

# Introduction

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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-platforming<sup>1</sup> or creation of safe spaces<sup>2</sup> 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 Breivik 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.

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