust denial carries with it a normative position as well—that of anti-Semitism. While the empirical facts can be set straight, the implied anti-Semitic sentiment represents an attack on the human dignity of Jews. This is not acceptable and should not be given legitimacy.

Legitimacy means that something is in accord with laws, rules, and regulations. However, it also means that something is in accord with values. When truth is an important value associated with universities, it gives legitimacy to the information circulated from them as something true. Furthermore, in their quest for truth, universities are also seen as moral institutions because truthfulness and trustworthiness are moral norms. Universities are also bound by ethical standards in their research and teaching activities. These standards should fit within the overall standards set by human dignity and human rights.

This means that the legitimacy given to a Holocaust-denying guest lecturer is the same as respecting the right to attack the human dignity of others. This is morally wrong but follows from seeing the Holocaust denier's position as a position of equal worth to positions defending human dignity. However, these positions are not 'equal but contrary'. They are of unequal worth because it is morally reprehensible to deny someone full equality in human dignity and rights. Speech advocating such positions could also

be called hate speech (Waldron, 2012; Nilsen 2014). This form of speech also undermines democracy by stating that someone does not have the same rights as others in a democratic polity. Racist, anti-Semitic, Islamophobic, homophobic, and other positions (ideas or ideologies) that attack and undermine the human dignity and human rights of persons and groups, represent a threat to freedom of expression because such positions implicitly deny the equal right of some persons or groups to express themselves—and take part in democratic processes. On the concrete level of discourse, giving legitimacy to those who attack the human dignity of others can also have a chilling effect that reduces overall freedom of expression at universities and in society.

These are strong arguments for no-platforming (and establishing a ‘safe space’ from) those who attack the human dignity of others, at universities and elsewhere.

Preventing extremism

In many countries, the authorities are developing laws and programs to prevent the growth of violent extremism, e.g. Norway, the UK, the US. This in itself laudable aim can, however, be turned into a tool for government control of academic activities. As noted above, it can become an instrument for government no-platforming—in reality, censorship.

Britain is perhaps the Western country that has gone furthest in establishing laws for this purpose. The Prevent strategy, published by the British government in 2011, is part of their overall counterterrorism strategy, CONTEST. The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people from becoming terrorists or supporting terrorism. The Prevent duty became law through Section 26 of the Counter-Terrorism and Security Act 2015. In the Act, the duty

has simply been expressed as the need to ‘prevent people from being drawn into terrorism’.

This duty applies to all higher education providers, schools, and registered early years providers and obligates due regard to prevent people from being drawn into terrorism. In order to prevent this, all staff at universities must be alert to any reason for concern in a student’s life. This includes awareness of the expression of extremist views. In this context, extremist views are considered those that oppose—or merely critiques?—so-called British values. These are defined as a set of four values, i.e. democracy, the rule of law, individual liberty, and mutual respect and tolerance for different faiths and beliefs.

The term ‘due regard’ as used in the Act means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions (HM Government, 2015, p. 2).

This leaves a wide margin of discretion to the individual institutions, even if due regard to protect freedom of expression is also expected.

In view of this, the British system, based on the Prevent duty, where both academics and student groups are required to obtain prior approval for the guest lecturers or speakers they want to invite, is very problematic. Censorship is a clear threat to freedom of expression and academic freedom.

Norway might be moving in the same direction. In February 2019, the government published the following recommendation in a press release:

Samtidig er det viktig å klargjøre hvilke arrangementer og aktiviteter som ikke bør tillates på campus, og hvem som har ansvar

for å gi råd om dette. Både institusjonsledelse, samskipnader og studentforeninger må være bevisst på hvilke organisasjoner som bruker campus. Her er det viktig å kombinere stor takhøyde for organisasjonsfrihet og debatt med et bevisst blikk på hva de ulike organisasjonene og foredragsholderne står for og hvordan de jobber, samt hva som er lovlig. Det anbefales å ha egne retningslinjer samt egenerklæring for arrangementer i institusjonens lokaler eller på campus generelt (Regjeringen, 2019).

While this press release is not available in English, it was based on the original recommendation (in point 8.I.f) from the Council on Civil Protection and Preparedness in the Knowledge Sector (Beredskapsrådet), available in English translation:

It is important to be clear and specific about which events and activities that *should not be permitted on campus and the person responsible for providing advice on this*. Both institutional management, student unions and student associations must be aware of the organizations that actively use the campus. Here it is important to combine generous freedom of organization and debate with a scrutiny of what the various organizations and lecturers stand for and how they work, as well as of what is legal. *It is advisable to stipulate specific guidelines along with self-declarations for events arranged on the institution's premises or on campus in general* (Beredskapsrådet, 2019; emphasis added).

If this recommendation is implemented, it means that someone will be responsible for clarifying which events and activities should not be allowed on campus. Someone will be made responsible for giving advice on this. It is difficult to see who this person should be. Furthermore, guidelines will have to be made, and forms for self-declaration of events on the institution's premises or on campus, in general, must also be made available.

However, for this to make any sense, someone will have to review these self-declarations before the events take place. Thus, we are not talking about self-declaration in the form of registering (as in a logbook) the event but getting the event, the speaker or lecturer, approved in advance.

In effect, this recommendation amounts to approval of censorship. It does not help that the intention is good, that high regard for organizational freedom and free debate is also recommended. In principle, this represents a problematic limitation of freedom of expression and academic freedom.

These recommendations are made with the intention of preventing so-called radicalization and violent extremism, but this approach to extremism also represents an official and very problematic version of no-platforming.

Nevertheless, there is a challenge here between the legitimate no-platforming of extremism that attacks human dignity and human rights—hate speech (see previous section)—and the danger of too broad censorship. Defending freedom of expression while preventing the spread of hate speech is a difficult but necessary task, especially in academia. Not undertaking the task will undermine the general trust we—the public—should have in academic institutions.

Trust and academic freedom

Trust is essential in all communities, including in academia. All social interaction relies on trust (Grimen, 2017). To meet someone with trust also implies self-disclosure and -exposure (Nyeng, 1999, p. 113; see also Løgstrup, 1991). It is the opposite of hiding one's positions and opinions—and one's face.

A vital academic community rests on the trust engendered through openness and equality. One could also say that 'academic

trust' is synonymous with—or a variety of—confidence. Confidence is trust or belief in the competence of the other, especially in the relationship between students and lecturers, where the students need to trust his/her qualifications. However, this trust or confidence in the teachers must be earned, and this requires openness and transparency, and moral standing.

How can the issues discussed in this chapter affect trust and confidence in academia? All factors that create suspicion can undermine both trust and confidence. And all the issues discussed here have such potential.

Wearing a face veil—or other forms of masks—represents the opposite of openness and equality. Free inquiry requires an open society, a society of equal participants. This is what the academic community is all about. This is why a ban on facial coverings in teaching situations is not a violation of the right to education. That right entails an obligation to respect the best practices of teaching. Such best practices are decided by evidence-based knowledge in disciplines like psychology and pedagogy. In addition, learning with others requires the necessary respect for the others and their rights and equal status.

No-platforming, trigger warnings, and safe spaces are based, in varying degrees, on mistrust—sometimes legitimately because of experienced attacks on human dignity and abuse of trust or even betrayal. Some of it is based on perceptions of untrustworthiness or generalized lack of belief in the honesty, fairness, and benevolence of another party. Therefore, it is important in universities to explain and state positions that clarify—make transparent—the reasons why certain policies are implemented.

This is why the anti-extremism programs and guidelines are problematic in their present forms. They are seen to be directed mainly against Muslims (see Anderson 2016 for an example of this assessment). This can undermine the trust Muslims students have in the academic institutions they have joined, but it can also

cause other students to be suspicious of them. Such suspicions are detrimental to the academic community—and can spread into the rest of society. This is not only a threat to academic freedom but can also undermine integration and social cohesion.

The current situation

The reflections in this chapter are mainly a discussion of principles. However, the discussed limitations of freedom of expression also have very practical aspects. So, what is the actual effect on freedom of expression in universities?

In the Western world—so far—the impact has been limited. The challenges from students wearing face veils have always been slight as the number of students wearing the *niqab* has been small, especially in Norway (Regjeringa, 2018, p. 20). In Norway, students wearing face veils were not able to undermine trust or create an insecure atmosphere. In that sense, the law banning face coverings in teaching situations might have been an exaggerated measure. One could also argue that the ban has stigmatized (some) Muslim students, but there is no real evidence for that—so far.

The no-platforming discussion has had a certain impact in several countries, but mainly in the US. While some cases of no-platforming in academia have received media attention, the overall phenomenon seems limited, but there is fear that it is growing. In Norway, the discussion has primarily taken place outside the universities and been related to the media and civil society (NGOs). For example, there was a heated debate about the invitation of Steve Bannon to the Nordic Media Festival in May 2019, where a number of people demanded no-platforming of Bannon.³

Safe spaces and trigger warnings would seem to be primarily a US phenomenon, perhaps with a certain impact in the UK.

However, even in the US, trigger warnings can be seen as a marginal phenomenon (National Coalition Against Censorship, 2015), although there are fears that the phenomenon is growing. Till now, safe spaces and trigger warnings do not seem to have had much influence on Norwegian academic organizations. However, we lack systematic investigations into the actual extent and impact of no-platforming, safe spaces, and trigger warnings in Norwegian universities.

Preventing extremism and so-called radicalization (better: extremization, see Gule, 2018) has been of great concern in many countries for several years. The UK has gone the furthest with its Prevent duty. Even if this represents a serious challenge to freedom of expression in academia, the overall negative impact seems to be limited.⁴ Nevertheless, through the focus on Islamist extremism, many young Muslims feel stigmatized—and not only in academic institutions. This is most unfortunate.

Norway needs to learn from these experiences before the government recommendations worked out by the Council on Civil Protection and Preparedness in the Knowledge Sector—the Emergency Preparedness Council—especially recommendation 8.I.f. are implemented. In view of the limited threat from violent extremists to the physical, academic community in Norway, it is important to show restraint in implementing ‘countermeasures’. They could backfire and create the problem they are meant to prevent through marginalization, stigmatization, and polarization.

Academic freedom

Academic freedom, the liberty of thought and expression that has been claimed by teachers and others in higher education, has been growing for many decades but not unhindered (Fellman,

2003). Academic freedom is the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from the law, institutional regulations, or public pressure. Its basic elements include the freedom of teachers to inquire into any subject that evokes their intellectual interest; to present their findings to their students, colleagues, and others; to publish their data and conclusions without control or censorship; and to teach in the manner they consider professionally appropriate. For students, the basic elements include the freedom to study subjects that concern them and to form conclusions for themselves and express their opinions (Encyclopædia Britannica, 1997).

The struggle for academic freedom is not over and cannot be won once and for all. It is a daily struggle where freedom of expression is a very important tool. However, freedom of expression is more than a tool. It is a value, an autotelic value, and an intrinsic part of human freedom. As a human freedom, it is also part of what constitutes human dignity. Nevertheless, the use of freedom of expression has its limitations as it should not be used to undermine or attack the human dignity of others.

With this paradoxical structure of freedom of expression in mind—as an intrinsic value and a tool that can be abused to negate the freedoms of others—, it is necessary to work out how to use and not use our freedom of expression. It is, therefore, necessary to pay close attention to the conditions of academic freedom. These are not only related to the non-interference in the acts of expressing oneself. These conditions include trust, transparency, openness, intersubjectivity, all of which needs to be informed by our best, often evidence-based, knowledge in various fields, like epistemology, pedagogy, and communication theory. Thus, there are limits on certain freedoms (of expression) in order to create the optimal conditions for academic freedom.⁵

Universities and other institutions of research and higher education need to rise to this challenge of balancing the requirements of academic freedom and the defence of human dignity and human rights with the optimal freedom of expression within the institutions. Seeking and discussing this balance will be a contribution to both freedoms of expression and academic freedom.

Notes

1. The obvious solution, which cannot be considered unreasonable discrimination, is that orthodox-fundamentalist Jews and Muslims bring their own food (lunch boxes) to campus. The relevant human right in this case is the right not to be unreasonably discriminated against as there is no human right to a menu of one's choice. And there is a difference between having completely halal and kosher kitchens and providing what most Muslims accept as halal food. Many, if not most, canteens at Norwegian universities serve halal food in this sense.
2. There could be other concerns justifying a general ban, for example security reasons. This has been used as reasons in both France and Belgium. The reasons have been rejected by the UN Human Rights Committee (Barns, 2018) but accepted by the European Court of Human Rights (Regjeringa, 2018, p. 19; see also the discussion of human rights in the same document, p. 16–17).
3. See the festival program at <https://www.nordiskemediedager.no/en/program-2019/steve-bannon-what-is-his-goal/session/> and <https://www.nordiskemediedager.no/program/aarebrotstamtalen-ytringsfrihet-under-press/session/>.
4. This conclusion is based on my visit to England and Scotland in February 2018 where I had talks with both researchers and Prevent practitioners. The overall impression is that the Prevent duty in principle represents a serious challenge to freedom of expression in institutions of higher learning, but in practice the effects are not as negative as could be feared. This fact illustrates the above-mentioned margins of appreciation the various institutions have and also that the British tradition of free speech remains strong. For just two examples of evaluations of the Prevent Duty, see Busher et al., 2017 and Heath-Kelly and Strausz, 2018.
5. A parallel would be the ban on piercings within the health sector and the ban on alcohol when driving—in order to avoid harm to others.

References

- Anastaplo, G. (1997). 'Censorship.' *Encyclopædia Britannica*. Encyclopædia Britannica Inc., Chicago, Macropædia, vol. 15.
- Anderson, D. (2016). Supplementary written evidence submitted by David Anderson Q.C. (Independent Reviewer of Terrorism Legislation) [to the Parliament]; <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/countering-extremism/written/27920.pdf>
- Barns, T. (2018). 'France's Niqab Ban Violates Human Rights by Leaving Muslim Women "Confined at Home", UN Panel Rules'. *Independent*, 24 October 2018. <https://www.independent.co.uk/news/world/europe/france-niqab-ban-burqa-human-rights-united-nations-islam-veil-a8599131.html> (Accessed 26 May 2019.)
- Bateman, J., Wildfeuer, J., and Hiippala, T. (2017). *Multimodality: Foundations, Research and Analysis – A Problem-Oriented Introduction*. Berlin/Boston: De Gruyter Mouton.
- Braungardt. (n.d). Levinas and 'the face of the other'. Philosophical Explorations (Website). <http://braungardt.trialectics.com/philosophy/20th-century/emmanuel-levinas-1906-1995/levinas-face/> (Accessed 25 May 2019.)
- Busher, J. et al. (2017). 'What the Prevent Duty Means for Schools and Colleges in England: An Analysis of Educationalists' Experiences.' Coventry: Coventry University. Available from https://pure.coventry.ac.uk/ws/portalfiles/portal/11090509/Busher_Choudhury_Thomas_Harris_What_the_Prevent_duty_means_for_schools_and_colleges.pdf.
- Council on Civil Protection and Preparedness in the Knowledge Sector, Emergency Preparedness Council (Beredskapsrådet) (2019). 'Suggested actions for prevention of radicalization and violent extremism in the university and college sector', <https://www.uis.no/getfile.php/13491727/SEROS/Beredskapsrådet/Tiltaksliste%20Beredskapsrådet%20ENGLISH%20version%281%29.pdf>.
- Encyclopædia Britannica (1997). 'Academic Freedom.' *Encyclopædia Britannica*. Encyclopædia Britannica Inc., Chicago, Micropædia, vol. 1.
- Equality and Human Rights Commission (2019). 'Freedom of Expression: A Guide for Higher Education Providers and

- Students' Unions in England and Wales.' Available from <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>.
- Fellman, D. (2003). 'Academic Freedom.' In Wiener, P.P. (ed.). *Dictionary of the History of Ideas*. Electronic ed. available from <http://xtf.lib.virginia.edu/xtf/view?docId=DicHist/uvaBook/tei/DicHist1.xml;chunk.id=dv1-02;toc.depth=1;toc.id=dv1-02;brand=default>.
- Foundation for Individual Rights in Education (FIRE) (2016). 'User's Guide to FIRE's Disinvitation Database.' Available from <https://www.thefire.org/how-to-use-the-disinvitation-database/>.
- Foundation for Individual Rights in Education (FIRE) (n.d.). 'Disinvitation Database.' Available at <https://www.thefire.org/research/disinvitation-database/>.
- Gallese, V. (2008). 'Mirror Neurons and the Social Nature of Language: The Neural Exploitation Hypothesis', *Social Neuroscience*, 3 (3-4), pp. 317-333. (DOI: 10.1080/17470910701563608).
- Grimen, H. (2007). *Hva er tillit*. Oslo: Universitetsforlaget.
- Gule, L. (2003). *Social Development and Political Progress in Two Traditions. A Conceptual and Comparative Analysis of Western and Arab-Islamic Ideas of Social and Political Change and Improvement*. Larvik: Ariadne forlag.
- Gule, L. (2018). 'De «ekstreme» i vår tid – fra radikalisme til ekstremisme: En skisse av ekstremismens nyere historie i Norge.' In: Seland, B. (ed.) *Opprør og opposisjon under enevælde og demokrati*. Oslo: Nordic Open Access Scholarly Publishing. DOI <https://doi.org/10.23865/noasp.46>
- Heath-Kelly, C. and Strausz, E. (2018). 'Counterterrorism in the NHS: Evaluating Prevent Duty Safeguarding by Midlands Healthcare.' Warwick: Warwick University. Available from <https://warwick.ac.uk/fac/soc/pais/research/researchcentres/irs/counterterrorisminthens/>.
- HM Government (2015). 'Revised Prevent Duty Guidance: for England and Wales', n.p.: Crown copyright (available from <https://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales>).

- Kilner, J.M. and R.N. Lemon (2013). 'What We Know Currently about Mirror Neurons', *Current Biology*, vol. 23, no. 23. (DOI: <https://doi.org/10.1016/j.cub.2013.10.051>).
- Larsen, R.E., J. Lohman, and K. Slavensky (2013). *Hate Speech. Fra hadetale til hadesyn*. København: Informations forlag/Dansk PEN.
- Leigh, F. (2007). 'Platonic Dialogue, Maieutic Method and Critical Thinking', *Journal of Philosophy of Education*, vol. 41, no. 3.
- Levinas, E. (1991). *Totality and Infinity*. Dordrecht: Kluwer Academic Press.
- Levinas, E. (2006). 'Signification and Sense.' In: Levinas, E. *Humanism of the Other*. Urbana and Chicago: University of Illinois Press.
- Løgstrup, K.E. (1991). *Den etiske fordring*. København: Gyldendal.
- National Coalition Against Censorship (2015). 'What's All This About Trigger Warnings?' (available from <https://ncac.org/resource/ncac-report-whats-all-this-about-trigger-warnings>)
- Nilsen, A.B. (2014). *Hatprat*. Oslo: Cappelen Damm Akademisk.
- Nyeng, F. (1999). *Etiske teorier – en systematisk fremstilling av syv etiske teoriretninger*. Bergen: Fagbokforlaget.
- Regjeringa (2018). 'Endringer i opplæringslova mv. (forbud mot bruk av ansiktsdekkjande plagg i barnehagar og undervisningssituasjonar)'. Prop. 51 L (2017–2018).
- Regjeringen (2019). 'Egen tiltaksplan mot ekstremisme i høyre utdanning', press release, 17 February 2019, <https://www.regjeringen.no/no/aktuelt/tiltaksplan-ekstremisme/id2629514/>.
- Uelmen, G. (1990). 'A Pro-Con Discussion of Speech Codes and Free Speech.' Character Education. Markkula Center For Applied Ethics. <https://www.scu.edu/character/resources/campus-hate-speech-codes/> (Accessed 25 May 2019).
- Waldron, J. (2012). *The Harm in Hate Speech*. Cambridge, Mass./ London: Harvard University Press.

Populism on Campus

Alison Scott-Baumann

Introduction

Europe survives as an idea and is still a formidable entity but finds itself riven by the obdurate identities of nation states that feel under increasing pressure. In this chapter, the focus is upon British struggles and how they play out on university campuses, because this casts light upon problems with securitization and discriminatory practices. National identities are becoming fragile under financial pressures, manipulated fear of mass migration, and the populist politics that thrive in these conditions. Social media and other versions of mass psychology are creating optimal conditions for an echo chamber in which hysteria, blaming games,

and expressions of hatred can spread like wildfire. I introduce the neologism Iphobia to analyse this societal malaise. The young generations of students currently passing through British universities will be crucial in steering Britain's future, yet no one born this century had a vote in the 2016 referendum to leave Europe. The young can be powerful opinion influencers, and yet they find themselves under various constraints upon free speech, while they attempt to develop their adult views about the world, themselves, and their place in it. Free speech has long been a treasured entitlement in some European countries: with particular focus upon Britain, I will consider the current state and future of free speech on campus. It may be that free speech does not take place on campus much anymore, because online activity is so pervasive and persuasive and because of counterterrorism bureaucracy that has a chilling effect on free speech (the Prevent Duty Guidance). I consider whether freedom of speech is functioning well enough on university campuses to transform populism into a positive force for good and explore how campus conversations can be facilitated in the current crisis, which is determined across Europe by a range of different forms of extreme, often right-wing, thought and action. I will consider the importance of reviving the art of face to face conversation and debate, in order to create live challenges to the rise of right-wing populism. In this environment, I will suggest that virtuous disobedience may be a useful, even necessary state of mind.

Populism

Populism is an elusive term, yet it is often used as if it is crystal clear. Historically, it refers to movements that started with agrarian revolt in the US in the 19th century, in which under-represented people with no political power grouped together

for the purpose of improving their living conditions. This was an example of the people seeking to unite to secure their rights.

Populism currently appears to have strong racist tones (Mounk) although Laclau sees it as the salvation of the people. Given such contradiction, it is necessary to contextualize my work according to various definitions of populism, populist language, and hate speech as a context for recent discriminatory and exclusionary trends in the media, in government positions, and in general public conversation. Currently, Muslims and immigrants are the usual targets. These theories of populism are many and varied. They include Germani's historical analysis of fascism and Peronism (1978); Shils's historical analysis of Nazism, McCarthyism in the US, and the ways in which privacy and public life must be balanced to allow the pluralist state to function (1996); Canovan with her two macro-categories of agrarian populism and political populisms (1981); Meny and Surel, who updated populism to show it as part of globalization (2001); Mudde and Kaltwasser with their definition of populism as a 'thin-centred' ideology (2017), which is challenged by Anselmi with his interest in populism as animated by deep social causes, as attempted by Weyland (Weyland, 2001; Anselmi, 2018); Mouffe and Laclau with their work on political identity, which is indebted to Saussure's approach to language as a social fact; Gramsci's notion of hegemony, and Lacan's psychoanalytical model (2007). There are many conflicting theories, and in Britain, there is much confusion: is populism a dangerous right-wing trend or the sincere voice of the people?

Currently, the term 'populism' is often used as a term of abuse to refer to exclusionary, racist movements across Europe that are often also seen as 'right-wing' and conservative. Such terms need to be challenged, and for the context of this paper, I will combine components from two approaches (Mudde and Kaltwasser and Laclau and Mouffe). There is a broad definition from Mudde and Kaltwasser, who argue that populist movements, whether 'left'

or 'right', are based upon two tenets: first, 'we the people' are an identifiable group that is disenfranchised and secondly 'we the people' are governed by corrupt elites that must be made to grant us our rights (2017). I argue that these two features may be perfectly reasonable in all forms of relationship between citizens and state, but I suggest that with certain versions of populism, there can arguably be abuse of power from below as well as from above. This can be seen in the UK referendum that led to the Brexit vote, whereby the implementation of the 'will of the people' will probably ensure that the poor suffer more than they do currently and that the wealthy benefit: we can predict this with some clarity given that deregulation of commercial enterprise, reduction of protections for workers' rights, and deregulation of environmental factors will all feature in new plans for departure from EU.

Another important line of thought is that of political scientists Laclau and Mouffe, who assert that the people are at the core of all politics and seek a more positive interpretation of the will of the people. I use this to build a model of the popular impulses that can be part of populism. For Laclau, populism, therefore, can and must provide a socialist approach that enables the people to govern (Laclau 2005). Laclau and Mouffe propose that all political movements share popular, sometimes populist impulses. In analysing populism, they describe the 'chain of equivalence' as one characteristic of populism: this is their expression of the horizontal alliances that can be forged, whereby different groups band together with a common cause and seek to become a formidable force for effecting their goals. Laclau and Mouffe believe this can be a fair and flat (rather than hierarchical) form of social cohesion that accords with their own socialist preferences. They argue that there are several characteristics of populist movements that can be used for either negative or positive outcomes, and here they analyse the discourse used by populists, which will form part of my definition. One

significant term they use is the ‘empty signifier’; this refers to the way in which a type of discourse and rhetoric may overuse a term that has little meaning and yet becomes politically charged: ‘the people’ is one such term, ‘Muslims’ is another. Significantly Laclau and Mouffe also warn us about antagonism: they argue that populism can too easily become a form of discourse that controls and inhibits people’s understanding of reality by creating antagonistic binaries. A current example of this is the way in which certain populist movements differentiate between the supposedly autochthonous (‘indigenous’) populations against the allochthonous (‘foreign’) refugees, and argue that the privileged majority is disadvantaged, endangered, and oppressed by the weak and much less numerous incoming minority (Arif, 2018).

For this essay, I combine two definitions of populism: populism as a movement with a basic claim that the ‘people’ are ignored by a corrupt ‘elite’, and populism as a movement that relies more upon passionate language (that sounds sincere and authoritative) than upon a well-developed ideology. This is further developed in Scott-Baumann and Perfect (2020). Such a definition does not give a voice to the young because they do not have platforms in major media outlets or major political parties. I will focus upon the young as they will have to clear up the mess left by older generations, yet they do not have a voice in current debates. Indeed, I will show that right-wing populism is present on campus in the form of various deliberate interruptions to the free speech of students.

Young people as populists, to be encouraged or suppressed

Young people can make a significant difference to public debate at the point where opinions are hardened, the ‘people’s’ voice needs to be heard, and abuses of power must be

challenged: we can recall Birmingham Alabama US, 1963, Paris 1968, Prague 1968, Tiananmen Square 1989, and many others. Students are particularly good at agitating because they have certain privileges: they are educated, they have safe spaces to develop arguments that go against the current societal grain of thinking, and they can be very idealistic. Rogers (2003) sketches a persuasive picture of diffusers of change that shares key characteristics with university students. University staff and students often enjoy the privileges accorded to private spaces, because they can choose whom to invite onto campus as speakers, and it is assumed that students can go about their daily business of studying, being sociable, and discussing difficult ideas in a protected yet also semi-public setting. This particular space is often seen as a symbolic hallmark of liberal democracy and as a vehicle for integration of minorities; governments often make efforts to ensure that minorities and immigrants attend university and to improve their achievements while there, and the university is still seen as the site for citizen formation and hence integration. Current state actors in Britain seem to agree with Rogers about students as potential influencers, and they are worried. There is currently a distinct political bias in the ruling elite in Britain towards right-wing ideologies, expressed in fear about university campuses being left-wing: The Evening Standard (London's daily newspaper) reported that Conservative Party Central Headquarters (CPHQ) would hope to hold the next general election out of university term time to avoid the effect of the Labour Party's Momentum group rallying support (The Evening Standard, 21 February 2019, pp. 22–23).

However, students currently seem disengaged and ignorant about the current sweep of populist parties across Europe. Populism of the prevalent right-wing variety is a phenomenon seemingly nourished by hatred of the 'other' (whoever is

chosen—it has in the past and is now again Jews—currently the predominant focus is upon Muslims) and which insists upon exclusionary and protectionist approaches to societal flashpoints. Of course, many students are politically inactive; this is always the case, generation on generation. However, students and staff who wish to engage should be able to function as change agents in a reasonably functional democracy, as they did in the US over the Vietnam War. Yet, in England and Wales, two elements seem to be having a chilling effect on students' emancipatory potential. Firstly, students are being discouraged from debating controversial topics. Secondly, they themselves often seek to avoid contamination from extremist ideas by refusing to host such speakers as Nigel Farage (a powerful figure who led the Brexit campaign on a nationalist, anti-immigration platform). My research explores this situation and offers some solutions to such a dangerous stalemate, which will have relevance across Europe.

When young people group together to act, their activism can be said to be a necessary (although not a sufficient) trigger for progressive change. However, currently, they are not ready to challenge or engage with populism. Current outbreaks of populism in Europe and elsewhere are providing a platform for hate speech, racial discrimination, and social division. We may find that these populist movements are based on reasonable questions about corrupt elites, and the voice of the people being ignored (Mudde and Kaltwasser, 2017). Yet, it seems that they can lead to the wrong answers, such as giving the people a referendum vote (often binary, yes/no) on a subject they do not understand. A remarkable feature of the current European situation is that many young people are not asking for explanations or justice, and many seem to accept the drift to extreme politics, while often despising it and deliberately ignoring it. There are stark exceptions to this, such as the so-called 'hipster fascists' of Italy,

young adults who admire the politics of Mussolini. These young hipster fascists, who enthusiastically support a return to fascism, believe this is the only way to save Italy. Students on campus are, potentially, the most powerful group to act upon this trend, yet, currently, they are not reacting, except perhaps to avoid these issues by selecting a different path, such as leaving their country to find work, which young Italians are doing.

In spite of their current relative inactivity, universities and students appear to evoke fear precisely because of their relatively privileged freedoms, and this can lead to wilful suppression: Viktor Orban of Hungary appears to be using new laws to restrict the freedom of all foreign-funded universities, with one particular one in his sights: the Central European University funded by George Soros. Can the European public state university continue to be an open space where difference and free speech remain welcome, or is the integration of cultures and faiths increasingly discouraged as if it is a subversive and dangerous social problem?

On British campuses, there is a regulatory framework known as the Prevent Duty Guidance that can be shown to have a chilling effect on freedom of expression. In addition, the charitable status of British student unions is being used to suppress certain political discussions, because charities are legally obliged to adopt an apolitical stance (Ten Downing Street, 2015; Heath-Kelly, 2017; Scott-Baumann and Perfect, 2020). Freedom to use campus space—a space that can be open to ideas yet relatively protected from outside pressures—becomes restricted when ‘surveillance of spaces becomes thought of as a fundamental condition of survival’ (Docherty, 2011, p. 74). How can the university act as a safe space for discussion if it is also, in some countries, subject to surveillance? How can the university preserve or return to its somewhat ambiguous status as ‘safe’ as well as public?

The university as a ‘public space’ and a safe space

This ideal of a university as a ‘public space’ to which everyone has equal access and equal capacity to test radical ideas in a learning environment may, therefore, be coming under threat. One of the distinct features of the contemporary political scene is that the institutions of representative democracy are going through a fundamental transformation worldwide, and this must affect the universities. In Europe, for example, we have seen the rise of ‘non-traditional’ political parties and their electoral successes, such as the Five Star Movement in Italy (founded in 2009), the Pirate Party in Iceland (founded in 2012), and Podemos in Spain (founded in 2014). These may not be either inherently positive or negative phenomena, just as populism, according to Laclau, can and should be a positive socialist force for good, not only an exclusionary conservative force for hate (Laclau, 2005). However, the current right-wing populist phenomenon urgently compels us to revisit and update our existing understanding of citizenship, political participation, and the formation of public opinion. Social media has played a significant role in this development by facilitating alternative and relatively unregulated spaces. In addition, it can be argued that the rapid development of a European common foreign and security policy (CFSP) and a European security and defence policy (ESDP) have created serious democratic accountability gaps (Bono, 2002; Barbé, 2004; Lord, 2004, pp. 189–195).

Mocking the young: a right-wing populist trick?

Let me explain how it has come about that students are widely and erroneously believed to be damaging the democratic right to free speech. These attacks have created, and also reflect, a

sense of moral crisis in the country at large, about free speech on campus and the possibility that the very roots of democracy are being threatened by students being opinionated and creating a chilling effect on campus. I will show that there is a chain of equivalences here between government policy and media, an antagonistic approach towards young, well-educated citizens. In this standoff, the empty signifiers are 'students' and 'free speech'.

The standoff takes two accusatory directions: the young are either chilling speech or they are overheating speech or both simultaneously. I will deal with these in turn; first, the chilling. In England, the young are often mocked in the media: they are described as snowflakes who are obsessed with political correctness and 'melt' at the slightest hint of controversy (Bennett, 2017). Students are accused of creating 'safe spaces' that restrict free discussion, and of 'no-platforming', i.e. denying outside speakers the opportunity to speak to student groups on campus. These accusations come from the government and are amplified by the media and by certain libertarian websites, most significantly *Spiked Online*. *Spiked* is a self-identified libertarian digital magazine which has created a methodologically unsound research approach to collect and censure purported infringements of free speech on campus, e.g. they criticize a students' union that votes to stop selling the newspaper *The Sun* in the student shop (Gray, 2016).

This discourse implies that students are frustrating the will of the people by using censorship of freedom of expressions and thought. Let us compare this populist narrative with the available evidence that shows us who can speak on campus and who is denied a platform. The National Union of Students (NUS) has accepted the government's list of proscribed organizations, and thus the following are not allowed to speak on campus: Al-Muhajiroun, British National Party, the English Defence League, Hizb-ut-Tahrir, Muslim Public Affairs Committee, and

National Action. The NUS also seeks to ban racists and fascists and provides guidelines about the need to refuse a platform to speakers who are considered transphobic. By acting thus, the NUS believes it is consistent with the 1986 Education Act (2) that protects freedom of speech and expects student unions to follow suit, asserting that such a policy does not contravene Article 10 of the Human Rights Act, because it does not prevent anyone from speaking freely.

In 2018, in response to media excitement and accusations about students suppressing free speech, the BBC Reality Check team (Schraer and Butcher) requested information under a Freedom of Information request. 120 (of around 350) universities reported the following episodes since 2010: there were six occasions on which universities cancelled speakers as a result of complaints, and there were no instances of books being removed or banned. There are over two million students on campus every year, so these numbers are very small and do not bear out the public concern. These figures seem to be consistent with the law professor Erich Heinze's approach. In 2016, Eric Heinze argued against suppression of speech, airing ten arguments for no-platforming, and giving more potency to the ten arguments against no-platforming.

Yet, of course, students and universities do indeed sometimes impose no-platforming. The University of Bristol banned Emma Fox of the Henry Jackson Society in 2019, of which more later. She had recently authored a document for HJS, published in January 2019 called 'Extreme Speakers and Events: In the 2017/18 Academic Year'. The University of Bristol students union could have found arguments to counter the HJC's position. Its reaction fits Heinze's response to what he calls the 'non-facilitation' argument and which he counters with the desire of many students to 'assume power over their own social status' instead of being protected in a 'paternalistic, infantilising vein'.

In another example of no-platforming, in April 2019, Cardiff University cancelled a talk about the government's new Sex and Relationship Education proposals. Parents at Muslim schools expressed concern about LGBTQI education for young children, and this was presented by David Jones in the *Daily Mail* as a struggle to maintain liberal values. The Muslim Council of Wales had invited Dr Kate Godfrey-Faussett to speak on the matter at Cardiff University, but the university cancelled, citing irregular booking procedures for the venue. This speaker represents one aspect of a deeply argued, poorly evidenced national debate that conflates social conservatism with extremism, and a university debate about these important issues would have been a valuable contribution to a national discussion (as discussed by ASB on Radio Wales 14 April 2019).

Such complex topics require careful and time-consuming preparation, and both student groups and universities may on occasion act defensively. The frequent assertions by media and government that no-platforming is frequent, cannot be justified. Yet, we found some student union and staff perceptions to be that the Prevent Duty Guidance and the Charity Commission are partly responsible for an atmosphere that encourages no-platforming.

If no-platforming occasionally takes place, where does that exclusionary impulse come from? There are single incidents that are thought-provoking: after the 2016 referendum that triggered Brexit, a Tory party politician became very upset about the possibility that students could be discussing whether to remain in the EU and accused the university sector of unprincipled bias (*Daily Mail*, 25 October 2017; Fullerton, 2016). No one publicly challenged such a partisan outburst, which seemed to be based upon the belief that universities should only support the discussion of issues compatible with government policy. As well as occasional incidents like that, there are groups affiliated

to the government that insist stridently and consistently upon an urgent need for no-platforming. The Henry Jackson Society (a ‘foreign policy’ think tank) is one such group and publishes regular analyses of extremism on campus. Its latest report, in January 2019 (‘Extreme Speakers and Events: In the 2017/18 Academic Year’), claims that ‘Extremist hate preachers, pro-jihad activists, and avowed anti-Semites have “near-unfettered” access to students’ (see Fox, 2019). The report asserted that SOAS (which hosted the Islam on campus project) tops the list nationally for dangerous extremism, even though fewer than 2 per cent of SOAS events (43) were considered ‘extreme’ by the HJS in 2017–18, and ‘extremism’ meant related to Islam (Scott-Baumann and Perfect, 2020). This report was taken seriously by media and other observers, leading to a Sunday morning BBC radio interview of a SOAS member of staff, a blog invitation for another SOAS member of staff, and serious concern expressed by a SOAS cultural partner. This was misleading information that feeds the public perception that campuses are dangerous and such a view has allies: well-funded right-wing organizations such as Turning Point USA are also now in Britain, arguing that academic staff are corrupting students with their own political opinions.

Research evidence

In fact, the evidence is very different, as my research shows. In addition to the contradictory pressure to be more libertarian (Spiked Online and various media pundits, e.g. Fraser Nelson) or to impose more no-platforming (Henry Jackson Society) there are two state-managed sources of pressure. One pressure is created by the enforcement of the Prevent Duty Guidance, a counter-extremism measure, on campuses. The other pressure point is

the Charity Commission's regulation of students' unions and controversial speakers, which is related to the Prevent duty. I have evidence in findings first from my AHRC-funded project *Re/presenting Islam on Campus* (2015–18), conducted with Guest, Naguib, Cheruvallil-Contractor, and Phoenix, to be published with Oxford University Press in 2020. Our empirical research was extensive: we interviewed or hosted in focus groups 253 students and staff at six universities and conducted an online survey with 2,021 students attending 132 universities. Secondly, we have evidence in the SOAS-funded project *The Charity Commission and Students' Unions* (2016–18) and research conducted with campus-based Prevent implementers (2018–19) conducted with Perfect, to be published in 2020 with Routledge. The Charity Commission research was a single-issue exploration of the role of the Charity Commission in regulating students' unions, and we interviewed 20 student union officers. They expressed satisfaction with the financial advice given by the Charity Commission but often regretted the fact that, because student unions are charities, they must function, as all charities must, apolitically.

In 2017, the Joint Committee on Human Rights (JCHR) launched an inquiry into freedom of speech on campus. This is a cross-party parliamentary group that has no power to alter legislation but has considerable influence in government. The JCHR found much of the concern around freedom of speech to be exaggerated, but the JCHR identified a number of factors that can have a 'chilling' effect upon speech on campus, including the impact of regulatory bodies and government counter-extremism measures. These factors can have a particular impact on Muslim students and staff, on students and staff who are thought to be Muslim, and students and staff of colour. My research is quoted frequently within the JCHR report and corroborates evidence of the oppressive influence of these two government initiatives in particular.

This chilling of free speech by the government is acknowledged by the JCHR and is part of a much wider and deeper state-sponsored securitization approach towards free speech and free thought. In England, equality and integration are threatened because public spaces are increasingly securitized. All public social spaces for education and health care are now monitored, through the Prevent policy, for signs of extremism, including universities (Heath-Kelly, 2017). Debates and research about whether or not there really is a ‘chilling effect’ on freedom of expression in universities are difficult to conduct—because talking about extremism is considered to be an act of extremism and is elided with controversy and potential reputational damage (Scott-Baumann and Perfect, 2020). It has become difficult to invite speakers deemed ‘controversial’, and it is also likely that a sort of informal no-platforming occurs unofficially before any formal invitations have been issued because students may doubt whether a speaker will be approved, as Garton Ash argues. Brown and Saeed (2015) propose that security discourses constrain students’ activism, university experience, and identities, and now ‘all bodies are potentially vulnerable to infection by radicalizers and thus warrant surveillance’ (Heath-Kelly, 2017, p. 297).

Wider context: digital, societal, religious

The social media revolution has also placed different pressures upon the university by creating a very different sort of campus—on social media. In this contemporary digital era, the boundaries of a campus are more ‘porous’ than ever before. Facebook, for example, began on campus as then Harvard sophomore Mark Zuckerberg’s attempt at creating an electronic version of dormitory ‘face books’, but now it has over two billion active users (Taplin, 2017). Even when they are on campus, students can

interact with a broader world simultaneously, through various digital means. This shift forms the backdrop to my work; re-establishing the power of the spoken word in order to help the young to anatomize their judgements, enhance their decision-making, and challenge their social environments—which are increasingly hybrid between offline and online (Abercrombie, 1960; Lee and Scott-Baumann, 2020).

Another feature of modern society that affects universities is the position of religion on campus. Society needs universities which face difficult societal issues but is not always supporting universities in that task, and we will consider critically Habermas' approach, that modern society needs religion: he proposes that religion and secularism are often measured against each other, rightly or wrongly, and thus are needed to balance each other out (Habermas 2005). However, in Europe, there is particular focus upon Islam as if it is the only religion, and it is usually negative. The intellectual, cultural, and moral contribution of Islam is rarely recognized in wider society (Kamali and Rabb). There is a tendency to think and speak (violently) of Muslims as 'the different other' and as a security threat on campuses. Government programs designed to tackle 'extremism' and the impact of those programs on universities and Muslims may constitute a form of oppressive populist discourse and contrast starkly with the concept of universities as places of debate about difficult issues. Paradoxically, religious and political tensions are increasing anti-Semitism, anti-terrorism legislation, misunderstandings of anti-terrorism guidance, and legislation in universities. These, coupled with the general shifts in higher education policy, are all making such debate more difficult (Scott-Baumann, 2017).

In England, the religion or belief landscape has changed dramatically in recent decades, while new legislation requires universities to have 'due regard' to the need to prevent people from being drawn into terrorism. The broader political context

includes differing responses to this legislation by politicians and students as well as academic and legal debates about a ‘chilling effect’ on freedom of expression and academic freedom in universities. The mental health needs of students are reported to be increasing exponentially. So, whatever we may feel about such fears, let me also suggest an emotional component that requires attention. I exaggerate perhaps in order to demonstrate an urgent need for society to pay attention to its own self as a collective. A vacuum is created when the confident bodily cogito is displaced by multiple online avatars of the self. This vacuum has been filled with a phenomenon encapsulated in my neologism ‘Iphobia’. Iphobia is not a contraction of Islamophobia, rather more a generalized societal malaise of which Islamophobia, anti-Semitism, and racism comprise indicative components. In our Iphobic state, algorithms encourage the negative, the angry, and the narcissistic alongside pictures of kittens. Immersed in this mad world, the vulnerable self finds it difficult to come to terms with itself, and the ‘I’ is phobic about its own existential condition, through which I must try to understand and accept how to be human. The human condition is hard to bear; it is interdependent and painfully provisional and a constantly evolving work in progress. Through Iphobia, the ‘I’ feels wounded and lashes out by using extreme speech, damaging the democracy it inhabits to a point which may already be beyond repair. The demand for recognition that leads to so much societal friction and mishandling of human rights legislation can become a bad infinity whereby we seek recognition indefinitely (Ricoeur, 2005, pp. 247–63; Campbell and Manning, 2018). There is also, in many young people, a digitally stimulated societal desire to appear as perfect as the kitten pictures, as described by Freitas in *The Happiness Effect* (2017). This creates the illusion of a confident cogito, a thinking person as a free agent. This illusion requires the ‘emotional labour’ described by Hochschild in *The*

Outsourced Self (2012) and the constant search for novelty described by Elliott and Lemert in *The New Individualism* (2009). Such phenomena reflect a common human tendency to define ourselves by lack, loss, and longing, feelings which are exacerbated by lack of Facebook likes, and, thus, lead us to ignore the positives that may allow us to help each other to overcome the asymmetries of injustice and live reasonably satisfactory lives in the real world (Scott-Baumann, 2013).

Our wounded self, a cogito exhausted by seeking recognition for oneself instead of mutual recognition of shared difficulties, uses language crudely ('Why do you cover your head?') and is ill-served by the remarkable and worrying tendency to use visible differences for determining risk ('Why has he grown a beard?'). Campus free speech is over-chilled by security personnel and security machinery that expand this risk from Islam and ethnic minority students in general to all staff and students, which encourages intolerance of difficult conversations.

Popper's paradox of tolerance

Ethnic minority students are increasingly being seen as belonging to suspect communities (Scott-Baumann, 2018). Religion becomes a 'problem' in the form of Islam as perceived by non-Muslims. The hermeneutics of suspicion is immensely powerful and difficult to dismantle (Scott-Baumann, 2008; 2017b; 2020). This is more evident in society at large than on campus; Harman and Jones demonstrate that after Brexit, the number of hate crimes in Britain rose dramatically (2017). This apparent resurgence of racism is part of a multinational debate about multiculturalism in the 'Western world' (Bromwich, 2016; Chin, 2017). Critiquing this situation entails dealing with the fine line between what is tolerable and what is not tolerable in democratic societies (Ricoeur, 1996), i.e.

reassessing Popper's famous 'paradox of tolerance'. Popper argued that liberal democratic societies must be tolerant of many things but not of intolerance as such. Translated into the terms of free speech, hate speech is not legitimate free speech. But the problem is, of course, how to draw the line, and here the French philosopher Ricoeur's work proves to be invaluable, not only because he addresses these problems both in published (Ricoeur, 1996; Ricoeur, 1991) and unpublished (Ricoeur, 1986) material but also because his practical philosophy provides us with a way to mediate between conflicts and to decide how to proceed in the context of ethical 'hard cases'. These are often ambiguous situations where no abstract universal rule applies but instead, what is called for is a 'situated judgement'. Ricoeur shows us how to take into account the specificity of each singular situation (Ricoeur, 1992). If we wish to encourage students to think this way, then I tend towards Laclau's view of popular impulses forming the basis for all politics. If such impulses are being systematically discouraged, as we see with the chilling of free speech on campus, then we need to consider virtuous disobedience. By this I mean disobedience motivated by an understanding that action will have an impact that is good for the community as well as for the individual, even, or especially when, such action is discouraged. Thus, when freedom of expression is discouraged it is worth considering whether it is worth risking censure in order to discuss complex issues for the good of public understanding. More harm may be created by submitting to restrictions than by breaking them.

Virtuous disobedience

Currently, with right-wing populism surging in the polls, migration and terrorism being presented as great threats, and governments appearing complicit in such discourses, students

seem to be unwilling and/or unable to challenge phenomena that many of them dislike. Disobedience seems far from their thoughts, and this may be enormously detrimental to healthy democratic functioning. I wish to suggest that, by analogy with demonstrating in the streets, students need to fill the campus with the words and ideas they are being asked to avoid.

There is, of course, a tradition of this. In his 1969 essay 'The Justification of Civil Disobedience', Rawls developed ideas of civil disobedience that he felt would be appropriate in a near-just state: action should be reasonable, proportionate, and focused upon a specific injustice. This formed part of Rawls' 'principles for individuals' in his Theory of Justice but these principles are not clear. There is a degree of circularity to his position as it assumes the status of 'near-just' to be agreed upon. Rawls also assumes that the degree of disobedience will be mild enough to cause no harm. This is a limited idea that ignores the concept of a struggle against evil, such as we saw in Mahatma Gandhi's and Martin Luther King's civil disobedience programs. Nor does Rawls take account of Thoreau's 19th-century approach to avoidance of complicity with injustice or wrongdoing. Thoreau coined the term civil disobedience current in the modern age. But Thoreau was more radical than Rawls: Thoreau believed his government did not deserve his allegiance. Rawls' ideas depend upon on how nearly just the 'near just' state actually is. Rawls stresses the civility of disobedience: actions must be peaceful, conscientious, and openly displayed, whereas Thoreau felt no allegiance to his government. My work borrows from both: I take the spirit of Thoreau and keep it legal: this entails creating partnerships between government figures and students so that the young can have influence. They may need to engage in virtuous disobedience.

It is valuable in this time of crisis about the functioning of democracy to consider whether students, who are the future of

democracy, can be invited to consider whether civil disobedience is a form of participation in the life of the political community. In addition, we can explore the possibility that state coercion may itself be illegal and, therefore, resistance to it may not be an illegal act. In the United Kingdom, the chilling of free speech for students and academic staff is now routine and considered necessary to prevent radicalization and acts of terror; challenging this is not worth the effort as it is made to seem like an illegal act and has reputational penalties. For Muslim staff and students, the situation is even worse than that for universities: in order not to be thought to be terrorists, they deliberately self-censor, think twice about growing a beard or wearing black, and take care which books they get out of the library (even when the books are on their reading list). In addition, student unions are now no longer able to support their student members in political activism. In this context, perfectly legal behaviour has thus been made to seem illegal because controversy is not allowed by the Charity Commission, which is in charge of student unions. Acts of virtuous disobedience may, therefore, present a viable option, to subvert the counter terror procedures that disseminate a form of right wing populism by suspecting Muslims and those of colour.

The civic virtues of a student-as-citizen may be more appropriate here than the consequentialist and deontological approaches to disobedient action. Thus, the often rehearsed idea that the consequences of disobedience must be good (Rawls) and one's motivations must be those that would serve others well (Kant) may not be the prime concerns; perhaps what are even more important considerations are the roles that the citizen can and should play in actively working to secure democratic functioning through the exercise of their civic virtue.

However, such actions may be considered to damage the innocent. Here is an extract from a staff email at a UK university

which shows just how difficult virtuous disobedience is when one's actions may risk the safety of another:

The Departmental Learning and Teaching Committee expressed concerns that students who read about anti-terrorism policies may get caught up in the PREVENT structures. The committee's concern was that students would end up searching for material related to the module. So, for example, let's say there's a prescribed reading on the Indian government's response to the Students Islamic Movement of India (a banned terrorist organization in India). And the student then googles 'Students Islamic Movement of India' and finds something written purportedly by the organization. The committee's concern was that the students doing this google search as a result of the module reading would lead them to getting inadvertently caught up in PREVENT. I understand that the institution has a duty of care towards the students, and I personally would not want students to get caught up in tangles with PREVENT due to innocent reading. My own view is that students should read as much and whatever they want, but I understand that the state might have other opinions.

Conclusion

In conclusion, my research asks the question that none of the politicized debates about free speech on campus makes any attempt to address: how do students and staff make judgements about complex issues such as populism, which often polarize complex topics into simplistic and extreme binaries and also often draw the learner into a securitized force field that impairs critical judgement? This happens with such phenomena as Brexit, Catalanian separatism, environmental issues, the European project, Israel/Palestine,

gender identity and student empowerment, immigration, and the terrorist threat, for example. My research shows that it is vital to bring the core ideals of the university back into focus and revitalize students' desire to make good judgements about the urgent matters facing Europe (Abercrombie, 1965).

This brings us back to Popper's challenge, to which there is no easy answer: hate speech, racism, and sexism must be unacceptable, but feminist philosopher Judith Butler cautions against suppressing such painful speech or refusing it a platform. In her book *Excitable Speech*, she recommends development of expertise to face up to and challenge unacceptable speech (Butler, 1997). There are many techniques that we already have at our disposal, ranging from classical rhetoric and the skill of chairing controversial speakers well, so that a balance of views can be heard, to C.S. Peirce's community of inquiry that can be used in class to enable students to take control of negotiating what is and is not acceptable prior to discussions led by students, not by staff (Leith, 2011; Scott-Baumann, 2010). Face-to-face conversation on campus must be brought back, with staff confident to encourage difficult conversations and students accepting the need to negotiate parameters for debate. Universities have these skills, but they are currently in cold storage through fear of being labelled extremist and encouraged to be de-radicalized.

My research shows that university students and staff in England and Wales (especially those from minority ethnic groups) are finding it difficult to manage such opportunities due to the chilling of speech, the restrictions on inviting speakers and institutionalized racism (EHRC, 2016). In her excellent and important masters' thesis Wille (2017) shows the risks of this in Norwegian higher education, broadly understood by the NOU in 2006. Sjoen shows this impact of counterterror programs clearly at the school level (Sjoen, 2019). Similarly, at this time of 'post-truth' and rising populism, action is urgently needed

that will benefit university management and students, European research communities, and governments in their desire to strengthen European institutions and educate competent citizens equipped for meaningful 'multi-dialogues' in the complex global context (Matsuura et al., 2001). Such action will take the form of reviving debating societies and discussing what forms of free speech will work and in what situations. Student populism is not strong on campus, either in a right-wing, exclusionary or a Laclauian socialist form; on the other hand the state is encouraging populism that is being used to mock students and stifle debate, but this brand of populism is not being discussed and challenged, which is a great concern for the future of Europe.

References

- Abercrombie, M.L.J. (1960/1989). *The Anatomy of Judgement: An Investigation into the Processes of Perception and Reasoning*. London: Free Association Books.
- Abercrombie, M.L.J. (1967) *The Anatomy of Judgment*. London: Hutchinson and Co.
- Anselmi, M. (2018) *Populism: An introduction*. Abingdon: Routledge.
- Arif, N. (2018). 'Consenting to Orientalism When Covering Migration: How the British Media Dehumanises Migrants in the Context of the Syrian Civil War', in *Critical Hermeneutics, Biannual International Journal of Philosophy*, 2018, pp. 27–54.
- Vol 2, No 1 (2018) On the Challenge of Migration: Critical Hermeneutical Perspectives <http://ojs.unica.it/index.php/ecch/issue/view/108>
- Barbé, E. (2004) 'The Evolution of CFSP Institutions: Where Does Democratic Accountability Stand?' *The International Spectator*, 2, pp. 47–60.
- Barendt, E. (2010). *Freedom of Speech*. Oxford: Oxford University Press.
- Bennett, R. (2017). 'Universities Told They Must Protect Freedom of Speech', *The Times*, 21 March. <https://www.thetimes.co.uk/article/universities-told-they-must-protect-freedom-of-speech-fzqhx7vqt>
- Bono, G. (2002). 'Democratic Accountability of Military and Police Co-operation within the EU', Working Paper Series. PCAF Workshop on Parliamentary Oversight of International Military Cooperation/Institution. Geneva: DCAF.
- Bromwich, D. (2016). 'What Are We Allowed to Say?' *London Review of Books*, 22 September, pp. 3–10.
- Brown, K. and Saeed, T. (2015) 'Radicalization and Counter-Radicalization at British Universities: Muslim Encounters and Alternatives', *Ethnic and Racial Studies*, 38(11), pp. 1952–1968.
- Butler, J. (1997). *Excitable Speech*. London and New York: Routledge.
- Campbell, B. and Manning, J. (2018) *The Rise of Victimhood Culture*. London: Palgrave Macmillan.
- Chin, R. (2017). *The Crisis of Multiculturalism in Europe. A history*. Princeton: Princeton University Press.
- Daily Mail 25 October 2017 <https://www.dailymail.co.uk/news/article-5018251/Remainer-universities-Anti-Brexit-bias-laid-bare.html>.

- Docherty, T. (2011). *For the University: Democracy and the Future of the Institution*. London: Bloomsbury
- Elliot, A. and Lemert, C. (2009). *The new individualism*. London: Routledge.
- Equality and Human Rights Commission (EHRC) (2016). 'Healing a Divided Britain: The Need for a Comprehensive Race Equality Strategy', Manchester: Equality and Human Rights Commission. <https://www.equalityhumanrights.com/en/race-report-healing-divided-britain>
- Enjolras, B., Rasmussen, T., and Steen-Johnsen, K. (eds.) (2014) 'Status for yringsfrihet i Norge.' Institutt for Samfunnsforskning. <http://yringsfrihet.no/publikasjon/rapport-status-for-yringsfriheten-i-norge-hovedrapport-fra-prosjektet-2014>
- Fox, E. (2019). *Extreme Speakers and Events: In the 2017/18 Academic Year*. <https://www.thetimes.co.uk/article/universities-double-invitations-to-extremists-nxbg7fdwp>
- Freitas, D. (2017). *The Happiness Effect*. Oxford: Oxford University Press
- Fullerton, A. (2016) 'Catching Up with the Students Who Voted for Brexit', *Oxford Today*, 29 August. <http://www.oxfordtoday.ox.ac.uk/opinion/catching-students-who-voted-brexit#>
- Gray, J. (2016). 'City University London Student Union Votes to Ban Daily Mail, Sun and Express On Campus', *Huffington Post*, 18 November. http://www.huffingtonpost.co.uk/entry/city-university-london-ban-daily-mail-sun-express_uk_58a46135e4b094a129fod2aa
- Habermas, J. (2005). *Religion in the public sphere*. https://www.sandiego.edu/pdf/pdf_library/habermaslecture031105_c939cceb2abo87bdfc6df291ecofc3fa.pdf
- Habermas, J. (2017). *Philosophical Introductions*. Cambridge, Oxford: Polity.
- Heath-Kelly, C. (2017). 'The Geography of Pre-Criminal Space: Epidemiological Imaginations of Radicalisation Risk in the UG Prevent Strategy, 2007–2027', *Critical Studies on Terrorism*, 10, pp. 297–310.
- Hochschild, A. (2012). 'The Outsourced Self: Intimate Life in Market Times'. *Theory, Culture & Society* 30(3):140–145.
- Joint Committee on Human Rights (2018). 'Freedom of Speech in

- Universities' HC 589 HL PAPER 111 By authority of the House of Commons and House of Lords.
- Kamali, M. (1992). *Freedom of expression in Islam*. Cambridge: Islamic Texts Society.
- Laclau, E. (2005). *On Populist Reason*. New York: Verso.
- Lee, Y. and Scott-Baumann, A. (2020). 'Digital Ecology of Free Speech: Authenticity, Identity, and Self-Censorship'. In S. Yates and R.E. Rice (eds.) (2019). *The Oxford Handbook of Digital Technology and Society*. Oxford: Oxford University Press.
- Leith, S. (2011). *You Talkin' to Me? Rhetoric from Aristotle to Obama*. London: Profile Books.
- Lord, C. (2004). *A Democratic Audit of the European Union*. Basingstoke: Palgrave/MacMillan.
- Matsuura, K., van Ginkel, H., Finnbogadottir, V., Essy, A., Picco, G., Altwajiri, A.O., Bousnina, M., Kawada, J., and Muzaffar, C. (2001). *Dialogue Among Civilizations*. Paris: UNESCO.
- Mouffe, C. (2005). *The Return of the Political*. New York: Verso.
- Mudde, C. and Kaltwasser, C.R. (2017.) *Populism: A Very Short Introduction*. Oxford University Press.
- NOU (2006). *Academic Freedom. Individual Rights and Institutional Management Needs*. Norwegian Ministry of Education and Research. https://www.regjeringen.no/globalassets/upload/kd/vedlegg/uh/vedlegg/nou_akademisk-frihet_orientering_engelsk_ny.pdf
- Peirce, C. (1965/66). *The Collected Papers of Charles Sanders Peirce*. Edited by C. Hartshorne and P. Weiss. Cambridge, Mass: Harvard University Press.
- Rabb, I.A. (2012). 'Negotiating Speech in Islamic Law and Politics: Flipped Traditions of Expression', in *Islamic Law and International Human Rights Law*, 144 (Edited by A.M. Emon, M. Ellis, and B. Glahn).
- Popper, K. (1945). *The Open Society and Its Enemies*, volume 1, 'The Spell of Plato', (Routledge, United Kingdom); ISBN 0-415-29063-5 978-0-691-15813-6 (1 volume 2013 Princeton.)
- Ricoeur, P. (1986). *Grandeur et misère du langage politique* (unpublished material; 44 pages; conf. 18, boîte 43). Available at the Institut Protestant de Théologie, Paris, France.
- Ricoeur, P. (1991). 'Langage politique et rhétorique', in *Lectures 1*.

- Autour du politique. Paris: Seuil.
- Ricoeur, P. (1992). *Oneself as Another*. Chicago: University of Chicago Press.
- Ricoeur, P. (1996). *Tolerance between Intolerance and the Intolerable*. Providence/Oxford: Berghahn Books.
- Ricoeur, P. (2005). *The Course of Recognition*, translated by D. Pellauer. Cambridge: Harvard University Press.
- Rogers, E.M. (2003). *Diffusion of innovations* (5th ed.). New York: Free Press.
- Scott-Baumann, A. (2009). *Ricoeur and the Hermeneutics of Suspicion. Continuum Studies in Continental Philosophy*. New York and London: Continuum.
- Scott-Baumann, A. (2010). 'A Community of Inquiry: Talking to Muslims'. In M. Farrar (ed.) *The Study of Islam within Social Science Curricula in UK Universities*: vol 1, pp. 78–83. https://www.heacademy.ac.uk/system/files/max_farrar_case_studies.pdf
- Scott-Baumann, A. (2017a). 'Ideology, Utopia and Islam on Campus: How to Free Speech a Little from Its Own Terrors', *Education, Citizenship and Social Justice*. Special issue on Prevent <http://dx.doi.org/10.1177/1746197917694183>
- Scott-Baumann, A. (2017b). 'Trust Within Reason: How to Trump the Hermeneutics of Suspicion on Campuses', in *Muslims, Multiculturalism and Trust*. New York: New Directions, pp. 51–72.
- Scott-Baumann, A. (2018). "Dual Use Research of Concern" and "Select Agents": How Researchers Can Use Free Speech to Avoid "Weaponising" Academia' in special issue on Exploring Radicalisation and Securitisation from Islamic Studies and Religious Studies Perspectives. 7:2. *Journal of Muslims in Europe* (Brill)
- Scott-Baumann, A. and Perfect, S. (2020). *Freedom of Speech in Universities: Islam, Charities and Counter-Terrorism*. London: Routledge Focus. In preparation.
- Scott-Baumann, A., Guest, M., Naguib, S., Cheruvallil-Contractor, S., and Phoenix, A. (2020). *Islam on Campus: Contested Identities and the Cultures of Higher Education in Britain*. Oxford: Oxford University Press. In preparation.
- Sharman, J. and Jones, I. (2017). 'Hate Crimes Rise by up to 100 Per Cent across England and Wales, Figures Reveal', *The Independent*, 15 February. <http://www.independent.co.uk/>

- [news/uk/home-news/brexit-vote-hate-crime-rise-100-per-cent-england-wales-police-figures-new-racism-eu-a7580516.html](https://www.bbc.com/news/uk-home-news/brexit-vote-hate-crime-rise-100-per-cent-england-wales-police-figures-new-racism-eu-a7580516.html)
- Sjoen, M.M. (2019). 'When Counterterrorism Enters the Curriculum: How the Global War on Terror Risks Impairing Good Education', in *Journal for Deradicalisation*, pp. 156–189.
- St George's House Trust (2017). 'Freedom of Speech in Universities.' <http://www.stgeorghouse.org/wp-content/uploads/2017/03/Freedom-of-Speech-in-Universities-Report.pdf>
- Taplin, J. (2017). *Move fast and break things*. New York: Pan Books
- Ten Downing Street (2015). 'PM's Extremism Taskforce: Tackling Extremism in Universities and Colleges Top of the Agenda'. Press release, 17 September. <https://www.gov.uk/government/news/pms-extremism-taskforce-tackling-extremism-in-universities-and-colleges-top-of-the-agenda>
- Weyland, K. (2001). 'Clarifying a Contested Concept: Populism in the Study of Latin American Politics.' *Comparative Politics* 34, no. 1 (2001): 1–22. Accessed July 25, 2020. doi:10.2307/422412.
- Wille, M. (2017). 'Countering Radicalisation and Violent extremism. The Role of Norwegian Higher Education Institutions.' Master's thesis. Representralen, Universitetet i Oslo. https://www.uis.no/getfile.php/13367609/SEROS/Beredskapsr%C3%A5det/Wille_Thesis_June2017%20-%20til%20r%C3%A5d%20for%20samsik%20og%20beredskap.pdf.

The Fifth P of Resilient Campuses

Stijn Sieckelinck¹

*The university can be regarded as a space and time to constitute a public
by gathering people around matters of concern, and to make something
a public concern for people.
(Masschelein and Simons, 2009, p. 236.)*

Introduction

All over the world, higher education institutions are called upon to manage the threats of radicalization² and terrorism. Many of the developed policies seem to follow a generic scheme of four Ps: protecting the public against harm; preparing to mitigate the damage caused by an attack; pursuing the perpetrators; and

preventing students from being lured into extremism³. Although this approach is logical and defensible from a managerial point of view, it risks overpowering a valid pedagogical-political argument: that higher education can contribute to the prevention of extremism by unleashing the democratic potential of education. In this chapter, the introduction of a fifth P is explored: educating for the public goodwill helps higher education institutions deal with two extremism-inducing challenges—alienation and polarization—that remain largely unaddressed by the managerial policy.

Back in 2015, in response to heightened anxiety over politically and/or religiously motivated violence, The Radicalisation Awareness Network of the EU launched an Education Working Group (RAN EDU) directed at school professionals all over Europe. RAN claims that schools are important places in which to empower young people and to build resilience against radical ideologies leading to violence, whether driven by far-right, far-left, religious, or single cause ideology. What is more, RAN puts schools and teachers on the front line to help identify and safeguard youth at risk of radicalization. Hence, in accordance with various research outcomes (see O'Donnell, 2017, pp. 177–193; Sieckelinck, 2018, pp. 1375–1387, and many others), education is considered an essential tool in addressing and countering violent radicalization at early stages.

Over the years, the importance of education in prevention strategies has been widely recognized but has not always been translated into effective policy or practice. In RAN's synthesizing report of the EDU working group activities, various challenges are identified at the school, school environment, and school policy level (Nordbruch and Sieckelinck, 2018). Generally, it was found that educational professionals are increasingly faced with radicalization-related tasks: the (sometimes statutory) duty to flag deviant behaviour of pupils; the responsibility to reassure

their pupils in the wake of attacks or in enduring conflict; the confrontation with pupils' polarized opinions and conspiracies about collective identities and global politics, sustained by preachers and provocateurs. Moreover, the expectation that schools (re)act to these challenges is only occasionally met by investment in extra support or training for staff members. Finally, beneath the surface of these tendencies, a looming democratic deficit is sensed, which possibly represents an even bigger challenge to schools and a long-term threat to our societies.

Next to primary and secondary education, universities, polytechnics, and other institutes for higher education (HEIs) seem to have a unique and indispensable role to play in preventing and countering extremism. Several terrorism offences have been committed by students studying at universities, and it has been suggested that a number of graduates of universities involved in terrorism-related offences were partly radicalized during their studies (Sutton, 2015). All over Europe, campuses are located in countries that have suffered from violent, politically motivated attacks—both large and small. Some university students and staff have personally known victims—or attackers. These dynamics, which can change overnight, define the local context for discussions on the prevention and countering of violent extremism (P/CVE) at EU level.

The same P/CVE strategies on campus also touch on the discussion around free speech (Thompson, 2019). As schools are potential places of alienation and polarization, student group manifestos and political or religious debates are getting monitored more frequently than before. And even though the debates around free speech and campus safety are not unique to our era, the extra scrutiny is legitimate. The democratization of higher education combined with post-truth politics all over the political and ideological spectrum have confronted policymakers and university boards with new challenges when it comes

to maintaining public standing as institutions that serve the broader community and public interest, not just a small group of loud voices (Ben-Porath, 2016). The question, then, is: what is the most effective role universities can have in preventing students from radicalizing violently?

‘When landscapes of security, intelligence and education start to shift, this may reduce educational possibilities unless a feasible educational outlook is developed’ (Sieckelinck, 2018, p. 1375). So, the question I would like to raise here is: what are the elements of a pedagogical approach towards the HEIs role in tackling polarization and radicalization? This chapter consists of three main sections. The first section is on the phenomenon of radicalization on campuses and explores the question: who is to speak on campus? The second section explains the generic model of P/CVE—the four Ps—and argues for a pedagogical response to polarization and radicalization. The third section presents the fifth P to compensate for the dominant managerial approach of P/CVE and illustrates my own university campus policy. The chapter concludes with some topical issues to keep in mind when cultivating campus resilience as a buffer against polarization and radicalization.

Radicalization at HEIs: who gets to speak on campus?

Since our societies started to develop protection programs against terrorist threats (politically inspired indiscriminate violence against innocents), HEIs are considered critical places for tackling this radicalization process. Already in 2005, in a publication called ‘When students turn to terror. Terrorist and extremist activity at British campuses’, radicalization was presented as a real and serious problem in higher education.

The report argued that ‘they [the universities] have become recruiting grounds and training areas for terrorists’ and raised a fundamental question with serious pedagogical ramifications: ‘do academics know what their students are doing?’ (Glees and Pope, 2005). On a number of occasions in the UK, higher education has been identified as one of the vulnerable sectors—including by the 2011 review of the Prevent strategy, the Home Affairs Select Committee, and by the Office for Security and Counter-Terrorism (Sutton, 2015). While jihadist recruitment, in particular, turned out to be more popular among students of higher education in some countries than in others, we broadly see similar mechanisms all over campuses in the western hemisphere: several campuses have been used as recruiting grounds for a variety of extremist movements. Many explanations can be found: the kids of the first generation of (lower educated) immigrants are attending HEIs; the resurgence of religion and nationalism in identity construction and the polarization in the public debate about hot topics such as security, immigration, and identity; and last but not least, the democratization of higher education which brings students with experiences of discrimination and strong identification with peers in less affluent areas straight into HEIs. Underlying all these explanations is the fact that most students are in adolescence, which is the developmental stage when the cognitive opening for (political or religious) ideals is most apparent.

What are the implications for the debate on freedom of speech? Does the fear of extremism determine who is to speak on campus? This question, although today it mainly invokes images of preachers and agitators on campus stages, reminds me of a remarkable passage in the abovementioned British report from 2005, that warned against a curriculum with texts critical of Western civilization. ‘Why [Let Them] Read Marx? This may produce dangerous ideas in their heads as students who already

feel resentful towards contemporary neoliberal society may be even more convinced after reading *Das Kapital*, we were warned. In the same vein, today, HEIs are called upon to prevent students from becoming influenced by polarizing narratives. But, to what extent should universities shield their students? Should we warn against inviting far-right provocateurs or Islamist guest speakers who come to campus because they might plant illiberal, dangerous ideas in the heads of already resentful students? Are there perhaps better reasons for banning? Or is it always better to keep the campus open for debate? In this section, the pros and cons are weighed.

A response solely based on shielding students from messages is problematic in multiple ways. Firstly, as in many deficient anti-terrorism programs, it overrates the role of ideology in the radicalization process. A conveyed set of ideas that university staff or a part of the student body see as repulsive will not necessarily lead to recruitment resulting in hate and crime. There are always certain social-psychological factors that come into play to convince an audience of subversive ideas. Narratives are social constructs. It takes an active reception of the message to be meaningful in someone's life. For example, only when combined with (perceived) injustices to the ingroup, will radical ideas find traction. Propaganda works best when alienation is present and left unaddressed by other (mainstream) parties or institutions. Similarly preventing or saving youth from radicalizing into violence requires more than shielding them from harmful content. What is needed is a fundamental commitment to the grievances expressed and amplified by partisan groups.

Secondly, the 'shielding from content'-response disregards the pedagogical nature of higher education. Prevention does not only take place in education but through education. Education itself can be a powerful antidote against extremist influencing

(Sieckelinck, Kaulingfreks, and De Winter, 2015, pp. 329–343). Nordbruch and Sieckelinck (2018, p. 26) state:

Research on extremism and terrorism is unequivocal on the role of education: while an individual's education level is not a causal factor for radicalization, the democratic quality of education can definitely make a difference. Children and young people who are taught to handle conflict in a peaceful way, who have been supported and guided in their identity development, and who feel their voices are heard on key issues for them, will less likely be seduced by socially harmful propaganda.

Thirdly, the 'shielding from content'-response ignores the distinction made in Anglo-Saxon literature between two types of extremism: violent and non-violent. Or, put differently, radicalization does not always lead to violence (Bartlett and Birdwell, 2010). The distinction between radicalism of ideas and radicalism of actions is a critical one. Shielding reflects an underlying assumption that extremism always functions as a pathway into terrorism. This assumption has been used to legitimize counterterrorism measures against both violent and non-violent extremism. These measures, however, no longer focus on the behaviours or support for political violence—instead, they focus on the ideologies which do not conform to the state's definition of 'normal' values. Targeting non-violent extremism as if it were terrorism is a problem because it directs counterterrorism efforts against people's political identities instead of political violence. Doing so closes off possible opportunities for dialogue. In responding by shielding students, this possibility of non-violent radicalization is ignored.

Having said all this, there still may be very good reasons to be prepared when preachers and provocateurs choose the campus as a locus of action. Most HEIs will draw the line when students, staff, or others actively promote violent extremism. Arguably,

radical or extreme views, as long as they remain peaceful, might be tolerated under the pretext of free speech and academic freedom. Nevertheless, one of the key problems is that some individuals or organizations, while not inciting their audience to engage in violent action, help to create an insurmountable gulf between certain individuals and the rest of society, which may, under certain conditions, lead to violent action. They deliberately operate in the twilight zone between extremism and violent extremism. There is not always a clear distinction between radical ideas, radicalizing narratives, or propaganda that might incite people to embrace terrorism. Speakers might not always be open about their extremist ambitions or connections; they usually send out a message that looks acceptable at first, but that in hindsight might have led people towards the path of violent extremism. These speakers could, therefore, be labelled as ‘agents of radicalization’.⁴ The Montreal-based NGO Centre de Prévention de la Radicalisation Menant à la Violence (CPRMV, 2017) states:

An agent of radicalization, is a person who uses extremist rhetoric to attract individuals with different degrees of vulnerability and who may exhibit feelings of victimization or rejection, identity malaise, or certain personal or social vulnerabilities. In response to the questions such individuals may have about their place in society, agents of radicalization offer a simplistic, black-and-white worldview that portrays certain beliefs as irreconcilable and diametrically opposed to one another.

Importantly, the CPRMV observes, apart from the message conveyed through the extremist rhetoric, radicalizing agents, can be recognized by their methods of ‘recruitment’:

Agents of radicalization, whether in the real or the virtual world (i.e. over the Internet), seek to manipulate the thoughts and

legitimate perceptions of people in order to further a particular set of ideological concerns or a political agenda. Little by little, they get their audience to draw direct connections between tragedies or personal situations and broader social, economic, cultural or identity issues.

Young people will always be interested in explanations of their grievances, power imbalances, and gaps in society. It helps them to build an identity. That is why we have to know who is talking to our students and how they are doing it. Our concern here is still mainly pedagogical, and only in case of escalation, are more security-oriented measures to be put in place. Not only the content of the messages, but also the way the narratives are co-constructed with their audience, plus their strategies for recruitment, explain the success of some anti-social organizations. For example, some Dawa (missionary) initiatives ‘inviting people to Islam’ in Europe were long perceived as organizations inviting people to join the religion or asking for recognition of grievances and societal injustice. However, some represented, in reality, a conveyor belt taking individuals towards joining an extremist group or even committing terrorist attacks. Examples are the British al-Muhajiroun and the Sharia4Belgium. It was not until their pupils started travelling to warzones that teachers and staff realized how they had been misled. By now, judiciary evidence is collected to bring the agents of these organizations to court. With what we know now, shielding off students would have been better than neglecting its impact. However, as Niconchuk and Dietrich (2018) state in their report on the overlap between radicalization and empowerment, a resilient response invests also in empowering students to see where the extremist point of view is misleading and to help build a genuine political or religious identity towards or away from the extremes. The crucial question is: how can states and wider civil society create a

context whereby non-violent forms of political expression are considered preferable to violent alternatives? In other words, how can we make 21st century politics function in a way that draws people with (an inclination for) these views in, rather than alienates and isolates them? (Kirkpatrick, 2017)

Are current university policies adequate to meet this challenge? In the following section, we will explore the dominant strategy to prevent and counter extremism on campus, what is here called ‘the managerial response’.

The four Ps of CVE policies

CONTEST is the name of the United Kingdom’s counterterrorism strategy. It was first developed by the Home Office in early 2003, and a revised version was made publicly available in 2006. Further revisions were published three years and five years onwards. Reports on the implementation of CONTEST were released in 2010 and in 2014. In 2018, the fourth and most recent version of the strategy was published. This strategy sets out how the UK Government aims to reduce the risk to the UK and its citizens and interests overseas from terrorism. While originally developed in the UK, elements of the CONTEST program can be recognized in many EU and national policies of member states. Modern counterterrorism on campus seems to be built upon four pillars, all conveniently starting with the letter P. I will explain the four pillars by illustrating how they play out in colleges and universities.

1. Protect the public. E.g. universities have security staff, monitor online activities with micro-intelligence capacities and have become securitized spaces where staff has personalized access passes to get into certain campus buildings.

2. Prepare to mitigate the damage caused by an attack. E.g. universities raise awareness by sharing posters and videos of ‘what do in case of . . .’, they organize calamity emergency drills (although, as of yet, actual violent attack drills are rare and school shooting drills are still considered controversial by many, compared to in the US).
3. Pursue the perpetrators. E.g. zero tolerance towards extremist ideologies and its advocates, cooperation with police and judiciary to bring offenders to court.
4. Prevent people from being lured into violent extremism. E.g. forbid events where extreme points of view are aired; monitor online activities of students on campus.

The most pedagogical of the Ps is probably ‘Prevent’. And although it represents the ‘softest’ approach, it is also arguably the most problematic P. As many researchers have uncovered, of all the four Ps which frame the UK’s counterterrorist strategy, ‘Prevent’ is ‘by far the most controversial’ (Greer and Bell, 2019). It aims to stop people from becoming terrorists, or from supporting those who already are by countering terrorist ideology and challenging those who promote it (‘counter-radicalization’), steering vulnerable individuals away from it (‘de-radicalization’), and working with sectors and institutions where these risks are considered high.

According to a recent literature review (Stephens, Sieckelincx, and Boutellier, 2019), a large number of papers with the keywords ‘preventing violent extremism’ are critiques of the PREVENT agenda in the United Kingdom. The first major line of criticism concerns the emphasis of the PREVENT program on Islam and the ‘Muslim community’ (Heath-Kelly, 2013). There is a strong feeling that the primary focus of attention in countering violent extremism is on Islam. This has led to the argument that the

policy agenda portrays an entire community as a source of risk, or of being ‘at risk’, suggesting an opposition between an identity as ‘British’ and ‘Muslim’. The second line of criticism concerns the extension of security procedures into social associations. In particular, the need for instructors and youth workers to ‘flag’ those at risk of radicalization (O’Donnell, 2017). Such policies have been criticized for ‘securitizing’ these social institutions, undermining their primary functions of education and care. The third line of criticism concerns the way in which the Prevent policy approaches went hand-in-hand with a social cohesion agenda (Briggs, 2010). This led to a loss of confidence in cohesion work and a sense of suspicion towards some social projects (Spalek and Weeks, 2017). It was even suggested that the focus on preventing violent extremism both weakened and took resources from work that was building community cohesion (Thomas, 2016).

Where the Prevent duty aims to safeguard people from becoming terrorists or supporting terrorism, its activities on campuses are often perceived as highly controversial. The Prevent Strategy for Higher Education

prescribes particular counter-terrorism practices associated with the hegemonic discourse of terrorism which, when extended to extremism, risk alienating, dehumanizing and motivating the very people deemed to be ‘at risk’ of extremism (Onursal and Kirkpatrick, 2019, p. 1).

Indeed, in the higher education context, researchers have claimed that Prevent seriously threatens academic freedom, stifles campus activism, requires staff to engage in racial profiling, and jeopardizes safe and supportive learning environments. Some, such as the University and College Union (the academics’ trade union) and the National Union of Students, advocate a boycott until it is abolished.

Prevention policies in HEIs will have to consider these flawed assumptions and (partly unintended) effects of the scrutinized Prevent strategy. They will have to ask: are we spying on students or seeing them? Do we work around identity issues, or do we securitize campus? Is a safe campus a place where separated communities do not bother one another, or is it a forum with a democratic ethos where disagreement over conceptions of the good life can be discussed? According to the professional experts in RAN, preventing extremism on campus is also caring for the wellbeing of students by seeing them as human beings beyond their student identity. The life-event or transitional phase that students tend to be in—starting new studies, leaving their parents' home, changing town—can make students vulnerable. It is not uncommon for students to experience new socio-psychological challenges during this period. Therefore, PVE on campus lies in being aware of students' risk of dropping out, becoming isolated or developing other socio-psychological issues. It was emphasized that safeguarding students from the risk of being radicalized or recruited has a large overlap with existing student welfare. Many of the risk factors and signs of changing or worrying behaviour can be indications of a process of radicalization but could also be outward signs of other problems. In this sense, mainstreaming the safeguarding of vulnerable and susceptible students and staff is an important aspect of the professional, pedagogical response.

This more holistic view to the challenge of supporting and protecting students may help build the kind of resilience needed for HEIs to recover and learn from radicalization-related issues in a way that sits better with their educational DNA. According to Ungar (2012; 2015), most commonly, the term resilience has come to mean an individual's ability to overcome adversity and continue his or her normal development. However, a more ecological and culturally sensitive definition is desirable. Ungar has

suggested that resilience is better understood as follows: ‘In the context of exposure to significant adversity, resilience is both the capacity of individuals to navigate their way to the psychological, social, cultural, and physical resources that sustain their well-being, and their capacity individually and collectively to negotiate for these resources to be provided in culturally meaningful ways’ (Ungar, 2012). Drawing from this ecological notion of resilience, it becomes clear that giving students sufficient provision of care and meaning can announce a more pedagogical and ethical alternative, compared to the managerial model of preventing violent extremism described above.

Towards a public pedagogy of preventing radicalization on campus

Before we go to possible alternatives, we need to reconsider the definition of radicalization (as defined by the Dutch secret service) for educational purposes. The following definition by Sieckelinck, Kaulingfreks, and De Winter (2015) may inform educational professionals’ decision-making.

Radicalization calls for a pedagogical response when a child or adolescent starts to develop strong political or religious ideas and agency that are so fundamentally at odds with the educational environment or mainstream expectations that the pedagogical or educational relationship is increasingly put at stake.

This definition was constructed in an attempt to be more attentive to the meaning experienced by actors in an educational environment (youth and teachers alike) and puts the pedagogical relationship at the heart of the matter. As we will see in the following section, my university has adopted this alternative

definition to help staff and officials with signalling while steering clear from an over-securitized agenda.

How then can individual institutions deal with extreme voices and extremist speakers, while protecting vital liberal democratic values like inclusion and freedom of speech within their walls? How can they deal with conflicting core values such as freedom of speech for radical revolutionary ideas and the promotion of democracy? How can they safeguard students from being lured into extremism, without spying on them and losing their trust? The challenge is for uncharted educational potential to be unleashed.

The search for educational answers to the challenges of extremism led to a call for the expansion of the four Ps of prevention to include a fifth P, the P of the public. This additional, positive P stands for promoting a positive and constructive range of activities to boost the public domain and the promotion of vital democratic values. If campus staff is properly trained and supported, formal and informal educational programs have the unique potential to boost democracy and help enhance societal resilience (Dulleman, Santos de Carvalho, Sieckelinck, Slooman, and Rijbroek, in press). The recent push for HEIs to contribute more to P/CVE could offer a window of opportunity to invest more attention, time, and other resources in democracy, inclusion, and diversion. In other words, the fifth P helps to invest in civic resilience by fostering democratic agency in students, bringing ideas and practices of concern out into the public realm. Democratic attitudes are developed by offering students occasions for meeting across differences. There is enormous democratic potential in students engaging in P/CVE, with other students as their target audience. The sheer power of peer-to-peer approaches lies in the fact that students know how their peers feel, communicate, and stay informed.

The contrast to the other Ps of the managerial approach cannot be overstated: while campus security services look primarily

for suspects, teachers aim to educate and transform their students. Although there may be an overlap between these two approaches, they are clearly distinct (Sieckelink, 2018). The difference is best illustrated by the way both domains approach radical youth. Intelligence and security services cannot but approach them as suspect and dangerous, whereas educational institutions approach their students at least as worthy of education. In this light, society's inclination to come after these young people with a repressive agenda from the first indication of problematic behaviour on appears problematic if all available educational cards have not been played. This reflex characterizes what Ben-Porath (2006) has called 'belligerent' citizenship, in which education is reduced to an instrument for public safety. A thriving democracy, Ben-Porath argues, requires expansive citizenship education, in particular when public safety is at issue. If we agree that it is important for HEIs to foster democratic agency in their universities, it cannot be limited to learning to say 'no' to propaganda but must involve learning to say 'yes' to deliberating about the public good.

From this perspective, there is not one overall solution to the free speech dilemma, but three potential answers may be:

1. Using every opportunity to highlight the importance of academic freedom and start a public discussion on the challenges it embodies, including the limitations to free speech and academic freedom. A highly controversial event can be seized as an occasion to communicate about core values and involve staff, students, and the outside world in a debate. This is living democracy in action. If done right, it convinces agents of various opposite groups that their cause actually benefits from the fundamental freedom of speech, as it offers a podium and protection to all parties with different views.

2. Campuses should offer occasions to open up echo chambers or information bubbles, by, for example, introducing alternative speeches at the same time and place, and making sure the conditions for democratic and academic debate are met. In one of the cases in Britain, the police or HEIs have been reluctant to allow a speaker to visit on several occasions, and it was Prevent that pleaded for the event to go ahead under certain—well-organized—conditions. This approach could involve adding a counter-speech speaker to the list of speakers. Offering opposing speakers their own event in a different place or at a different time will only feed the echo chambers of like-minded audiences. Freedom of speech is a very ineffective principle if it allows everyone to stay inside their own ‘bubble’ and speaking becomes preaching to the already converted.

3. The risk of potential polarization highlights a need to invest in the democratic potential of the middle ground. When polarizing speakers visit, there is a risk that attention is focused on these polarizing individuals.⁵ The RAN Polarization Management Manual, based on the work of Bart Brandsma, recommends not balancing a polarizing speaker with the opposing polarizing pusher, but to invest in the middle ground. What do non-polarized students and staff members care about? What are their concerns and values? This external threat of polarization is an opportunity to boost the shared democratic values of the people in the middle ground.

The question of whom to allow to speak on campus cannot be answered generically. It will have to be weighed in every situation. A basic rule, though, is to establish personal and institutional

contact with civil society organizations that want to speak on campus and to focus not solely on the content of their message but also on their eventual techniques for recruitment, that is their *modus operandi*. Investing in contact will always pay off. One should not wait to do this until a confrontation takes place. Meanwhile, collective, participatory, investment in democratic campus resilience is usually worth every penny. In resilient, democratic universities, the focus is not merely on containing controversial viewpoints, but on promoting an exchange of different views and advancing dialogical practice. A heated debate or confrontation in class or during a break requires educational staff to think beyond order and safety, rules, and regulations. Instead of temporarily pacifying the public sphere upon an incident, universities could better invest in sustainable peace-building activities all year round. Universities should see these occasions as learning opportunities, for staff and students alike. An entire campus community can suffer severely from conflict but also learn a tremendous amount: learn where they stand, where others stand, how to confront each other without destroying the other, and practise democratic conflict resolution in an everyday context. Richard Sennet (2017) in exploring the nature of cooperation, why it has become weakened, and how it could be strengthened, has demonstrated the urgency of working together across differences: ‘Caught between the “us-against-them” ethos of our gang, group or community, and the “you-are-on-your-own” individualism of the unforgiving marketplace, we are’, he believes ‘losing the skills of cooperation needed to make a complex society work’ (Sennet, 2017, p. 5). Collaborating across differences is a vital ingredient of democratic citizenship and why universities should step up their game and transcend the managerial approach of P/CVE. To illustrate this extra focus, I draw from my own university’s recent policy changes around polarization and radicalization.

An example

3D is the result of discussions with representatives of the various groups who work and study at the VU. A board was formed to ensure a free debate that is conducted with respect and a feeling of security (Ad Valvas, 2018⁶).

The Vrije Universiteit is located in Amsterdam, the very diverse capital of the Netherlands. The university not only tolerates but has great pride in its diversity and works hard to create an open and inclusive atmosphere. On the university website, one can read:

Like society at large, our university community has a wide variety of genders, sexual orientations, nationalities, cultures, ways of thinking, and religions. We train and educate our students to deal with these differences. So that they, as professionals, are able to view matters from a broader perspective, enabling them to make a difference in society as future leaders. We strive for ‘inclusive excellence’ through four pillars, whereby students, teachers, lecturers, and employees within VU use their differences to stimulate creativity and talent development (Vrije Universiteit, 2019).

Not only is the campus home to a very diverse population of students, it also harbours the largest Islamic Student Association in the country (as of 2019, 800 members). Meanwhile, in Amsterdam, new audiences—with more people with higher education than before—are drawn towards alt-right and far-right ideologies. Confronted with identity politics on local, national, and international level, the university takes the risk of radicalization and polarization seriously by implementing policies for signalling and prevention that are frequently updated and evaluated. In an update (2018), the challenge of campus polarization was highlighted:

Over the past few months, feedback has shown that perhaps not every student and employee experiences openness to the same degree. To get more insight into this, discussions were held with representatives of different student groups. One with a mixed group of students and one with a diverse group of employees. In the interview with employees, the focus was on the student interviews and whether their statements were recognizable. Specific personnel issues were also discussed (experiences with discrimination, prejudices). Experiences were shared related to study climate, social security, and possible confrontations within and between different cultures, religions, and political views.⁷

The latter shows that the diversity on campus is not only a source of pride but also, at times, a source of concern: encounters between students (and employees) can sometimes be abrasive or even confrontational. The university wants to act proactively, and the intention is that both students and employees are actively engaged. By establishing a 3D board group (Diversity-Dialogue-Debate) of employees and students, initiatives around controversial and identity issues should be facilitated within the framework of active plurality. The 3D board advises the Executive Board—upon request and unsolicited—regarding events and developments within and outside the university that may cause polarization and tensions between students and employees and among themselves. In addition, the 3D board has an active role in initiating debates and dialogue meetings where ‘controversial subjects’ affecting the academic community are addressed and discussed. The purpose of these meetings is to find common ground between diverse perspectives and opinions. The 3D board represents the breadth of the characteristic diversity of the VU.

The initiative is openly backed by the chair of the executive board:

We have formed a 3D board consisting of students from a rich diversity of students and staff who will assist with organizing debates, dialogues, and pizza sessions. They will reflect on questions such as: how do we ensure that everyone participates? How do we openly communicate with each other and can we work towards mutual understanding? And how do we ensure that topics are explained and substantiated from different angles? We want to permeate the entire campus with such activity, from the bottom-up.⁸

This looks like a well-needed response to the complex challenges of fostering diversity on campus. On paper, at least, the 3D board is an ambitious diversity project, geared towards all groups and individuals on campus. In reality, the 3D board still suffers from some growing pains. Based on limited observations, we found three points of attention for the future of the initiative. First, the promise to invite people from the whole spectre of groups on campus was not entirely met. We assume that, unintentionally, the board attracted participants from groups that were already represented in other spaces of power. In order to realize real diversity in the 3D board, active recruitment of students from different (gender, class, ethnic and religious) groups and walks of life is needed, with a special focus on reaching those who are far from decision making. Second, in order for participation to avoid being tokenistic, the meetings should not be prepared and led by faculty members. If one wants to create genuine equality in decision-making, it is better for the agenda to open up and have more interactive meetings. If not, it will be hard to explain and substantiate topics from different angles. Third, the final promise from the chair of the executive board is to act 'bottom-up'. Unfortunately, to this date, the discussions are carried out by staff; students are only asked for their agreement or disagreement with plans that are designed and distributed in

advance of the meeting. Active participation might be harder to realize than expected. Maybe campus democracy and resilience cannot be entirely controlled from above?

Resilience anno 2020: some reminders

Having argued for a pedagogical alternative to the managerial approach, a resilient response goes beyond the risk that P/CVE policies usually refer to (Stephens, Sieckelinck, and Boutellier, 2019). Such a response goes beyond shielding people from controversial content by enhancing an educational culture that aims to empower students to find their place among peers and in society, take a stance, interact, and constructively engage with others. ‘Recognizing one’s potential as well as one’s limits, being aware of one’s emotions and knowing how to articulate them: these skills make engaging with others and handling difficult social relations easier, thereby rendering the adoption of conflictual attitudes and recourse to violence less likely’ (Nordbruch and Sieckelinck, 2018). A comprehensive program against alienation, polarization, and violent radicalization aims to reduce the impact of risk factors by strengthening protective practices while respecting democracy-promoting values. This is where the idea of resilience can be particularly useful: it provides an overarching, strength-based framework to stimulate protective factors at different aggregation levels, with respect to the individual student, the community of students and the campus as a whole (Sieckelinck and Gielen, 2018).

Regarding the fast-changing nature of radicalization a final reminder is in order. As a hyper-mediatized concept, radicalization is associated by most Europeans with Islam. This is understandable given the panic around jihadism-inspired attacks on European soil. However, recent events show the threat posed by

the far-right movement. This potentially represents—Norway of all EU countries has experienced this most bitterly—as serious a threat to our societies as the one legitimized by Islamist propaganda. In spite of their similarities, the rise of the far right must be examined through a different lens than the existing CVE instruments developed in reaction to the rise of Islamic extremism. I want to stress the following dimensions as they call for this shift and suggest new directions for better analyses:

- For decades, far-right supporters' online presence was limited to relatively secluded chatrooms. Today, on practically every moral topic that matters to us, far-right narratives are pushed into the public (online) debate—with increasing efficiency—whether the topic of discussion is immigration, gender equality, or climate change. This way, the Overton window (the range of ideas tolerated in public discourse) is moved in a non-violent way as part of a deliberate alt-right strategy (Maly, 2018).
- Islamic extremism, with the massacre at Charlie Hebdo as the most notable example, is trying to limit what we can say or draw, especially with regard to Islam. Amongst far-right supporters, an obsession has grown with its counterpart: free speech. Everyone who qualifies this right is considered inimical. Moreover, humour and irony ('just joking!') are widely used to discredit adversaries and demonize outgroups.
- Where Islamic extremism, especially since the rise of Daesh, was often used as an escape by young citizens with personal and mental problems looking for protection, the far right caters more to higher-educated, critical citizens with a thirst for knowledge and power. If a person is genu-

inely convinced by criticisms against current democratic institutions, so-called cultural Marxism and dogmatism around certain controversial issues in the mainstream, he or she is likely to consider a far-right position on these issues. At least as one of the viable options for analysing contemporary society.

- Islamic extremism has declared war on democracy. The far right, however, instead of attacking the democratic model, embraces (their conception of) democracy, pretends to be reclaiming democracy, governed properly, saving it from the so-called elites who let it degenerate. Institutions deserve to be challenged, but what if the alternatives undermine their very functioning? For example, through infiltration and mostly legal propaganda? Even where law-breaking and violent actions remain exceptions, the crisis of constitutional democracies is notable.

With the global mainstreaming of far-right narratives in mind, these remarks deserve attention if campuses are to remain spaces of diversity and democratic free speech. Nordbruch and Sieckelinck (2018) state: 'Tackling social and political polarisation has become a key priority in support of educational prevention strategies.' This relates to the root causes of populism and extremism and their impact on radicalization but also to the immediate effects of populist and extremist currents on youngsters. As a 'vicious circle of Islamist and right-wing extremism' (Ebner, 2017), the recent rise of extremist violence from different groups and individuals illustrates the urgent political need to limit its impact on youngsters and young adults. Using resilience as a guidepost implies that campus policy is not aimed at preventing polarization at all costs. Nonetheless, as soon as polarization takes place, it can activate the necessary protective practices.

No campus policy can prevent social alienation from occurring, but it can, in its response to this alienation, exclude or include students. Violent radicalization, finally, can be prevented, not by suppressing every dissenting opinion but by recognizing the need for voicing dissent. Campus resilience does not develop according to the laws and wishes of the university management. Sure, campus resilience can be organized and monitored but is not easily managed or controlled. Resilience is not primarily found within the security staff of universities, although staff members can play an important role in creating and protecting the necessary conditions. The most critical resilience that protects against social alienation grows rather in alliances of students and their educators where matters of public concern are made present.

Notes

1. The author would like to thank the reviewers and editors for their valuable feedback.
2. According to the Dutch Intelligence Service, AIVD, radicalization comprises ‘the pursuit or support of profound changes in society, that may cause danger to the existing democratic rule of law (goal), eventually by using undemocratic methods (means), that may hamper the functioning of the democratic rule of law.’ Radicalization can broadly be understood as a dynamic process through which groups or individuals grow in commitment to engage in conflict, adopting more radical or extreme positions. Usually, radicalization increases feelings of empathy with the ingroup and feelings of hate towards members of the outgroup.
3. The UK Government defines extremism as: the vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. In the Dutch language, the word *extremisme* is used about ideas or actions that are seen as extreme. The word is used to describe a political ideology far from the political centre or societal mainstream. *Extremisme* is also used where persons or groups deliberately violate laws and pursue illegal actions to reach their goals.
4. It is important to see that ‘agents of radicalization’ are spreading an enraged or sometimes simply concerned message, without always being open about an intent to incite a call to action to commit violence towards another group or specific people. Therefore, it is very difficult to point out what is criminal in their activities.
5. This is exactly the kind of attention they want. They want to be seen and they love opposition, because it will build the case for their supporters.
6. Ad Valvas is the local University Magazine of the Vrije Universiteit Amsterdam.
7. Internal letter to the University staff.
8. Internal communication.

References

- Ad Valvas (2018). 'VU wil het vrije debat van De Verrekiijker overnemen.' 20 November 2018. *Vrije Universiteit Magazine*.
- Bartlett, J. and Birdwell, J. (2010). 'From Suspects to Citizens: Preventing Violent Extremism in a Big Society.' Demos Institute Website, [Online] Available at: http://www.demos.co.uk/files/From_Suspects_to_Citizens_-_web.pdf?1279732377. (Accessed 10 June 2017.)
- Ben-Porath, S. (2006). *Citizenship under Fire: Democratic Education in Times of Conflict*. Princeton: Princeton University Press.
- Ben-Porath, S. (2016). *Free Speech on Campus*. Philadelphia: University of Pennsylvania Press.
- Briggs, R. (2010). 'Community Engagement for Counterterrorism: Lessons from the United Kingdom', *International Affairs*, 86 (4), pp. 971–981.
- CPRMV (2017). 'Strengthening Our Resilience to Agents of Radicalization and their Rhetoric. How to Avoid Succumbing to Their Appeal.' Centre de Prevention de la Radicalization Menant à la Violence, Canada [Online] Available from: <https://info-radical.org/wp-content/uploads/2017/05/what-is-an-agent-of-radicalization-cprlv.pdf>. (Accessed 10 May 2018.)
- Dullemen, C., Santos de Carvalho, J., Sieckelinck, S., Sloopman, M., and Rijbroek, J. (in press). 'Understanding Societal Resilience: The Case for Engaged Scholarship.' In M. Ungar, (ed.), *Multisystemic Resilience: Adaptation and Transformation in Changing Contexts*. New York: Oxford University Press.
- Ebner, J. (2017). *The Rage. The Cicious Circle of Islamist and Far-Right Extremism*. London: I.B. Tauris & Co.
- Glees, A. and Pope C. (2005). *When Students Turn to Terror: Terrorist and Extremist Activity on British Campuses*. London: Social Affairs Unit.
- Greer, S. and Bell, L. (2019). 'Three Cheers for the Independent Review of Prevent.' [Online] Available from: <https://legalresearch.blogs.bris.ac.uk/2019/02/three-cheers-for-the-independent-review-of-prevent/>. (Accessed 10 September 2019.)
- Heath-Kelly, C. (2013). 'Counter-Terrorism and the Counterfactual: Producing the 'Radicalisation' Discourse and the UK Prevent

- Strategy.' *The British Journal of Politics and International Relations*, 15(3), pp. 394–415.
- Kirkpatrick, D. (2017). 'Why Criminalising Non-Violent Extremism Won't Prevent Terrorism.' [Online] Available from: <http://theconversation.com/why-criminalising-non-violent-extremism-wont-prevent-terrorism-78973>. (Accessed 10 September 2018.)
- Kosrokhovar, F. (2018). *Le Nouveau Jihad en Occident*. Paris: Robert Laffont.
- Maly, I. (2018). *Nieuw Rechts*. Antwerpen: EPO.
- Mcdonald, L.Z. (2011). 'Securing Identities, Resisting Terror: Muslim Youth Work in the UK and Its Implications for Security.' *Religion, State and Society* 39(2–3), pp. 177–189.
- Niconchuk, M. and Dietrich, K. (2018). 'Two Sides of the Same Coin? An Examination of the Cognitive and Psychosocial Pathways Leading to EMPOWERMENT and RADICALIZATION, and a Model for Reorienting Violent Radicalization.' Equal Access Report.
- Nordbruch, G. and Sieckelinck, S. (2018). 'Transforming Schools into "Labs for Democracy". A companion to preventing violent radicalisation through education.' RAN Policy Paper.
- Onursal, R. and Kirkpatrick, D. (2019). 'Is Extremism the "New" Terrorism? The Convergence of "Extremism" and "Terrorism" in British Parliamentary Discourse', *Terrorism and Political Violence* [Online] Available from: <https://doi.org/10.1080/09546553.2019.1598391>. (Accessed 12 July 2019.)
- O'Donnell, A. (2017). 'Pedagogical Injustice and Counter-Terrorist Education', *Education, Citizenship and Social Justice*, 12 (2), pp. 177–193.
- Sennet, R. (2017). *Together. The Rituals, Pleasures and Politics of Cooperation*. London: Penguin Books.
- Sieckelinck, S. (2018) 'Towards a Pedagogy of the Radicalised.' In P. Smeyers (ed.), *International Handbook of Philosophy of Education*. Dordrecht: Springer.
- Sieckelinck, S. and Gielen, A.-J. (2018). 'Protective and Promotive Factors Building Resilience Against Violent Radicalisation'. RAN CoE Issue paper, April 2018. [Online] Available from: <https://ec.europa.eu/home-affairs/sites/homeaffairs/files/>

- [what-we-do/networks/radicalisation_awareness_network/ran-papers/docs/ran_paper_protective_factors_042018_en.pdf](#). (Accessed 12 July 2019.)
- Sieckelinck, S., Kaulingfreks F., and De Winter, M. (2015). 'Neither Villains Nor Victims: Towards an Educational Perspective on Radicalisation.' *British Journal of Educational Studies*, 63 (3), pp. 329–343.
- Spalek, B. and Weeks, D. (2017). 'The Role of Communities in Counterterrorism: Analyzing Policy and Exploring Psychotherapeutic Approaches within Community Settings', *Studies in Conflict and Terrorism*, 40, no. 12, pp. 991–1003.
- Stephens, W., Sieckelinck, S., and Boutellier, H. (2019). 'Preventing Violent Extremism: A Review of the Literature', *Studies in Conflict & Terrorism*, pp. 1–16.
- Sutton, R. (2015). 'Preventing Prevent? Challenges to Counter-Radicalisation Policy On Campus.' The Henry Jackson Society.
- Thomas, P. (2016). 'Youth, Terrorism and Education: Britain's Prevent Programme', *International Journal of Lifelong Education*, 35 (2), pp. 171–187.
- Thompson, F. (2019). 'Prevent: Government's counterterrorism programme is "single biggest threat" to free speech at universities, report finds.' *The Independent*, 27 June 2019. <https://www.independent.co.uk/news/uk/home-news/prevent-free-speech-counter-terrorism-university-campus-hepi-home-office-a8976236.html>.
- Ungar, M. (2004). 'A constructionist discourse on resilience— Multiple Contexts, Multiple Realities among At-Risk Children and Youth.' *Youth & Society*, 35 (3), pp. 341–65.
- Ungar, M. (2012). *The Social Ecology of Resilience: A Handbook of Theory and Practice*. New York: Springer.
- Ungar, M. (2015). *Working with Children and Youth with Complex Needs: 20 Skills to Build Resilience*. New York: Routledge.
- Vrije Universiteit (2019). <https://www.vu.nl/nl/over-de-vu/profiel-en-missie/diversiteit/index.aspx> (accessed 11 July 2019). Amsterdam.

The Perceived Legitimacy of Academic Freedom

Bjørn Haugstad

Only his head peeping out of his chamber.

He sits, as if looking out of a window

At the world; to himself he is enough.

Henrik Ibsen, Peer Gynt

Introduction

There are good reasons to protect and promote free speech and academic freedom. As liberal democratic values should not be taken for granted, neither should academic freedom be considered a given. Indeed, there is cause for concern. I believe that in our increasingly volatile world, with rising populism and an

abundance of ‘fake news’, academic freedom and the autonomy of our academic institutions are more important than ever.

Free speech and academic freedom are defining characteristics of liberal democracy. Free speech and academic freedom play an active and constructive role by contributing to an open and informed public debate (Post, 2015) and by exposing uses and abuses of power. Moreover, academics and academic research play an important role in giving voice to underprivileged groups and their interests.¹ Thus, free speech and academic freedom constitute a constant threat to authoritarian regimes and counteract authoritarian tendencies. Hence, it is to be expected that when countries move in an authoritarian direction, free speech and academic freedom not only become collateral damage, they also become targets.

A society in which academic freedom prevails is also a society where information and knowledge flow freer than in societies where free speech is curbed and knowledge is subject to tight governmental control (Lipsey et al., 2005; Mokyr, 2005). Indeed, in the terminology of Acemoglu and Robinson (2012), modern universities with academic freedom are politically inclusive institutions that also drive economic inclusion. Wide dissemination of knowledge contributes to higher living standards, and academic debate is often conducive to concern for the welfare of the wider society.

Back in 1989, Francis Fukuyama saw signs of ‘the end point of mankind’s ideological evolution and the universalization of Western liberal democracy as the final form of human government’ (1989). Since then, Fukuyama has been rethinking (2014) and is now deeply worried that liberal democracies are being challenged by populist nationalism and identity politics (2018). Indeed, current developments provide a stark correction to earlier optimism: the growth of authoritarian regimes in Russia, Turkey, Hungary, and other countries; the rise of militant

Islamic organizations and ideology; the emergence of Trumpism in the US and populism in many European countries; and the general notion of a post-truth society (Marmot, 2017; McIntyre, 2018); these trends all point in the wrong direction.

With this essay, I hope to contribute to the dialogue between academia and the wider society on the role of academia in society. This dialogue must reflect on the social contract between academia and society, including which prerogatives and resources are necessary for academia to fulfil its functions. When academics are rightly worried about the future of academic freedom, we must ask: what can academia and academics do to safeguard academic freedom? That question is at the heart of this essay.

I propose that two viable strategies complement each other and must be employed in balance. The first is to sound the alarm and protest abuse. This is already being done: assertions abound that academic freedom and free speech on campus are under threat, even in liberal democracies (Ben-Porath, 2017; Chermirsky and Gillman, 2017; Collini, 2018; Hammersley, 2016; Ignatieff and Roch, 2017), including in Norway (Forskerforbundet, 2017; Tjora, 2019). As academic freedom is critical for liberal democracies, these assertions should be taken seriously by politicians as well as by society at large.

The second strategy is to improve academia's resilience to external pressure by strengthening the perceived legitimacy of the prerogatives and resources academia need. These prerogatives include academic freedom, discretionary power, and autonomy. These prerogatives must be under constant and demonstrable stewardship by academia itself in order to maintain perceived legitimacy in wider society. I am deliberately using the qualifier *perceived* here because the widespread *perception* of legitimacy is crucial for academia's standing in the wider society.²

Central to the second strategy is the responsibility to actively engage with society's needs. Too many external observers and

opinion-makers see the academic prerogatives as privileges, and too many see academia and academics as unconcerned with the needs of society at large. To be blunt, just as the external threats to academic freedom are real and should be taken seriously by politicians, so should academics acknowledge that episodes, attitudes, and practices within academia sometimes undermine academia's perceived legitimacy.

When academics are seen as aloof from the everyday concerns of ordinary men and women and as more concerned with their own privileges than helping to solve current societal challenges and contributing to economic wealth and welfare creation, that impression undermines the perceived legitimacy of academia, affecting, in turn, the basis for academic freedom.

In this essay, I will concentrate on the balance between the protection of academic freedom and autonomy on the one hand and engagement with society's current needs on the other. I sincerely believe that the debate on academic freedom must be complemented by an equally vigorous debate on academic duty and responsibility (Kennedy, 1997). We need academia to take an active part in responding to the grand challenges of our time: climate change and the need to find more sustainable sources of energy; the decline of old industries and the need to create new jobs; new threats to public health that cannot be addressed by old remedies³—to name but three examples.

Academic freedom cannot be freedom from engaging with society's most pressing problems, nor an excuse for academics to look out of the window at the world and to themselves be enough, to paraphrase Ibsen. On the contrary, academic freedom entails a collective responsibility to contribute to a better society. That, to some extent, includes an obligation to engage in issues that are given priority by elected politicians.

I am writing this as a former state secretary with responsibility for higher education and research policy in Norway (2001–2005

and 2013–2018). I have also served four years as Research Director at the University of Oslo. I have thus had my share of joys and frustrations, conflicts and collaborations within and with Norwegian academia. In writing this essay, I have endeavoured to take an analytic rather than subjective approach and to strive for balance, using my external (as a politician) as well as internal (as a researcher and research administrator) experiences with academia.

I ask the reader to believe me when I say that I am an ardent believer in, and defender of, academia and academic freedom. If the tone of my critique sometimes seems a bit harsh, it is due to a sincere concern for the long-term well-being of academia in Norway and elsewhere. Not only for academia's own sake but also because our common future depends upon it.

The reader should also be aware that I am writing in a Norwegian context. There are good reasons to suppose that the conditions for academic freedom in Norway are comparatively good: academic freedom is safeguarded by the Act relating to universities and university colleges,⁴ based on an Official Norwegian Report commissioned in 2005 by then Minister of Education and Research Ms Kristin Clemet.⁵ According to the European University Association's Autonomy Scorecards, Norway ranks high on academic autonomy.⁶ The high level of equality⁷ and trust⁸ in Norway, including trust between people and trust in government,⁹ is probably conducive to academic freedom as well. Thus, academic freedom is probably under more pressure in other countries than in Norway.

Nevertheless, there are concerns amongst Norwegian academics regarding academic freedom (Hessen, 2018; Osmundsen and Olsen, 2017), and those concerns deserve to be taken seriously. I will argue that now is the right time to insist that academia maintains a conscious and even humble approach to academic freedom, the prerogatives academic freedom contain, and indeed, the responsibilities that academic freedom entails.

In the following, I will first discuss assumptions, prerogatives, limitations, and obligations related to academic freedom. I will then identify and discuss three threats to academic freedom: threats to the very legitimacy of academic freedom, inadequate resources to make academic freedom a reality in practice, and downright infringement of academic freedom. I will illustrate the threats with some examples but will not provide an in-depth analysis of any cases. In a few instances, a lengthier discussion would allow for more nuance; however, I take responsibility for the priorities made. In the conclusion, I will emphasize what academia can do to safeguard academic freedom.

What is academic freedom?

Two sets of beliefs form my thinking on academic freedom; one is ideological, and the other is instrumental. Ideologically, I believe academic freedom is a *sine qua non* of a true liberal democracy, in the sense that I cannot conceive of a liberal democracy without universities where academic freedom is granted. The instrumental belief is that academic freedom provides for higher quality of education and research, and that it in the long run also provides for more useful knowledge,¹⁰ even if some of that knowledge may appear ‘useless’ at the time (Flexner and Dijkgraaf, 2017). An early advocate for the instrumental as well as the ideological sets of beliefs is Michael Polanyi. In ‘The Republic of Science’, he states that under certain plausible conditions ‘... the pursuit of science by independent self-coordinated initiatives assures the most efficient possible organisation of scientific progress’ (Polanyi, 1962b, p. 56). In her discussion on academic freedom, Joanna Williams shows how Immanuel Kant as well as John Stuart Mill argued that academic freedom is essential for developing new knowledge (Williams, 2016, p. 5–6).

There are many definitions of academic freedom, yet with a healthy degree of consensus.^{11,12} Core elements of most definitions are the freedom to question and inquire, freedom to decide what material and methods are relevant to pursue answers, and freedom to publish.

According to the Oxford English Dictionary, academic freedom is 'a scholar's freedom to express ideas without risk of official interference or professional disadvantage'. This succinct definition underlines the close connection between academic freedom and freedom of speech. In fact, academic freedom without freedom of speech seems meaningless, whereas most definitions of academic freedom go beyond freedom of speech.

The first sentence of the American Association of University Professors (AAUP) 1940 Statement of Principles on Academic Freedom and Tenure reads as follows: 'Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties ...'¹³ The definition also makes clear that 'Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject'. A footnote underlines that this passage is not meant to discourage controversial issues, but simply 'to underscore the need for teachers to avoid persistently intruding material which has no relation to their subject.' A more recent description, albeit with the same sentiment, can be found in the declaration made by the Global Forum on Academic Freedom, Institutional Autonomy, and the Future of Democracy in June 2019.¹⁴

Although most definitions are formulated positively, academic freedom is basically a negative freedom in Isaiah Berlin's (1958) sense.¹⁵ It is freedom from obstructions to questioning and inquiring, choosing methods, and publishing. It is, however, not formulated as a right to have particular resources available. Of

course, for academic institutions and individual academics, the freedom to inquire, research, and publish can only be exercised with adequate resources available. Funding is thus intrinsically important for how academics experience academic freedom in practice. I will discuss the implications of this further in the section on funding.

I will in the following discuss assumptions that underpin the legitimacy of academic freedom, prerogatives that are necessary for academic freedom to function, some limitations to academic freedom, and certain obligations that academic freedom calls forth.

Normative assumptions

I propose that the legitimacy of academic freedom, that is, the granting of the prerogatives that academic freedom entails, rests upon several normative assumptions on behalf of the wider society.

The first overarching assumption is that the prerogatives academics enjoy exist for the greater good, not for the benefit of individual academics. This is the case, even if one must acknowledge that academic freedom is ‘played out’ at the level of individual academics.

The second assumption is that there are proper practices of self-governance in place, including practices of quality assurance. Whereas ‘society’ acknowledges it lacks the capacity to judge the quality and relevance of research, it assumes that the academic community has such practices in place and that it weeds out research of low quality. These practices of quality assurance, including a ‘healthy’ level of competition for resources, ensure that resources are reasonably efficiently used. One conspicuous indicator for the population at large is examples of dubious research, leading to sentiments such as, ‘If they can

afford to fund *that* with taxpayers' money, they obviously have too much money'.

Third, academics hold themselves—and each other—to a higher standard of discussion than the rest of society. In fact, academia should provide the 'gold standard' for exchange of arguments in pursuit of new insight, roughly as delineated by Habermas on ideal speech situations.

Fourth, academics are by and large hard-working. They 'pay' for their prerogatives with extraordinary commitment and hard work.

Finally, academics are by and large concerned with the welfare of society at large.

Episodes or practices that seem to contravene these assumptions undermine 'society's' support for academia. 'Society' is, of course, a problematic and imprecise term in the sense that society as such has no opinion. I thus use 'society' as a synonym for 'mainstream public or political opinion'. Even 'mainstream public or political opinion' could be discussed, but I believe it makes intuitive sense.^{16,17}

Prerogatives

Academic freedom necessitates certain prerogatives, such as a high degree of self-governance and work autonomy, discretionary power to commit considerable institutional resources (including their own time) without consulting superiors, and freedom to freely and publicly criticize each other, their own organization, and senior management. It is important to acknowledge that these are indeed prerogatives that set academia clearly apart from most other work organizations (Whitley, 2000).

The nature of scholarly work implies that academics need considerable work autonomy and discretionary power in order to be effective (Polanyi, 1962b; Whitley, 2000). They also need

the power to commit considerable resources on behalf of the employer and freedom to make decisions that in most other organizations would be considered ‘strategic’ and hence the responsibility and mandate of upper echelons of management. Another example of a prerogative that many outside academia find difficult to comprehend is the freedom to publicly criticize and question decisions made by the employer.

These are not prerogatives that academics should be grateful for, for they are not granted because researchers deserve them, but because they are necessary in order for academia to fulfil its functions. What academics could do, though, is to acknowledge that these prerogatives may be seen as privileges, and that privileges granted in a democracy must be stewarded with care if they are to be sustained. Moreover, academics could individually and collectively ask whether their actions underpin or undermine the legitimacy of academic freedom. Furthermore, as most of the funding, at least for Norwegian higher education institutions, stem from the public purse, these are prerogatives that are granted from society. If these prerogatives appear unreasonable, the repercussions to the public’s willingness to provide adequate funding may be severe.

Limitations

The right to academic freedom is not absolute. There are certain important limitations, such as libel and hate speech, research ethics, and conflicts of interest.

As free speech generally is moderated by libel laws and laws against hate speech, libel is no more legitimate if it comes from a reputed academic than from an ordinary citizen. A recent trend is the rise of debates on free speech on campus, where many see a contradiction between free speech and the right to welfare for marginalized groups in particular (Ben-Porath, 2017;

Chemerinsky and Gillman, 2017; McIntyre, 2018; Williams, 2016). Hate speech is prohibited by law in many countries, but it is not uncontroversial who defines hate speech in practice (Parekh, 2017)—the debate is full of grey areas. However, I think it safe to argue that academics must enjoy at least the same degree of freedom of speech as others do due to academics' role in challenging received knowledge and conventions.

Academic freedom is also moderated by ethical reasons, including the dignity and welfare of live research subjects. Some would also include concern for the purpose of research or even potential misuse of research results. There are numerous historical examples, some of which also illuminate the development of research ethics. Ignaz Semmelweiss did not breach any contemporary ethical codes of research. Yet, he would have been in deep trouble with any research ethics committee today with his experimental approach. At the same time, when the Norwegian Research Ethics Act was revised in 2017, it was changed into an Act on the organization of research ethics, in order to emphasize the principle of academic self-governance.¹⁸

Research for the purpose of extraction petroleum resources presents an interesting Norwegian case. In 2014, interest groups challenged Norwegian universities on their cooperation with oil companies, including the Norwegian company Statoil (now Equinor). The Rector of the University of Bergen, Dag Rune Olsen, asked the National Committee for Research Ethics in Science and Technology (NENT) to discuss the case. The conclusion was not unequivocal but did not preclude universities from collaborating with oil and gas companies.¹⁹ Of course, a conclusion that precludes Norwegian universities from such collaboration would have been controversial, given that Norwegian universities are overwhelmingly funded by public money, which to a substantial degree stems from the extraction of oil and gas.

Conflicts of interest may also limit the freedom of academics to pursue research at their own discretion. The requirement is, usually, that possible conflicts of interest should be publicly declared, but sometimes conflicts of interest limit what research individual academics can engage in. Handling of conflicts of interest is also an example where academics are subject to the same regulations as other civil servants, sometimes to the academics' dismay.

Obligations

Academic freedom entails obligations and responsibilities. I will argue that academia's overarching responsibility is to ensure that the normative assumptions underlying the legitimacy of academia and academic freedom are being fulfilled. I will emphasize four obligations that complement the overarching responsibility:

The first obligation is to always pursue the highest possible quality according to the prevailing academic standards. This obligation is rooted in the instrumental motivation for academic freedom, that it enables the highest possible quality of research and learning.

The second obligation is for academics to hold themselves to a high standard of integrity in public debates, as, for instance, expressed by AAUPs 1940 Statement of Principles on Academic Freedom and Tenure:²⁰

When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public might judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise

appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

The third obligation is related to the second. Academics enjoy considerable authority as supervisors and lecturers. This authority stems from their assumed expertise and from their formal position. Furthermore, as Polanyi argues, effective learning often requires that the learners ‘. . . submit to authority. You follow your master because you trust his manner of doing things even when you cannot analyse and account in detail for its effectiveness’ (Polanyi, 1962a, p. 53). At the same time, lecturers and supervisors are also charged with a responsibility to encourage students to think independently and to learn how to think critically. The principle of *Lehrfreiheit* provides individual academics with considerable autonomy and should be at the core of students’ expected learning experiences at a university (Altbach, 2016; Josephson et al., 2014). However, this authority is also a cocktail that can effectively be used to manipulate young minds as academics are in a position to exert undue influence over students’ political opinions. The AAUP definition cited earlier must be read as emphasizing the obligation to avoid such manipulation.

The fourth is a responsibility to pursue research that is scientifically relevant but also relevant for society at large. This position has been eloquently elaborated by Donald Kennedy, former president of Stanford University, in his exposition of the relationship between academic freedom and academic duty (Kennedy, 1997).

The societal relevance may not be short term, and I am not suggesting that all researchers must perform research of visible societal relevance all the time. However, the academic community bears a collective responsibility, and those who

choose to pursue only curiosity-driven research have a responsibility to support the prestige of those inclined to more applied research.

It can be argued that whereas academic freedom must be an individual right for it to have any meaning, the responsibility it comes with is fundamentally collective. It is academia, that ill-defined and elusive body of scholars, that collectively shoulders the responsibility that comes with the rights and privileges of individual academics. The reason is that the prerogatives bestowed upon academics are a common pool resource (Ostrom, 1990). It is thus vulnerable to free-riding and the tragedy of the commons (Hardin, 1968; Schelling, 2006).

There are two important consequences of this. First, for some of the obligations, such as contributing to solving societal problems, it is futile or even disingenuous to make individual academics accountable. For other obligations, such as to act with integrity in the classroom and in public debates, it makes perfect sense to hold individual academics accountable. Even so, when individual academics are seen to fall short on expectations of integrity, the fallout is collective because of the tendency to generalize from conspicuous examples. This is the reason why the legitimacy of academia is a common pool resource (Ostrom, 1990). Second, for this combination of individual rights and collective responsibilities to work, academia must have credible mechanisms of self-governance, of which peer review is a prime example.

Threats to academic freedom

I will discuss three sets of threats to academic freedom. First, threats to the very legitimacy of academic freedom. The legitimacy of academic freedom, as acknowledged by society, is fundamental to the protection and preservation of academic freedom.

Without perceived legitimacy, it is difficult to see how the prerogatives and funding necessary for making academic freedom a reality will be safeguarded. Legitimacy is also the best protection against populist attacks. Moreover, the perceived legitimacy of academic freedom is something academics and academia can influence profoundly through their own practices and makes academia more resilient towards such attacks. I have identified five such threats to the perceived legitimacy of academic freedom: populist attacks on ‘experts’ and academics; pressure on free speech on campus; misuse of privileges or lack of engagement with society; misuse of professorial authority in public debates; and strong epistemic relativism, including postmodernism.

The second threat to academic freedom is a lack of adequate resources, whereas the third is the downright infringement of academic freedom as a negative liberty.

External threats to academic freedom may not only emanate from governments but also industry (economic interests) or pressure groups (ideological interests).

Misuse of academic authority

Academics are expected to participate in public debates in order to provide facts and perspectives that enlighten the debate. Indeed, as discussed earlier, academics’ contribution to public enlightenment and democracy is fundamental to the justification of academic freedom. At the same time, academics are expected to promote integrity in public debates by way of example. Moreover, academics enjoy extra authority due to their purported expertise and position in society.

Many also expect academics to be ‘neutral’ and ‘objective’, an expectation that is misguided and rooted in a simplistic conception of science. Pielke (2007), emphasizing ‘honesty’ rather than ‘neutrality’ and ‘objectivity’, comments upon the linear

model of science and politics which many scientists and politicians still adhere to. According to this model, science precedes and compels political decisions. First, let scientists get the facts straight, the linear model says, then require politicians to implement policies based on them. Pielke, and many with him, have long argued that this model is false: there is no such straight linear relationship between science and politics. He points out that the linear model supports the idea of science as impartial and elevated over the political struggle. Furthermore, academics may of course hold political opinions and use their expertise to further their political agenda. However, it is deeply problematic when that engagement leads academics to politicize science: 'In many instances science has become little more than a mechanism for marketing competing political agendas, and scientists have become leading members of the advertising campaigns' (Pielke, 2007, p. 117).

The gravest example is of course when scientists engage in deliberate misinformation, for instance when accepting money from the tobacco lobby to confuse the relationship between tobacco and cancer or accept money to create doubt regarding the relation between climate gas emissions and climate change (Oreskes and Conway, 2010). Whereas such conduct is profoundly worrying and undermines public trust in scientists, I will not dwell on these examples in this essay, simply because this conduct is obviously a case of malfeasance and should be treated as such.

I find it more relevant to underline that it is perfectly legitimate for academics to be politically engaged, as long as that engagement neither distorts their professional judgement nor undermines their integrity. Indeed, contrary to Merton's (1973) ideal of disinterest, I think it can be argued that academics that pick their research topic based on a social engagement may produce better science precisely because they are engaged. It is also important that professors participate in public debate.

However, they are undermining the authority of academia when they misuse their titles to pose as experts on something that they do not know better than an ordinary, enlightened non-professional. Or when they let their research become politicized and participate in public debate under false pretences as representing ‘The Voice of Science’ (with capital v and s) when scientists may indeed disagree profoundly over the issue under debate (Hammersley, 2015). I will not provide concrete examples of this practice, simply because it is so frequent.

However, an interesting and less frequent variant is when academics publicly accuse other scholars of being politicized and unworthy of research funding. For instance, the Norwegian research community on kindergartens appears so heavily ideological and dominated by one tradition within pedagogy that researchers from other disciplines (economics in particular) are seen as intruders and treated as barbarians at the gate. In the leading newspaper *Aftenposten*, one could read an op-ed from two leading researchers condemning the funding of other researchers by the Norwegian Research Council (Østrem and Pettersvold, 2014). The apparent problem was that the research proposal was championed by an economist. That the research proposal had undergone standard procedures, including rigorous peer review, was disregarded, apparently not making an impression.

As lecturers and supervisors, academics are in a position of authority and power, as discussed earlier. Thus, the lectern can be an effective platform for indoctrination and political propaganda. I will provide one illustrative example related by students over a cup of coffee in my office a few years ago. They were students at the teacher training program at a Norwegian university. In an ordinary lecture, they had been introduced to a so-called comparison between rightist and leftist education policy in Norway. It was quite obvious that everything the lecturer deemed as good, such as community, care for the

weaker pupils, and so on, was promoted by leftist politicians, whereas rightist politicians were responsible for competition, new public management, and a purely instrumental approach to learning and knowledge. These claims are far too sweeping to have any credit in a Norwegian political context. For instance, it was a labour government that introduced important elements of new public management, and several conservative or Christian democratic ministers have introduced initiatives aimed towards underperforming students or anti-bullying measures in schools.

The students showed me the presentation, which was so lopsided that most leftist politicians I know would have refrained from using such arguments simply out of self-respect. Some students reacted strongly to this highly politicized presentation, but fear of reprisals kept them silent. Much of their reaction was due to the lecturer presenting the comparison as based on neutral professional judgement that was somehow independent of the lecturer's personal political sympathies. Of course, as one of the tasks of university education is to cultivate free and critical thinking in young minds, the very same presentation could have been used to elicit a discussion among the students and to make the students aware that education policy and research is politically contested. Thus, where the lecturer failed in maintaining professional integrity was in conflating personal political opinions—which the lecturer is entitled to hold and promote—with a neutral scientific point of view and as shared knowledge among education researchers.

Strong epistemic relativism and postmodernism

There are two main problems with epistemic relativism and postmodernism in academia. The first is that postmodernism and strong epistemic relativism paved the way for populist

attacks on truth. A path can be traced from postmodernism to ‘alternative facts’ and the post-truth society. Two current collaterals are the debates on climate change and vaccinations. The second problem is related to public trust in science.

Strong epistemic relativism is succinctly summarized by Paul Boghossian thus: “There are many radically different, yet “equally valid” ways of knowing the world, with science being just one of them’ (2006, p. 2). If one takes this position seriously, then there is really no reason to provide academia with its special prerogatives.

As for my own stance on ontology and epistemology, I am a firm believer in John Searle’s outline of the construction of social reality (Searle, 1995). However, I do not find any inherent contradiction between Searle’s construction of social reality and Berger and Luckmann’s social construction of reality. Much of what we recognize as reality, that has ‘an existence beyond that of the observer’ (Berger and Luckmann, 1967), is indeed socially constructed. The truth criterion then becomes not that of objectivity, but that of intersubjectivity²¹ or what Searle refers to as ontological subjectivity combined with epistemic objectivity (Searle, 2001). This intersubjectivity is crucial for society to function, and, indeed, for scholarship to move forward. This does not mean that academics should not challenge socially accepted ‘truths’, but they must accept that doing so must be acknowledged as socially relevant and more than an academic pastime.

In his book *Post-Truth*, Lee McIntyre (2018) argues that the postmodernists’ rejection of the notion of truth has provided right-wing populists with useful arguments for their attacks on science and expertise. McIntyre is by no means alone; Jon Elster has launched several blistering attacks on postmodernism and what he calls obscurantism (Elster, 2015), whereas Alan Sokal cites as one of his main reasons for instigating the

whole ‘Sokal affair’ a fear for what postmodernists would do to the legitimacy of science (Sokal, 1996a, b; Sokal and Bricmont, 2003). As a political leftist, he is exasperated because ‘. . . this silliness is emanating from the self-proclaimed Left’ (Sokal, 1996a).

There is a vast difference between acknowledging that most scientific ‘truths’ are preliminary and open for discussion and even different opinions, on the one side, and on the other side undermining the very notion that there actually exist sound criteria for judging the verisimilitude of arguments and propositions. If the epistemic relativists should gain widespread support for their view, I think it is safe to predict that public and political support for science and research would take a heavy blow. I am not questioning that there may exist meta-narratives in society that could legitimately be challenged. I do, however, claim that the basis for such challenges must be a convincing proposition arguing that the prevailing meta-narrative is founded on dubious premises or simply wrong. If the proposition is basically that ‘I like this narrative better’, then we are beyond the realm of academia and scholarship.

The second problem is that much of what is published from epistemic relativists, or slips through their peer review, simply undermines public trust in science, or public trust in the academic community being willing and able to ensure proper quality assurance and self-governance (Mounk, 2018).²² Some of this scepticism is undoubtedly caused by simplistic notions of the nature of science and academia. However, as the Sokal affair and other debates demonstrate, there is simply too much being published that has no discernible value outside a narrow circle of like-minded academics.

An interesting Norwegian example was provided by the newspaper *Morgenbladet* investigating research on post-humanism and kindergartens (Time, 2017). The gist of the article

was that much of Norwegian research on kindergartens have very little, if any, relevance for children or for those working in kindergartens, or indeed for anyone else trying to understand what is going on in kindergartens. The article provided ample examples that underscored the view of research and researchers as detached from any concern with their research being relevant beyond their self-referential circle of scholars and enrolled practitioners. An engaged debate ensued in which the head of the largest teachers union stressed the need for research to be relevant for practitioners (Handal, 2017) and a leading scholar engaged in a heated response (Greve, 2017).

So, what is the problem underlying this debate? In my mind, this discussion should have been held earlier, as part of the internal quality assurance process, that is, through peer review. That this debate became public demonstrates that the self-governance principle of academia had partially failed. The true danger is not that some research of dubious value is being performed and published. The true danger is that such examples may undermine public and political trust, with potential repercussions for funding and, much worse, inducing political interference in quality assurance in academia.

Lack of engagement with societal challenges

One of the most serious threats to the legitimacy of academic freedom is when it is being used as an ideological platform for self-serving self-sufficiency and as a defence for not engaging with societal challenges. Too often we discuss as if there is an inherent contradiction between quality and relevance— as if basic research, bottom-up, curiosity-driven is one thing and usually of high quality at one end of the continuum, whereas applied research, top-down, thematic, and often of dubious quality is at the other end.

The purported contradiction between the quest for understanding fundamentals and considerations of use is simply false (Stokes, 1997). This by no means precludes basic research without considerations of use but makes it clear that it is possible to have an eye for potential usefulness when choosing fundamental research questions. And that is exactly what is needed in a time with so many 'grand societal challenges' looming.

Each hour of work carried out by a Norwegian professor is paid for by the taxes from four to five hours' work of an average wage-earner. This represents a substantial investment of society's resources. I believe this gives society the right to expect contributions in return in the form of economic value creation, upholding a sustainable welfare-state, and solving the grand societal challenges of our time.

The current societal challenges provide an abundance of interesting problems for research. One example is the nexus of climate change, energy security, and energy affordability. Solving the climate change problem while providing much-needed energy for a growing global population, of which billions are pursuing better living standards, is extremely challenging. These issues require a massive mobilization of academic resources from almost every discipline and present an inexhaustible source of interesting and challenging research questions. Of course, climate change is only one, albeit fundamental and formidable, grand societal challenge among many.²³ Again, for most disciplines it should be possible to combine curiosity with a penchant for usefulness. Thus, this is the time for our best and brightest scientists to use real-world problems to filter their own curiosity. The more they do so on their own accord, the less they will feel that politicians and bureaucrats are pushing them in that direction. And, by doing so, they provide evidence for the usefulness of curiosity-driven research.

Free speech on campus under threat

Google ‘free speech on campus’ and you will get about 452,000 hits (as of April 2019). There are recently written several books on the subject (Ben-Porath, 2017; Chemerinsky and Gillman, 2017; Williams, 2016). *The Economist* has published a series of articles on episodes where free speech is under threat.²⁴

Joan W. Scott, former chair of the AAUP’s Committee A on Academic Freedom and Tenure, claims in an interview that in some ways, the situation on American campuses is even worse than under the McCarthy period. Whereas Scott is clearly most worried about the situation for left-leaning academics,²⁵ *The Economist* provides examples where leftist students effectively block the right to free speech for conservatives. There are even cases where students sabotage university courses they deem as ‘Eurocentric’ or even ‘white supremacist’²⁶ without presenting any convincing arguments for such labels.

It is tempting to dismiss this as an American problem, fuelled by the stark polarization of public debate in the US, the rise of Trumpism, and so forth. Yet, there are striking similarities to the situation at some Norwegian university campuses in the early 1970s where Marxist students demanded to dictate the curriculum in certain university courses.²⁷ There are worrying signs at Norwegian universities at present as well. One example is an episode that occurred at the university in Trondheim, NTNU, where a lecturer was condemned by colleagues for agreeing to an interview by a Norwegian right-wing populist Internet site, Resett.²⁸ Students who were offended by the interview created a petition in the aftermath of the interview. The lecturer was even reprimanded by the head of the department. The criticism was not primarily about what the lecturer had said, but rather that he had agreed to the interview at all.

A robust discussion ensued. While very few argued that Resett is a valuable contribution to Norwegian public debate,

even fewer would question the rights of academics to give an interview to whomever they choose. Many argued that the statements the lecturer made in the interview were academically weak, but that the attempts to silence him were contrary to the academic value of the free exchange of ideas and viewpoints. The episode reached a preliminary closure when the rector of NTNU publicly made it clear that academics must be allowed to be interviewed by a website operating within the law. What is at stake is the fundamental idea of academia as a community committed to free pursuit of knowledge and free exchange of ideas, even when these ideas are unpalatable or even distressing to some.²⁹ In societies where populism is on the rise, university campuses should be the place for exchange of ideas and opinions in a civilized way, without censure.³⁰

Populist attacks on science and expertise

The pendant to censure from within, as discussed above, is external populist attacks on science and expertise. Such attacks on science often occur when scientific insights contradict strong political or commercial interests. At present, attacks on climate science and climate scientists are perhaps the most pressing examples, both because of the ferocity of the attacks and because of the severity of the underlying problem, climate change. However, there are many more examples. The Brexit debate provided overwhelming empirical data on how science can be caught in the line of fire, and of course many would point to Michael Gove's assertion 'Britain has had enough of experts' (Mance, 2016) during the Brexit debate as an illuminating example (Clarke and Newman, 2017).

However, the problem is not as simple as the refusal of politicians and interest groups to heed science. As the very nature of science is progress through questioning and dispute, politicians

and the population at large are often not provided with the clear-cut answers they hope for. Indeed, what should politicians do in an age of post-normal science when ‘facts [are] uncertain, values in dispute, stakes high and decisions urgent’—to use the words of Silvio Funtowicz and Jerome Ravetz (1993)? This situation creates a continuous need for academia to educate politicians and the population at large on what to expect from science and to translate the jargon of academia into language that laypersons can relate to. For instance, The Intergovernmental Panel on Climate Change is doing a tremendous job in that respect by providing a summary for policymakers, and by being explicit about the probabilities and confidence in their findings.

I have no ambition to do justice to the problem of populist attacks on science and scientists in this essay. My main concern is rather to point out that previously discussed threats to the legitimacy of academic freedom make academia more vulnerable to populist attacks. A useful consideration for any academic would thus be whether their own conduct is adding to academia’s resiliency against populist attacks, or to the opposite.

Lack of adequate resources

Most researchers have experienced lack of resources as a major impediment to pursue research they considered important or interesting or both. For academic freedom to have real value in practice, there must also be adequate funding available. Adequate funding consists of two elements: the level of funding and the share of that funding which comes without strings attached. This implies that universities and individual academics must have some discretionary power to prioritize research they consider important, irrespective of current political priorities. For the purpose of this discussion, I will distinguish between

three forms of funding: direct block funding of research institutions, competitive funding based purely on academic merit, and mission-based or ‘thematic’ competitive funding. The first two are most important for enabling researchers and scholars to pursue curiosity-based research irrespective of political priorities. Arguably, the direct block-funding, combined with tenure, is most important to ensure academics’ freedom to make their own priorities. Yet, also with mission-based funding, academic freedom is important, for instance through the protection from undue meddling with research results, and the right to publish.

Again, Norwegian universities and university colleges are at an advantage. They are funded primarily by a large block grant, meaning that they have full control over most of their resources. Moreover, their resources have been growing steadily in real terms for the past 15 years. Most academics at universities and university colleges are also allocated ‘research time’ that is not supervised by the institution.

The public funding of Norwegian universities and university colleges is generous compared with most other countries. The basic funding ensures the institutions’ ability to set their own priorities for research. For instance, the Norwegian University of Science and Technology in Trondheim (NTNU) receives 73 per cent of its total income as a direct block grant from the government, whereas 12 per cent is competitive funding from the Research Council of Norway and the European Union’s Horizon2020.

On average, 87 per cent of the income of public higher education institutions in Norway stems from the domestic public purse.³¹ In 2018, NOK 24,3 billion out of NOK 35,7 billion in direct block funding was provided as so-called basis funding, whereas NOK 11,4 billion was provided as performance-based funding according to a set of indicators.³² The indicator that has

received most criticism is based on the number of peer-reviewed publications. The indicator carries NOK 0,56 billion, which was 1,6 per cent of direct block funding in 2018.³³

That this publication-based incentive is rather moderate has not precluded intense debate and worries about the potential corruptive effect upon individual academics. This debate has mainly been driven by academics rather than by politicians or other stakeholders. My own view on the matter is that if Norwegian academics really feel that their own integrity is at stake by such a modest incentive, then we probably have a more fundamental problem than this indicator. Insofar as this poses an incentive for cheating, then one would hope that the integrity of the Norwegian academic community is able to pass this test. According to this reasoning, knowledge workers in general are subject to much stronger incentives for cheating.³⁴ As Norwegian academics generally demands to be trusted, it is probably not wise to imply that the integrity that underpins this trust is in danger of being corrupted by very modest economic incentives. Indeed, a claim to professional integrity and a professionally policed code of ethics is a hallmark of every profession seeking public recognition as such (Abbott, 1988; Kasher, 2005).

Furthermore, the formal governance structure of Norwegian universities and university colleges adheres largely to what Kerstin Sahlin describes as the collegiate model (Sahlin and Eriksson-Zetterquist, 2016). The university board consists of eleven members, of which seven are elected by and among students and staff of the university. The higher education act also provides universities with the authority to decide their own internal organizational structure, including whether the rector is appointed by the university board or elected by students and staff.

This does not imply a *laissez-faire* attitude from the government. The overwhelming majority of Norwegian universities

and university colleges are public institutions and formally organized as public agencies. The Minister of Higher Education and Research is constitutionally responsible for the institutions and is regularly summoned to the Parliament to answer questions. Such questions can be about anything and everything. The point here is that Parliament, in addition to passing relevant legislation and providing funding for universities, also takes a real interest in the affairs of universities. Importantly, the higher education act protects universities from political interference in academic affairs, and there are numerous examples of the practical significance of this protection.

Whereas the autonomy of universities and the academic freedom of academics is important, society has a legitimate need for academic research on a number of concrete issues. That is one reason why about a quarter of public funding for research is channelled through the Norwegian Research Council. Another reason is that the Research Council provides for healthy funding competition, thus contributing to higher quality as well as ensuring that research is performed within high priority areas. Thus, the Research Council is responsible for mission-based funding as well as competitive funding based purely on the academic merit of the proposals. Norwegian funding and governance of universities and university colleges are thus an act of balancing of partly conflicting considerations, but foremost it is based on trust.

Even though international comparison would show that Norwegian universities are relatively well endowed with resources from the government; that a comparatively generous share of these resources are provided with few strings attached; and that the general level of competition for resources is less than in most other countries, there is still an ongoing debate on funding. Some interest groups, the industry federations, for instance, tend to argue that universities should be steered

towards 'useful' research and education with a firmer governmental hand. Individual academics and their unions tend to raise opposite concerns, complaining that the governance is too instrumental and short-sighted.

A few years ago, these complaints became so vocal that then Minister of Higher Education and Science, Ms Tora Aasland, appointed a commission to look into the situation. The paradox was that the government was able to show irrefutably that Norwegian universities and university colleges enjoyed real growth in state funding, and at the same time individual academics were convinced and argued convincingly that the competitive pressure was increasing. Unfortunately, the commission failed to produce a report that reconciled the antagonists.³⁵ One reason is probably that the commission overlooked the insight presented by John Ziman in *Prometheus Bound* (1994), in which he shows how the organization of academia requires an exponential growth of resources if individual academics are not to experience a real tightening of resources. Ziman thus effectively dismisses the existence of a real paradox between overall growth of resources and increased individual pressure. Furthermore, as members of reputational work organizations, academics are constantly involved in battles for recognition, resources, and priority (Whitley, 1982). Hence, the feeling of pressure is part of the nature of academia.

Sometimes researchers experience that research proposals of high quality are rejected due to lack of funding, and sometimes the competition is so fierce that peer review is effectively unable to distinguish which of the excellent proposals should receive funding. Although I do sympathize with the researchers' frustration in these situations, I will claim that for the legitimacy of science to prevail, scarcity of funding is better than scarcity of high-quality research proposals. The somewhat bland conclusion of this discussion must be that it is a question of balance.

The important question then becomes who should have a say in finding that balance, and which criteria should apply. I venture that this will always be a struggle between different legitimate interests.

Downright infringement of academic freedom

Notwithstanding the previous discussion, the Parliament and government in Norway are largely seen as guarantors rather than threats to academic freedom, due to formal protection of academic freedom through the higher education act and due to the provision of funding without strings attached.

Yet, even in Norway, there have been several occasions where members of the academic community have challenged leading politicians on their commitment to, and understanding of, academic freedom. Some politicians have been accused of challenging academic freedom; others have been accused of unwarranted use of research—so-called cherry-picking—when backing a political argument. Furthermore, public authorities are not only protectors and funders of research, but also essential users of research. This user role includes commissioning contract research for specific purposes. In November 2010, the Norwegian newspaper *Aftenposten* published a series of articles about attempts from several ministries to edit the conclusions in commissioned research, allegedly in order to be able to influence the publication of results that were politically controversial. Researchers also reported pressure from ministries to accept the use of a consultancy assistance agreement, according to which ‘copyright and all other relevant intellectual property rights, associated with the Assistance shall accrue to the Customer,³⁶ rather than the standard agreement for research and report

assignments, which have explicit clauses on academic freedom and publication.³⁷

In 2012, then Minister of Research and Higher Education, Ms Tora Aasland, strengthened the government's standard contract for contract research,³⁸ and she enjoined ministries to use the standard contract for research, which includes the paragraph: 'The Assignment shall be founded on the principles for academic freedom within the framework of what has been agreed as regards topics and methods in this agreement. This entails inter alia that the Commissioned Party cannot be subject to the imposition that the Assignment shall lead to a specific conclusion.'

Furthermore, there have been episodes where researchers in public research institutions complain that conclusions in their research have been unduly edited by management in order to fit a political agenda. One such example is senior researcher Erik Nord in Norwegian Institute of Public Health who claimed that his conclusions on the net health effect of e-cigarettes were altered.³⁹ Of course, it is not only public authorities that may find research conclusions to be troublesome for their own interests and agenda. Research on salmon aquaculture is but one example where Norwegian scientists find their research findings severely challenged by industry interests.⁴⁰

I am not in a position to judge the substance of these episodes, but I would nevertheless like to offer two comments. First, there will always be grey areas between a legitimate challenge of findings and an illegitimate attempt to silence inconvenient conclusions. There is nothing that can replace an honest and open debate when navigating these grey areas, based on the parties' good faith. Second, the challenges and counter challenges in these episodes were such that they might undermine public trust in science and public trust in the proper use of research results.

However, some of the criticism from academics towards politicians or industry is also political rather than academic. Political in the sense that it is obvious that the academic levelling the critique has a political agenda—which is legitimate as long as one is honest about it. Accusing someone of misuse of research in a public debate is powerful rhetoric, irrespective of the soundness of the accusation. It is a very comfortable and often effective discussion-stopper when dealing publicly with politicians. It is precisely because such accusations are so effective that they should not be misused.

Conclusion

Academic freedom and free speech are under no immediate or grave threat in Norway. However, that does not mean that they should be taken for granted. Indeed, during the months that have passed in preparation of this very anthology, new episodes that challenge free speech and academic freedom have occurred. Thus, academic freedom must be protected and promoted every day.

I propose two strategies that should be pursued to that end. The first, and obvious, is to point out actions and patterns of actions that pose an external threat to academic freedom. My impression is that this is being done. However, there is a temptation, which should be resisted by academics, to use academic freedom as a political tool and an easy way out in challenging debates. Sometimes there is a non-trivial element of crying wolf, with the associated dangers that tale illustrates.

The second strategy is to invest continuously in the perceived legitimacy of academic freedom. That includes heeding the normative assumptions, limitations, prerogatives and obligations relating to academic freedom that have been discussed in

this essay. My plea is to take the need for continuous dialogue with the wider society seriously. To paraphrase a cherished quote from US president Kennedy's inaugural speech: 'Ask not what your country can do for academia—ask what academia can do for your country.' Furthermore, academics may underestimate the differences between their own sphere and the rules and norms applying to other employees, and thus the public at large. Be prepared to explain for the umpteenth time, in a non-condescending tone, why academic prerogatives and seemingly esoteric practices are necessary for academia to fulfil its functions in society. Demonstrate real concern for society's grand challenges and acknowledge openly that questions about the usefulness of academic research actually are legitimate. You should at least be able to provide an explanation of why a piece of research is useful for other academics and thus for advancing the frontier of academic knowledge. I believe the job of pursuing this strategy falls mainly on the academic heavyweights, simply because they are the role models for younger academics, and they have most clout with the wider society. And, indeed, quite a few are taking that responsibility seriously! They could do with more support, though.

Investments in the perceived legitimacy of academic prerogatives and practices are most effective when the observed practice is well aligned with the rhetoric. If I am allowed to give advice to the academic community, it is to exercise some restraint on the first strategy and emphasize the second. I emphatically do not suggest that academics should let transgressions of academic freedom pass unchallenged. I do, however, propose that public claims of an alleged infringement of academic freedom come at a cost when the accusations are revealed as dubious. As for the episodes of controversial speech on campus, my best proposal would be to take this as an opportunity to launch a serious and probably difficult discussion on the role of free speech on

campus, acknowledging that between the polarized examples there is the much more interesting and intellectual challenging task of how academia can lead through example when it comes to difficult exchange of ideas and opinions.

Notes

1. This function is by no means restricted to academics in liberal democracies; to the contrary, many academics in authoritarian countries show great courage in supporting the oppressed and challenging the authorities.
2. I consider academic freedom to be legitimate irrespective of popular opinion for reasons that will be elaborated upon later in the essay. However, academics ignore public perception of the legitimacy of academic freedom at their peril.
3. At the time of writing, the Covid-19 crisis provides ample demonstration of the role academia play in coping with unexpected threats to humanity.
4. Act relating to universities and university colleges, §1-5 Academic freedom and responsibility. Accessed 030420, <https://www.regjeringen.no/en/dokumenter/act-relating-to-universities-and-univers/id213307/>
5. Norwegian Ministry of Education and Research, 'Briefing on academic Freedom', 2006, accessed 050420, https://www.regjeringen.no/globalassets/upload/kd/vedlegg/uh/vedlegg/nou_akademisk-frihet_orientering_engelsk_ny.pdf
6. European University Association, 'University Autonomy in Europe III: The Scorecard 2017', accessed 030420, European University Association, University Autonomy in Europe II: The Scorecard, (2011), accessed 030420 <http://www.eua.be/Libraries/publications/University-Autonomy-in-Europe-2017>, European University Association, University Autonomy in Europe II: The Scorecard, (2011), accessed 030420 http://www.eua.be/Libraries/publications/University_Autonomy_in_Europe_II_-_The_Scorecard.pdf?sfvrsn=2
7. *The Guardian*, 'Inequality index: where are the world's most unequal countries?', 2017, accessed 030420, <https://www.theguardian.com/inequality/datablog/2017/apr/26/inequality-index-where-are-the-worlds-most-unequal-countries>
8. Esteban Ortiz-Ospina and Max Roser (2020): 'Trust'. Published online at OurWorldInData.org. Retrieved from: <https://ourworldindata.org/trust> [Online Resource], World Economic Forum, *The Global Competitiveness Report 2017-2018*, accessed 030420, <http://reports.weforum.org/>

global-competitiveness-index-2017-2018/?doing_wp_cron=1529576279.0473530292510986328125

9. Nordic Council of Ministers, 'Trust – The Nordic Gold', 2017, accessed 030420, <https://norden.diva-portal.org/smash/get/diva2:1095959/FULLTEXT02.pdf>
10. I am not blind to the fact that there are several highly ranked universities situated in countries not renowned for their freedom of speech. These universities (or rather, their researchers) are demonstrably able to produce research of the highest quality as assessed by peer review. I still believe some important part is missing, I will however not discuss that further, given that my topic is academic freedom in Norwegian universities as exemplars of universities in a liberal western country.
11. Unesco provides this definition: 'academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.' Unesco, 'Recommendation concerning the Status of Higher Education Teaching Personnel', 1997, accessed 030420, http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html
12. Encyclopedia Britannica: Academic freedom, the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure. Its basic elements include the freedom of teachers to inquire into any subject that evokes their intellectual concern; to present their findings to their students, colleagues, and others; to publish their data and conclusions without control or censorship; and to teach in the manner they consider professionally appropriate. <https://www.britannica.com/topic/academic-freedom>
13. American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure, accessed 030420, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

14. Global Forum On Academic Freedom, *Institutional Autonomy, And The Future Of Democracy*, Declaration, 2019, accessed 030420 <https://rm.coe.int/global-forum-declaration-global-forum-final-21-06-19-003-/16809523e5>
15. "the negative sense" [of liberty] involves an answer to the question: "What is the area within which the subject—a person or group of persons—is or should be left to do or be what he is able to do or be, without interference by other persons". (Berlin et al., 2016 p. 169).
16. Sometimes it is the responsibility of political leaders not to follow majority public opinion, but in democracies that tend to be unsustainable in the long run.
17. No pun intended on the populist notion of 'mainstream media'.
18. Ministry of Education and Research, Prop. 158 L (2015–2016) Lov om organisering av forskningsetisk arbeid (forskningsetikkloven), accessed 030420, https://www.regjeringen.no/no/no/dokumenter/prop.-158-l-20152016/id2511345/sec1?q=forskningsetikkloven#match_o
19. De Nasjonale Forskningsetiske Komiteene, Forskningsetisk vurdering av petroleumsforskning (Saksnr. 2014/3), accessed 030420, <https://www.etikkom.no/hvem-er-vi-og-hva-gjor-vi/komiteenes-arbeid/Uttalelser/NENT/Vedrorende-forskningsetisk-vurdering-av-petroleumsforskning-Saksnr-20143/>
20. American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure, accessed 030420, <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>
21. Intersubjectivity. Oxford Reference. Retrieved 4 Apr. 2020, from <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803100008603>
22. *The Economist*. 2018. 'Another set of fake papers takes aim at social science's nether regions', accessed 030420, <https://www.economist.com/science-and-technology/2018/10/06/another-set-of-fake-papers-takes-aim-at-social-sciences-nether-regions>
23. United Nations, Sustainable Development Goals, accessed 030420, <https://sustainabledevelopment.un.org/?menu=1300>
24. *The Economist*, 2017, 'Free Speech at American Universities is under Threat', accessed 030420,

- <https://www.economist.com/united-states/2017/10/12/free-speech-at-american-universities-is-under-threat>
25. But by no means defend attacks on the right to free speech for conservatives.
 26. *The Economist*, 2017, 'Arguments over Free Speech on Campus are not Left v Right', accessed 030420, <https://www.economist.com/united-states/2017/09/07/arguments-over-free-speech-on-campus-are-not-left-v-right>
 27. Former Norwegian minister for culture and science, Lars Roar Langslet, in his autobiography *På innsiden*, describes how students demanded that he lectured on Marxism rather than what was scheduled (Langslet, 1994). Being a well-known conservative having written a thesis on Marx, Langslet rose to the challenge, seeing it as a bit of academic sportmanship, only to be criticised by colleagues for relinquishing control over curriculum to a student mob.
 28. The university news site Khrono has covered the episode quite closely. Accessed 040320, <https://khrono.no/emne/eikrem>
 29. As this manuscript is on its way to print, a new episode has erupted, this time the lecturer in question has allegedly used a 'secret' Facebook profile to spread populist propaganda. The lecturer denies the allegations of being behind the Facebook profile in question. Should the allegations be confirmed, I think it safe to say that the academic credibility of the lecturer will be in jeopardy.
 30. Just to make clear, I do not extend this right to hate speech or Holocaust denials or that sort of extremism, but that is so well beyond the episode at NTNU that the point is hardly relevant in this case.
 31. The Ministry of Education and Research, 2018, Tilstandsrapport, accessed 030420, https://www.regjeringen.no/contentassets/cb4e02ae65134e42bbao60e879536675/vedlegg-tilstandsrapport-2018_trykkefil2.pdf
 32. The Ministry of Education and Research, 2018, Orientering om Statsbudsjettet for 2018, accessed 030420, <https://www.regjeringen.no/contentassets/31af8e2c3a224ac2829e48cc91d89083/orientering-om-statsbudsjettet-2018-for-universiteter-og-hogskolar.pdf> (page 47).

33. The Ministry of Education and Research, 2018, Orientering om Statsbudsjettet for 2018, accessed 030420, <https://www.regjeringen.no/contentassets/31af8e2c3a224ac2829e48cc91d89083/orientering-om-statsbudsjettet-2018-for-universiteter-og-hogskolar.pdf> (page 76).
34. See for instance Jean Tirole's discussion of credence goods (Tirole, 1988).
35. The Ministry of Education and Research, report from Working Group , 2011, accessed 030420, <https://www.regjeringen.no/no/dokumenter/handlingsrom-for-kvalitet/id594052/>
36. Anskaffelser.no, 'Fagsider om offentlige anskaffelser', English Simplified Ssa-b-2015_eng, accessed 030420, https://www.anskaffelser.no/sites/anskaffelser2/files/ssa-b_simplified_2015_eng.docx
37. Paragraph 3.1 'Scientific integrity': 'The Assignment shall be performed in compliance with recognised scientific and ethical principles. The Assignment shall be founded on the principles for academic freedom within the framework of what has been agreed as regards topics and methods in this agreement. This entails inter alia that the Commissioned Party cannot be subject to the imposition that the Assignment shall lead to a specific conclusion. The results the Assignment leads to shall in principle be made public upon handover to the Principal.' The Ministry of Education and Research, Standard agreement for research and report assignments, accessed 030420, https://www.regjeringen.no/globalassets/upload/kd/vedlegg/forskning/standardavtalenfeb2012_en.docx
38. The Ministry of Education and Research, Standard agreement for research and report assignments, accessed 030420, https://www.regjeringen.no/globalassets/upload/kd/vedlegg/forskning/avtaler/standardavtalenfeb2012_en.pdf
39. Forskning.no, '– Folkehelseinstituttets ledelse har gjort grove overtramp', accessed 030420, <https://forskning.no/2017/12/folkehelseinstituttets-ledelse-har-gjort-grove-overtramp>
40. *Morgenbladet*, 'De forbannede lakseforskerne', accessed 030420, <https://morgenbladet.no/aktuelt/2017/06/de-forbannede-lakseforskerne>

References

- Abbott, A.D. (1988). *The System of Professions: An Essay on the Division of Expert Labor*. Chicago; London: University of Chicago Press.
- Acemoglu, D. & J.A. Robinson (2012). *Why nations fail: the origins of power, prosperity, and poverty*, London: Profile.
- Altbach, P.G. (2016). *Global Perspectives on Higher Education*. Baltimore: Johns Hopkins University Press.
- Ben-Porath, S.R. (2017). *Free Speech on Campus*. Philadelphia: University of Pennsylvania Press.
- Berger, P.L. and T. Luckmann (1967). *The Social Construction of Reality*. New York: Doubleday.
- Berlin, I. (1958). 'Two Concepts of Liberty'. An inaugural lecture delivered before the University of Oxford on 31 October 1958. Oxford: Clarendon Press.
- Berlin, I. and H. Hardy et al. (2016). *Liberty*. Oxford: Oxford University Press.
- Boghossian, P.A. (2006). *Fear of Knowledge: Against Relativism and Constructivism*. Oxford: Clarendon Press.
- Chemerinsky, E. and H. Gillman (2017). *Free Speech on Campus*. New Haven: Yale University Press.
- Clarke, J. and J. Newman (2017). "People in This Country Have Had Enough of Experts": Brexit and the paradoxes of populism', *Critical Policy Studies*, 11(1), p. 101–116.
- Collini, S. (2018). 'In UK Universities There Is a Daily Erosion of Integrity', *The Guardian*.
- Elster, J. (2015). *Obscurantism and Academic Freedom*. In A. Bilgrami and J.R. Cole (eds.) *Who's Afraid of Academic Freedom?* New York: Columbia University Press, pp. 81–96.
- Flexner, A. and R. Dijkgraaf (2017). *The Usefulness of Useless Knowledge*. Princeton: Princeton University Press.
- Forskerforbundet (2017). *Akademisk frihet under press: Om sentrale prinsipper og utviklingstrekk*. Skriftserie, Forskerforbundet. 1.
- Fukuyama, F. (1989). 'The End of History?' *The National Interest*, (16), pp. 3–18.
- Fukuyama, F. (2014). *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy*. London: Profile Books.

- Fukuyama, F. (2018). *Identity: The Demand for Dignity and the Politics of Resentment*. London: Profile Books.
- Funtowicz, S.O. and J.R. Ravetz (1993). 'Science for the Post-Normal Age', *Futures*, 25(7), pp. 739–755.
- Greve, A. (2017). 'En metodefestival på ville veier', *Morgenbladet*.
- Hammersley, M. (2015). 'Let's Be Serious about Academic Freedom', *Times Higher Education*.
- Hammersley, M. (2016). 'Can Academic Freedom be Justified? Reflections on the Arguments of Robert Post and Stanley Fish', *Higher Education Quarterly*, 70(2), pp. 108–126.
- Handal, S. (2017). 'Hva slags barnehageforskning trenger vi?' *Morgenbladet*.
- Hardin, G. (1968). 'The Tragedy of the Commons', *Science*, 162(3859), pp. 1243–1248.
- Hessen, D.O. (2018). *Sannhet til salgs: et forsvar for den frie forskningen*. Oslo: Res Publica.
- Ignatieff, M. and S. Roch (2017). *Academic Freedom: The Global Challenge*. Budapest; New York: Central European University Press.
- Josephson, P. and T. Karlsohn et al. (2014). *The Humboldtian Tradition: Origins and Legacies*. Leiden: Brill.
- Kahneman, D. (2011). *Thinking, Fast and Slow*. London: Allen Lane.
- Kasher, A. (2005). 'Professional Ethics and Collective Professional Autonomy: A Conceptual Analysis.' *Ethical Perspectives*, 12(1), pp. 67–97.
- Kennedy, D. (1997). *Academic Duty*. Cambridge, Mass.: Harvard University Press.
- Langslet, L.R. (1994). *Fra innsiden: glimt fra et halvt liv i politikken*. Oslo: Cappelen.
- Lipsey, R.G. and K. Carlaw et al. (2005). *Economic Transformations: General Purpose Technologies and Long-Term Economic Growth*. Oxford: Oxford University Press.
- Mance, H. (2016). 'Britain Has Had Enough of Experts, Says Gove', *Financial Times*.
- Marmot, M. (2017). 'Post-Truth and Science', *The Lancet*, 389(10068), pp. 497–498.
- McIntyre, L.C. (2018). *Post-Truth*. Cambridge, MA: MIT Press.

- Merton, R.K. (1973). *The Sociology of Science: Theoretical and Empirical Investigations*. Chicago: University of Chicago Press.
- Mokyr, J. (2005). 'The Intellectual Origins of Modern Economic Growth', *The Journal of Economic History*, 65(2), pp. 285–351.
- Mouk, Y. 2018. 'What an Audacious Hoax Reveals About Academia', *The Atlantic*.
- Oreskes, N. and E.M. Conway (2010). *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming*. New York; London: Bloomsbury Press.
- Osmundsen, T.C. and M.S. Olsen (2017). 'The Imperishable Controversy over Aquaculture', *Marine Policy*, 76, pp. 136–142.
- Ostrom, E. (1990). *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.
- Parekh, L.B. (2017). 'Limits of Free Speech', *Philosophia*, 45(3), pp. 931–935.
- Pielke, R.A. (2007). *The Honest Broker: Making Sense of Science in Policy and Politics*. Cambridge; New York: Cambridge University Press.
- Polanyi, M. (1962a). *Personal Knowledge: Towards a Post-Critical Philosophy*. New York: Harper Torchbooks.
- Polanyi, M. (1962b). 'The Republic of Science: Its Political and Economic Theory', *Minerva*, 1, pp. 54–73.
- Post, R. (2015). 'Academic Freedom and the Constitution.' In A. Bilgrami and J.R. Cole (eds.) *Who's Afraid of Academic Freedom*. New York: Columbia University Press, pp. 123–152.
- Sahlin, K. and U. Eriksson-Zetterquist (2016). 'Collegiality in Modern Universities – the Composition of Governance Ideals and Practices.' *Nordic Journal of Studies in Educational Policy*, 2016(2–3), pp. 33–40.
- Schelling, T.C. (2006). *Strategies of Commitment and Other Essays*. Cambridge, MA; London: Harvard University Press.
- Searle, J.R. (1995). *The Construction of Social Reality*. New York: Free Press.
- Searle, J.R. (2001). *Rationality in Action*. Cambridge, Mass.: MIT Press.
- Sokal, A.D. (1996a). 'A Physicist Experiments with Cultural Studies',

- Lingua Franca* 6(4), pp. 62–64.
- Sokal, A.D. (1996b). *Transgressing the Boundaries: Toward a Transformative Hermeneutics of Quantum Gravity*. Durham, North Carolina: Duke University Press.
- Sokal, A.D. and J. Bricmont (2003). *Intellectual Impostures: Postmodern Philosophers' Abuse of Science*. London: Profile Books.
- Stokes, D.E. (1997). *Pasteur's Quadrant: Basic Science and Technological Innovation*. Washington, D.C.: Brookings Institution Press.
- Time, J.K. (2017). 'Posthumanisme i barnehagen', *Morgenbladet*.
- Tirole, J. (1988). *The Theory of Industrial Organization*. Cambridge, MA: MIT Press.
- Tjora, A.H. (2019). *Universitetskamp*. Oslo: Scandinavian Academic Press.
- Whitley, R. (1982). 'The Establishment and Structure of the Sciences as Reputational Organizations'. In N. Elias, H. Martins and R. Whitley (eds) *Scientific Establishments and Hierarchies. Sociology of the Sciences*. Dordrecht: Reidel. IV, pp. 313–357.
- Whitley, R. (2000). *The Intellectual and Social Organization of the Sciences*. Oxford: Oxford University Press.
- Williams, J. (2016). *Academic Freedom in an Age of Conformity: Confronting the Fear of Knowledge*. Basingstoke: Palgrave Macmillan.
- Ziman, J. (1994). *Prometheus Bound: Science in a Dynamic Steady State*. Cambridge, Cambridge University Press.
- Østrem, S. and M. Pettersvold (2014). 'Millioner til politisert barnehageforskning', *Aftenposten*.

About the Authors

Vidar Strømme

Vidar Strømme is a lawyer and partner at the law firm Schjødt in Oslo. He is admitted to the Supreme Court of Norway, and has a broad practice, acting in commercial and civil disputes. He has also worked at the office of the Norwegian Attorney General (civil affairs), and has worked as District Attorney and as Associate Judge. One of his main interests is in the right to freedom of expression, and he has represented many major media companies in important court cases. Strømme is author of several articles and books in this field. He is a board member of the Norwegian branch of ICJ (International Commission of Jurists), and a member of the Human Rights Committee of the Norwegian Association of Lawyers.

Minda Holm

Minda Holm is a research fellow at the Norwegian Institute of International Affairs (NUPI). Holm's research focuses on liberal ideology, anti-liberal values, sovereignty, security politics, and political and social theory. She is a co-editor of the Scandinavian IR journal *Internasjonal Politikk* and an international affairs columnist for the Norwegian newspaper *Klassekampen* (previously for *Dagsavisen*). Holm is also on the board of the international NGO Human Rights House Foundation.

Lars Gule

Lars Gule is an associate professor at the Department of International Studies and Interpretation, Oslo Metropolitan University, where he researches and teaches extremism, multiculturalism, and Islam among other things. He received his doctorate in philosophy from the University of Bergen in 2003. He was also Secretary-General of the Norwegian Humanist Association (2000–2005). Gule is a frequent participant in public debates as a commentator on radio and television and as lecturer and columnist. Life stance issues, freedom of religion, and freedom of expression are among the topics he often discusses. Gule is a current board member in BDS Norway and a deputy member of the Norwegian PEN board.

Alison Scott-Baumann

Alison Scott-Baumann is Professor of Society and Belief at School of Oriental and African Studies, University of London. Her work has two interrelated and also distinct research strands:

social justice and philosophy. Her research has recently been recognized and rewarded by world-class research grants from Leverhulme (2012–13), ESRC (2012–13) and AHRC (2015–18). With regard to social justice she is best known for her ongoing work on Islam in Britain that dates back to 1997. She has been consulted by the government (2007 Siddiqui Report; 2008–10 Review of imam training) and has received HEA funding on several occasions. In 2015, AHRC awarded Scott-Baumann a major three-year grant to research Re/presenting Islam on campus at SOAS. This project will seek to redress the imbalance in current approaches towards Islam and towards the role of universities in a democratic state.

Stijn Sieckelinck

Stijn Sieckelinck is a senior researcher in the department of Governance and Political Science, and chair of the Expertise Lab on Resilient Identities at the Institute for Societal Resilience (Faculty of Social Sciences) at Vrije Universiteit in Amsterdam. He has a PhD in Educational studies. He co-developed the training program ‘Dealing with Extreme Ideals’, widely distributed among social-educational professionals (NCTV, Netherlands). He is frequently invited as an expert in education and radicalization by governmental actors, such as the Radicalisation Awareness Network (European Commission). Over the years his projects were granted by the European Commission, the Netherlands Ministry of Health, Welfare and Sport (VWS) and the Ministry of Education (OCW). Sieckelinck won the Marinus Langeveld-prijs in 2010 for his doctoral dissertation.

Bjørn Haugstad

Bjørn Haugstad served as state secretary with responsibility for higher education and research policy in the Norwegian Ministry of Education and Research 2001–2005 and 2013–2018. He was Research Director at the University of Oslo 2009–2013. He was member of the Board of Directors of Nordic Institute for Studies of Innovation, Research and Education 2008–2013, and Member of Research Board, Division for Innovation at the Norwegian Research Council 2011–2013. He has also worked as researcher and research manager at SINTEF. Haugstad holds a Doctorate degree (DPhil) from University of Oxford, and a Master of Science in Engineering, Industrial Organisation and Technology Management from the Norwegian University of Science and Technology.

Mona Wille

Mona Wille holds a Master of Philosophy (MPhil) from University of Oslo in Higher Education Studies, an international program focusing on the changing functions, policies, and operations of Higher Education. While working on her thesis on prevention of radicalization and violent extremism in higher education institutions, she held an intern position at the Norwegian Ministry of Education and Research. Wille is part of the European Commission's Radicalisation Awareness Network and its working group on Education.

Her work with this anthology is partly funded by the Fritt Ord Foundation, a Norwegian a private non-profit foundation, whose object is 'to protect and promote freedom of expression and the environment for freedom of expression in Norway, especially by encouraging lively debate and through the courageous use of free speech'.