

A critical analysis of the Henry Jackson Society's report *Extreme Speakers and Events: In the 2017/18 Academic Year*

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The Henry Jackson Society (HJS), a foreign policy thinktank, published a report in January 2019 called *Extreme Speakers and Events: In the 2017/18 Academic Year*.¹ The HJS claims that “Extremist hate preachers, pro-jihad activists, and avowed anti-Semites have ‘near-unfettered’ access to students.”² The report claims that:

- Between 2015-17, 435 events took place in UK universities featuring elements of extremism. 204 took place in 2017-18.
- There has been “an industrial-scale failure by universities to apply their Prevent duties”.³

The report attracted significant media attention. However, it contains some significant methodological problems which severely undermine its credibility. These include:

- **The deployment of an ambiguous, discredited definition of extremism**
- **The conflation of social conservatism with extremism**
- **A highly selective process of evidence gathering with an almost total focus on Muslim speakers**
- **A lack of evidence about what due diligence processes took place and what risk-mitigating procedures were implemented at these events**
- **A failure to demonstrate that extreme views were actually expressed at the events**
- **The labelling of speakers as extreme by virtue of their associations, rather than based on evidence of their own remarks**
- **The misleading presentation of speakers’ past remarks without vital context**
- **A failure to demonstrate that if students are exposed to speakers with extreme views, this makes them more likely to commit acts of terrorism**

In short, in many of the events identified in the report as having speakers with extreme views, the HJS fails to provide sufficient evidence that those speakers are indeed ‘extreme’, and further that they pose a risk of drawing audience members into terrorism. As such the report should be treated with scepticism, as indeed it has by the higher education sector. It should be noted that the Office for

This paper forms part of the authors’ ongoing research into freedom of speech issues in universities; see Alison Scott-Baumann and Simon Perfect (2020, forthcoming) *Freedom of Speech in Universities: Islam, Charities and Counter-Terrorism*. Routledge. In 2018 Alison Scott-Baumann gave oral evidence to the Joint Committee on Human Rights during its inquiry on freedom of speech in universities. In 2017 she and the Centre for Islamic Studies at SOAS organised a 24 hour conference on freedom of speech in universities, bringing together leading policymakers, lawyers and higher education professionals. See Simon Perfect (2017) *Freedom of Speech in Universities. A St George’s House Consultation*. <https://www.stgeorghouse.org/wp-content/uploads/2017/03/Freedom-of-Speech-in-Universities-Report.pdf>

¹ Emma Fox (2019) *Extreme Speakers and Events: In the 2017/18 Academic Year*. Henry Jackson Society. <https://henryjacksonsociety.org/wp-content/uploads/2019/01/HJS-Extreme-Speakers-and-Events-Report-.pdf>

² <https://henryjacksonsociety.org/publications/university-extreme-speakers-2017-18-edition/>

³ Ibid.

Students, the university regulator, found that for the year 2016-17 97% of universities met their statutory Prevent Duty, despite the HJS' claims to the contrary.⁴

This paper:

- Summarises the serious methodological problems in the HJS report.
- Analyses in detail the report's claims about one of the events, in order to exemplify the methodological issues.
- Sets out the various legal duties on universities and students' unions which affect freedom of speech and their decision-making regarding extreme speakers (see the Appendix).

Any statistics in the paper refer to the events occurring in 2017-18 (204 in total).

For clarity, this paper is not attempting to defend any of the speakers named in the HJS report. Nor is it condoning their views. Undoubtedly, some of the speakers in the report have in the past expressed highly controversial, even abhorrent remarks. However, the fact that people have expressed such views in the past does not necessarily mean that universities must, or should, prevent them from speaking on campus. Universities have legal duties to protect students from harm, including to have "due regard to the need to prevent people from being drawn into terrorism" (the Prevent Duty).⁵ But it has been clarified that the Prevent Duty does not require universities to deny platforms to speakers who have extreme views, but do not pose a high risk of drawing people into terrorism.⁶ Moreover, universities have a strong legal duty to uphold freedom of speech within the law as far as reasonably possible, including for external speakers.⁷ These duties are set out in the Appendix.

Methodological problems in the Henry Jackson Society report

- Deployment of an ambiguous, discredited definition of extremism

The HJS report says that it determines whether someone is an extremist by applying the government's definition of extremism, as set out in the Prevent Strategy 2011:

*Extremism is 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. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.*⁸

This definition has faced extensive criticism from policymakers, academics and other commentators. For example, in 2017 the Joint Committee on Human Rights in Parliament criticised the definition as being "couched in such general terms" that it "would be likely to prove unworkable as a legislative definition". The Committee noted, for example, that whether showing a lack of mutual respect and tolerance of different faiths and beliefs "could or should be deemed unlawful is likely to be deeply

⁴ Office for Students (2018) *Monitoring of the Prevent duty 2016-17: Progress report and future development*, p. 4. https://www.officeforstudents.org.uk/media/160fe2df-d737-419c-8071-19fa2dab0ee4/ofs2018__27.pdf

⁵ Counter-Terrorism and Security Act 2015, s. 26.

⁶ *Butt v Secretary of State for the Home Department* [2017] EWHC 1930 (Admin), https://www.bindmans.com/uploads/files/documents/CO-6361-2015_-_Butt_v_Secretary_of_State_for_the_Home_Department_-_Final...pdf. See also the Appendix.

⁷ Education (No. 2) Act 1986, s. 43.

⁸ Home Office (2011) *Prevent Strategy*, p. 107.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf

contentious (since this could have implications for the right to freedom of speech).⁹ The ambiguity and subjectivity of the term ‘extremism’ are such that the government’s proposed Counter-Extremism and Security Bill (announced in 2016) was never put forward.¹⁰ The Commission for Countering Extremism prefers to offer multiple definitions of extremism instead.¹¹

The HJS report notes that its definition also takes into account judgments from recent court cases, including *Begg v British Broadcast Corporation* [2016] EWHC 2688 (QB) and *Butt v Secretary of State for the Home Department* [2017] EWHC 1930 (Admin), and guidance from the Prime Minister’s Extremism Taskforce.¹² The judge in the *Shakeel Begg* case laid out 10 points which he considered to constitute “‘extremist’ Islamic positions”, such as a “‘Manichean’ view of the world”, “advocating armed fighting in defence of Islam (qital) as a universal religious obligation”, and “any interpretation of Shari’a... that required breaking the ‘law of the land’.”¹³ However, the HJS report does not set out how these extra sources affect its understanding of extremism.

The HJS’ reliance upon the highly ambiguous definition of extremism as set out in the Prevent Strategy is problematic. Nonetheless, this paper will use this definition when evaluating how the HJS has applied it to the speaker events.

- [Social conservatism conflated with extremism](#)

Repeatedly, the HJS report presents socially conservative remarks as evidence that a speaker is an extremist.

In one example, the report notes that a speaker had in the past written an article where he described homosexuality as “evil”, an “abomination” and “disgusting”, and compared it to incest and “burglary, theft and sexual abuse”.¹⁴ Most people would find such views deeply abhorrent. But undoubtedly a significant proportion of the population, from all religions and none, share them, and to label so many people as ‘extreme’ would be to render the term even more nebulous than it currently is. It is also not clear that expressing socially conservative views amounts to “vocal and active opposition to fundamental British values”, and even less clear that doing so is likely to lead others into terrorism (which is the focus of the Prevent Duty).

It is notable that the HJS report only includes Muslim external speakers who have expressed socially conservative views on LGBT or gender issues (see below).

- [Highly selective evidence gathering with an almost total focus on Muslim speakers](#)

Of the 204 events reported in the HJS report, 93% focused on Islam or Muslims, with 12% on the Israel / Palestine conflict. 80% of those events had only Muslim speakers. (An additional 17% of events featured ‘unspecified’ speakers from Muslim charities, so it is likely that those speakers were also

⁹ Joint Committee on Human Rights (2017) *Counter-Extremism. Second Report of Session 2016–17*, pp. 3-4. <https://publications.parliament.uk/pa/jt201617/jtselect/jtrights/105/105.pdf>

¹⁰ Alan Travis (2017) ‘Paralysis at the heart of UK counter-extremism policy’, *The Guardian*, 17 September. <https://www.theguardian.com/uk-news/2017/sep/17/paralysis-at-the-heart-of-uk-counter-extremism-policy>

¹¹ Commission for Countering Extremism (2018) *Study into Extremism: Terms of Reference*, p. 8. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742176/Terms_of_Reference_into_Extremism_Study.pdf

¹² Fox (2019) *Extreme Speakers and Events*, p. 13.

¹³ *Begg v British Broadcast Corporation* [2016] EWHC 2688 (QB), pp. 28-9. <https://www.judiciary.uk/wp-content/uploads/2016/10/shakeel-begg-v-bbc-judgment-final-20161028.pdf>

¹⁴ Fox (2019) *Extreme Speakers and Events*, p. 18. See <https://www.thekhalids.org/newsletter-archive/900-homosexuality-and-remember-it>

Muslim).¹⁵ The HJS states that far-right networks are increasingly targeting students through social media and posters, meaning they are “avoid[ing] institutional scrutiny associated with speaker events”.¹⁶

It is unclear why the HJS has not included in its report speakers of different religions from Islam (or of none) who have expressed highly socially conservative views, which are taken by the HJS as being a sign of extremism (see above). It seems highly unlikely that such people have not spoken on campuses in 2017-18. It appears that socially conservative speakers of other faiths are not to be assessed with the same criteria as Muslims.

The report’s almost total focus on Muslim speakers arises from a highly selective approach to data collection. The HJS’ data come almost entirely from its monitoring of students’ union and university events advertised online and on social media. The data were not gathered using a reliable sampling method, for example by selecting either a random or a systematic sample of UK universities and examining all events which took place there, across societies, for evidence of extremism. Instead, it appears that the HJS focused its research only on Muslim student societies (including Islamic Societies and others like Islamic Finance Societies) and on societies debating the Israel / Palestine conflict. The reliance only on internet advertisements of the events rather than in-person observation means that in the vast majority of cases, the HJS is unable to give any insight at all into what actually took place.

Since this report asserts findings which are important for national security, it should have deployed a rigorous methodology that can be made public and tested for validity by external researchers. It should have collected data using a recognised sampling technique in order to reduce bias in the findings, such as analysing all events taking place within a selected sample universities, and gathering evidence (with appropriate permissions) on what took place in the events. Multiple methods for data collection and different data types (quantitative and qualitative) should have been used to triangulate results and confirm their reliability.

- No evidence of what due diligence processes have taken place, or what risk-mitigating procedures have been implemented

The HJS claims that there is an “industrial-scale failure” by universities to fulfil their Prevent Duty,¹⁷ including a failure to assess properly the risks posed by external speakers. But since the report’s data come only from online monitoring of events, the HJS has no information on what internal due diligence processes occurred concerning the proposed speakers, including what conversations may have taken place about how to balance any risks posed by the speakers with the legal duty on universities to uphold their freedom of speech. Similarly, the HJS has no data on what conditions students’ unions and universities may have put in place in order to reduce the risks and allow the events to go ahead.

Since the HJS considers that these speakers are extreme and should not be allowed on campus, it simply assumes that universities have failed to carry out due diligence checks and failed to put in place risk-mitigating procedures. Instead, it is far more likely that such checks and procedures have indeed taken place (since the Office for Students has confirmed that for the year 2016-17 97% of universities fulfilled their Prevent Duty)¹⁸ and that the universities have come to a different decision about how to handle the speakers than the HJS.

¹⁵ The HJS calculates that in 27 cases speakers were unspecified, but this seems to be a counting error. Fox (2019) *Extreme Speakers and Events*, p. 100.

¹⁶ Ibid, p. 97.

¹⁷ <https://henryjacksonsociety.org/publications/university-extreme-speakers-2017-18-edition/>

¹⁸ Office for Students (2018) *Monitoring of the Prevent duty 2016-17*, p. 4.

- No evidence that extreme views were expressed at the events

The HJS also has no data on what actually occurred at the vast majority of these events. There is no evidence available that the speakers at these events made extreme remarks or remarks that were likely to lead listeners to commit acts of terrorism.

- Speakers are labelled as ‘extreme’ by association, rather than based on evidence of their own remarks

The HJS repeatedly fails to apply its own methodology properly. The government defines extremism as “vocal and active opposition to fundamental British values”. Yet in a great many cases in the report, the HJS fails to demonstrate that the speakers it has accused of extremism have actually made such vocal or active opposition to those values. There are cases where the report provides no evidence at all that the speakers have made controversial or extreme remarks in the past. Instead, it is implied that they are extreme based on their association with organisations which are linked to other people who may have made controversial or extreme remarks in the past.

Furthermore, in 34 cases (17% of the total) in 2017-18, the HJS report is unable to identify who the speaker was at an event.¹⁹ Instead, the report lists those speakers as “unspecified”, simply noting their association with organisations considered extreme by the HJS. This is not enough evidence to demonstrate that the event posed any risk of drawing students into extremism, or further into terrorism. The HJS argues that avoiding providing a speaker’s name “may reveal a method by which extremist speakers evade institutional oversight”.²⁰ This is of course possible, but the fact that the HJS is unable to demonstrate anything about the views of the speakers makes their automatic inclusion in the tally of ‘extreme’ events most problematic.

It is also not the case, despite the HJS’ claim,²¹ that these events with “unspecified” speakers necessarily demonstrate a failure on the part of students’ unions and universities to conduct thorough risk assessments. The HJS was unable to identify these speakers based on its research of events advertised online and on social media. But such advertisements may have been set up by students well in advance of the speakers being accepted in the students’ union risk assessment processes. That an online advertisement has not been updated and fails to specify the final event ‘line-up’ does not at all mean that the students’ union is unaware of who the proposed speakers are.

- Speakers’ past remarks presented misleadingly without context

Often, the HJS presents remarks attributed to external speakers in ways which obscure crucial context. This is particularly so when the speaker’s remarks are comments on verses from the Qur’an or hadith,²² or more widely interpretations of the requirements of Islamic law. In some cases it must be assumed that this poor use of sources is done deliberately to make the speakers appear more extreme.

For example, in the case study explored in depth below, a speaker is said to have claimed that “Islam allowed the taking of slaves with the condition that it is in a jihad sanctioned by the Shari’ah against the disbelievers”.²³ No context is given for this controversial remark; the reader is likely to assume the speaker is endorsing slavery. Upon investigation, it appears the remark was part of an encyclopaedic commentary on a hadith collection, written by the speaker in Arabic between the 1970s and 1990s

¹⁹ The HJS calculates that in 27 cases speakers were unspecified, but this seems to be a counting error. Fox (2019) *Extreme Speakers and Events*, p. 100.

²⁰ Ibid.

²¹ Ibid, p. 110.

²² The hadith are the records of the sayings, deeds and tacit approvals of the Prophet Muhammad.

²³ Fox (2019) *Extreme Speakers and Events*, p. 93.

and translated and posted online in 2013. The speaker offers a scholarly discourse on the place of slavery in Islam in the Qur'an and hadith, claiming that though it is permissible, historically Islam transformed slavery into an institution "of mutual love and brotherhood" and encouraged the freeing of slaves, since "freedom is more desirable in the Islamic Shari'ah" than slavery.²⁴ His interpretations are of course open to debate. But within this context, it is much harder to conclude that the speaker is in any way advocating slavery or offering "vocal or active opposition to fundamental British values".

In some cases, a speaker's remarks are taken out of context in order to suggest that s/he is Antisemitic. For example, one speaker is said to have "described Jews as one of the "outside conspiring forces stifling progress for Muslims".²⁵ The remark comes from an article by the speaker in which he offers analysis of Surah al-Baqarah in the Qur'an, in order to discuss the implementation of Islamic law in a society. He states "in knowing the manners in which such a state is established, we must also be accustomed to knowing those who are an obstacle to it. Therefore, the Jews and Hypocrites are mentioned often in this Surah... The Jews are not only mentioned in that they were actively blocking from such a state appearing in Medina... But, also they embodied the characteristics of an internal force in the form of followers of Prophets... it is not simply the case that we have outside conspiring forces stifling progress for Muslims, but within ourselves we have enemies and our own faults that are just as stifling."²⁶

This context shows us the speaker was referring to the Jewish groups (and "the Hypocrites") who opposed the Muslim community at the time of the Prophet Muhammad. It appears he did so to demonstrate his claim that Prophet Muhammad, like in his view Muslims today, faced opposition and challenges both outside and inside the Muslim community. The remark about "outside conspiring forces" appears to be more of a general claim to external opposition, which could be referring for example to non-Muslim hostility to Muslims, rather than a specific Antisemitic remark that Jews are "stifling progress for Muslims".

- Failure to demonstrate that exposure to speakers with extreme views makes students more likely to commit acts of terrorism

The HJS report is based upon the premise that students attending a (one-off) event with a speaker who has made extreme remarks in the past are more likely to commit an act of terrorism. Yet the HJS is unable to provide any evidence at all to support this. For example, in 2017 it published a separate report which analysed 29 case studies of university and school students who had committed acts of terrorism. In none of the cases is it reported that a university student listened to an extreme speaker on campus as part of their path to radicalisation.²⁷

Many of the events in the *Extreme Speakers and Events* report are on topics where controversy or extremism is unlikely to arise – such as "Succeeding in Ramadhan & Exams"²⁸ and "Seeking Redemption: A Journey Back to Your Lord".²⁹ Less than a third of the events are categorised by the HJS as focusing on "Grievances" (usually events involving discussion of Islamophobia) or "Geopolitics"; the rest are described as focusing, for example, on religious history and jurisprudence, apologetics, and

²⁴ <https://www.deoband.org/2013/01/hadith/hadith-commentary/slavery-in-islam/>

²⁵ Fox (2019) *Extreme Speakers and Events*, p. 23.

²⁶ <https://www.islam21c.com/politics/reflection-on-egypt-are-we-ready-to-live-under-the-sharia/>

²⁷ Emma Webb (2017) *Spotting the Signs: Identifying Vulnerability to Radicalisation Among Students*. Henry Jackson Society. <http://henryjacksonsociety.org/wp-content/uploads/2017/04/Student-Fighters-Project.pdf>

²⁸ Fox (2019) *Extreme Speakers and Events*, p. 92.

²⁹ *Ibid*, p.32.

“Personal Stories & Wellbeing”.³⁰ Of course, there is always a risk with any external speaker that s/he may go off-topic and make controversial remarks. It is up to students’ unions and universities to assess the likelihood of this happening and the risk it would pose if it does happen. The HJS is unable to provide any evidence that students’ unions and universities did *not* carefully consider the risks in relation to these events (see above).

The HJS argues that university risk assessment criteria must move beyond an assessment of “the potential for extremist views to be aired at an event”. It states that extremist speakers may avoid making any controversial remarks at student events, but instead will “socialise” with students and direct them toward senior figures who hold more extreme views.³¹ This is certainly possible on and off campus. But the HJS is unable to demonstrate that this occurred in any of the events it describes, and simply assuming that it has happened without evidence is a weak approach. Moreover, almost all of the cases listed in the report were one-off events, so there was no sustained period of contact between the speakers and students where ‘grooming’ into extremism or support for prohibited activity could occur.

Again, it is possible that after such events students may pursue their own lines of inquiry into the speakers, and ultimately encounter individuals with controversial or extreme views. But students’ unions and universities cannot prevent students from encountering such individuals through their own endeavours, and they cannot be expected to turn down proposed external speakers based on the (unlikely) possibility that this might happen – particularly considering the legal duty on universities to uphold the speakers’ freedom of speech as far as reasonably possible.

Ultimately the report assumes that extreme ideas are contagious, and students are vulnerable to them simply by being in proximity to a speaker who may, in the past, have expressed them. This is not a good model for understanding how ideas spread. It also makes the assumption that students are passive agents in these events, lacking the ability to critique the ideas being presented to them. This is a deeply patronising view of students.

Conclusion

The Henry Jackson Society report provides no evidence of methodological clarity, rigour or accountability. It has a highly selective approach to data collection (focusing almost totally on Muslim speakers). It fails to evidence that speakers have made “vocal or active opposition to fundamental British values” but instead asserts they are extreme by virtue of association. It presents speakers’ past remarks in ways which are misleading and disingenuous, without vital context. It provides no evidence about what risk assessment processes took place before these events (simply assuming they had not), and also no evidence about what actually happened at the events. As such, it cannot be used as a reliable indicator of the extent of extremism in universities.

This report feeds narratives which say that Muslim student societies are hotbeds of extremism and that socially conservative attitudes are an indicator of sympathy with extremism and terrorism. This is deeply damaging for the reputation of the higher education sector and, more importantly, for harmonious relations between different communities. It is to be hoped that policymakers treat the report with the scepticism that it deserves.

³⁰ Ibid, p. 103.

³¹ Ibid, p.111.

Case study: 'Islam & Politics', 2018

The HJS report gives the following information about the speaker at this event:

[He] has warned against interfaith marriage, stating that the "Qur'an has never allowed the Muslim girls to marry a non-muslim boy [sic]" and "it is not allowed in Shairah [sic] to marry an atheistic woman [sic]". He has stated that "Christmas is pure Christian celebration... A Muslim shouldn't participate by saying Marry Christmas [sic]". In a translated essay, [he] stated that "Islam allowed the taking of slaves with the condition that it is in a jihad sanctioned by the Shari'ah against the disbelievers [sic]". He also stated that "the default rule for the woman is that she is hidden in her house, her person is concealed from foreign men and she does not leave her house except for a need [unto which she must be fully covered]".³²

These statements need to be assessed individually:

- The *"Qur'an has never allowed the Muslim girls to marry a non-muslim boy"* and *"it is not allowed in Shairah to marry an atheistic woman"*: These statements were written online by the speaker in a response to a question about the permissibility within Islamic law of Muslim marriage with Christians and Jews. He said that Muslim men are permitted to marry Christian or Jewish women, where there is no likelihood that the husbands or children may come under the wives' influence in religious matters.³³ Though many people would oppose with his disapproval of interfaith marriage between Muslims and non-Muslims, this is a common understanding of the stipulations of Islamic law that is shared by a great many Muslims, and does not fall into the government definition of extremism.
- *"Christmas is pure Christian celebration... A Muslim shouldn't participate by saying Marry Christmas [sic]"*: These statements were made by the speaker in a tweet in 2017.³⁴ They are not extreme statements (using the government's definition), nor are they particularly controversial.
- *"Islam allowed the taking of slaves with the condition that it is in a jihad sanctioned by the Shari'ah against the disbelievers"*: This statement is part of an article written by the speaker between the 1970s and 1990s in an encyclopaedic commentary on the hadith collection of Sahih Muslim. It was translated and posted online in 2013. The statement itself is simply a claim about what was permitted historically in the Islamic empires. The article does argue that slavery was not "abrogated" by the Prophet Muhammad and so "taking slaves is permissible in Islam". However, the speaker insisted that "Islam changed the system of slavery in a manner that made it one of mutual love and brotherhood, and nothing remained in Islam except the name of slavery" and that "Islam encourages freeing many slaves, along with the rights the slaves enjoy under its dominion". The article ends with the speaker's reflection on international agreements to end slavery, noting that such agreements "are permissible because taking slaves is not something obligatory" and that "freedom is more desirable in the Islamic Shari'ah" than slavery.³⁵ Taken in the context of the article as a whole, it is clear that the speaker was not actively supportive of slavery nor wishing it to be introduced. Instead he was setting out his interpretation of the place of slavery in Islamic law, including (in his view) the changes brought to the institution under Islam historically.
- *"[T]he default rule for the woman is that she is hidden in her house, her person is concealed from foreign men and she does not leave her house except for a need [unto which she must be fully*

³² Ibid, p. 93.

³³ <http://muftitaqiusmani.com/en/marriage-with-christian-and-jewish-girls-or-boys/>

³⁴ <https://twitter.com/muftitaqiusmani/status/945012614899396609>

³⁵ <https://www.deoband.org/2013/01/hadith/hadith-commentary/slavery-in-islam/>

covered]: This statement is part of another article written by the speaker in his commentary written between the 1970s and 1990s. The article was translated from Arabic into English and posted online in 2010.³⁶ In it, the speaker laid out his interpretation of the positions of the different Sunni schools of Islamic law on the requirements on women concerning veiling. His conclusions are highly socially conservative and many people will disagree with them, but it is not clear that they fall into the government definition of extremism.

Despite the HJS' claims, on closer inspection it is clear that the report has failed to demonstrate this speaker's extremism. One statement attributed to him is not particularly controversial at all. In other cases, the HJS report takes particular quotes from his past writings (in this case, from a commentary written in Arabic several decades before the university event in 2018) and presents them without crucial context. It is important that the third and fourth statements came from the speaker's scholarship, in which he offered his interpretation about what the Qur'an and hadith stipulate, or about what different legal schools have concluded, on different issues. Undoubtedly his readings of religious scripture are traditional or conservative, but it is not at all clear that offering a conservative reading of religious scripture amounts to "vocal or active opposition to fundamental British values", or that it would be illegal to promote such a reading.

In order to bolster its claims that this university event facilitated extremism, the HJS report states that the event featured another extreme speaker and was co-hosted by Turath Publishing, which "has promoted several extremist-linked preachers".³⁷ Again, on closer inspection the HJS' claims are dubious. For example, concerning the second speaker, the HJS report states:

*[He] has endorsed domestic violence against women in cases of adultery or disobedience, claimed that the niqab is a "fundamental protection against immodesty and sin" and founded an organisation that has promoted child marriage.*³⁸

- *"[He] has endorsed domestic violence against women in cases of adultery or disobedience"*: The HJS provides a reference to a statement written online by the speaker in 2010 in response to a question about the permissibility of husbands beating their wives, based on a particular verse in the Qur'an. He offered his interpretation of the verse, claiming that "the beating is not restricted to just this suspicion [of the wife's adultery] but also to the unwillingness to cooperate in matters necessary to ensure the functionality of family life". He then stated that "although it is an option it is not the preferred or recommended course of action".³⁹ Undoubtedly this is a highly controversial statement. But it is debatable whether this very conservative reading of religious scripture can be said to be an 'endorsement', or encouragement, of domestic violence.
- *"[He] claimed that the niqab is a "fundamental protection against immodesty and sin"*: The HJS report does not provide a reference to this statement. The statement features in an online response written by a different scholar in 2012 to a question about how Muslim women should cover themselves. The response was "verified" by the speaker in question. The response asserted that the niqab is "necessary (wajib) according to the Hanafi school of thought" and provided several hadith to support the claim. It also stated that "[i]n terms of the proper dress code for a Muslim woman, there is no standard; it varies from culture to culture" and that Muslim women should always ensure that the "entire body" is covered.⁴⁰ What Islam requires of women in terms

³⁶ <https://www.deoband.org/2010/06/hadith/hadith-commentary/the-hijab-of-women-and-its-boundaries/>

³⁷ Fox (2019) *Extreme Speakers and Events*, p. 92.

³⁸ *Ibid*, p. 60

³⁹ <https://www.zamzamacademy.com/2010/09/wife-beating/>

⁴⁰ <https://www.zamzamacademy.com/2012/12/niqab/>

of dress code is an intense debate among Muslims, but it is not clear why the view that the niqab is a protection against immodesty and sin fits in to the government's definition of extremism.

- “[He] founded an organisation that has promoted child marriage”: The HJS report provides a reference to a website founded by the speaker.⁴¹ The article (written by a different scholar) includes a question about whether and how Muslims can have sexual relations outside of marriage, noting that “[i]n this society, young kids (15-18) are looked down upon for wanting to get married”. The scholar responding to the question advised that Muslims should get married early. He argued that “many Muslims in western countries are not keen on getting their children married at a young age as you have mentioned”, but that “Islam does strongly encourage parents to marry their children early”. He also quoted a hadith of the Prophet Muhammad, saying that when a child “reaches the age of puberty and the parents do not get him married, then all the sins that the child commits will be borne by the parents”. There is no evidence here that the scholar was promoting child marriage. Apart from the quoted hadith referring to puberty, he gives no indication of the age he had in mind when advising that “we should do our best to try to get our children married as soon as possible”.⁴²

Concerning this speaker, the HJS' claim that his organisation has promoted child marriage appears to be a deliberate falsification. His views on the niqab are conservative but do not amount to extremism under the government's definition. His views on the permissibility within Islamic law of husbands beating their wives are highly controversial, but it is not clear from the context that he 'endorses' domestic violence, particularly since he states that such action is not “preferred or recommended”.⁴³

Altogether, the HJS' claim that these speakers are extreme breaks down upon inspection of the sources, which have been presented selectively and without vital context. Such methodological weakness is evident throughout the report.

Appendix: A university's legal duties relating to freedom of speech

Various laws affect how universities and students' unions in England and Wales handle external speakers. These have been summarised in guidance issued in 2019 by the Equality and Human Rights Commission, compiled with advice from the Department for Education, the Home Office, the Office for Students, the Charity Commission and the National Union of Students among other bodies.⁴⁴

The laws include:

- **Human Rights Act 1998**

This Act says that all public bodies must comply with the rights set out in the European Convention on Human Rights. This includes Article 10, the right to freedom of expression. Public bodies and the state can interfere with an individual's right to freedom of expression but only in specific circumstances, such as for the protection of the rights of others; and such interference must be a proportionate

⁴¹ <https://www.zamzamacademy.com/about-us/>

⁴² <https://www.zamzamacademy.com/2010/09/slave-girls/>

⁴³ <https://www.zamzamacademy.com/2010/09/wife-beating/>

⁴⁴ Equality and Human Rights Commission (2019) *Freedom of expression: A guide for higher education providers and students' unions in England and Wales*.

<https://www.equalityhumanrights.com/en/publication-download/freedom-expression-guide-higher-education-providers-and-students-unions-england>

response to address the issue. The right to freedom of expression cannot be restricted just because other people may find it offensive or insulting.

Most publicly funded universities count as public bodies for the purpose of the Human Rights Act. Most students' unions are separate organisations from their parent universities. They are not likely to be considered public bodies for the purpose of the Act, and so are not required to comply with it directly.⁴⁵

- **Education (No. 2) Act 1986**

This Act places a legal duty on universities to take “reasonably practicable”⁴⁶ steps to ensure freedom of speech within the law for their members, students, employees and visiting speakers. This includes making sure that, as far as possible, no individual or group is stopped from using the university's premises for any reason connected with their beliefs or views. External speakers invited to speak on campus should not be prevented from doing so, unless they are likely to express unlawful speech or their attendance would lead the university to breach its other legal obligations, and there are no reasonably practicable steps that can be taken to reduce these risks.

The duty does not require universities to protect freedom of speech at the expense of the safety of members, students, employees and visiting speakers. So it is reasonable for a university to cancel an event if there is a threat of violent protests, and if no reasonably practicable steps (such as increased security within reasonable cost) can be taken.

The Act places its legal duty on universities, not students' unions directly. But students' unions are affected by it because the duty applies to students' unions' premises. Further, students' unions are required to follow their parent university's code of practice about securing freedom of speech within the law.⁴⁷

- **Counter-Terrorism and Security Act 2015 / the Prevent Duty**

This Act requires that universities have “due regard to the need to prevent people from being drawn into terrorism”.⁴⁸ In carrying out this duty, the Act requires them to have “particular regard” to their duty to uphold freedom of speech under the Education (No. 2) Act 1986.⁴⁹

When carrying out this duty, universities need to have regard to the *Prevent Duty Guidance* (2015) issued by the Home Office. Concerning external speaker events, the guidance says that universities should consider the likelihood that views expressed at the event may “risk drawing people into terrorism”.⁵⁰

It was clarified in a judicial review in 2017 that the guidance is only relevant where the views being expressed risk drawing people into terrorism. The judge stated that the guidance does not apply to

⁴⁵ Ibid, pp. 11-12, 15.

⁴⁶ Education (No. 2) Act 1986, s. 43.

⁴⁷ Equality and Human Rights Commission (2019) *Freedom of expression*, pp. 13-15, 22.

⁴⁸ Counter-Terrorism and Security Act 2015, s. 26.

⁴⁹ Ibid, s. 31.

⁵⁰ Home Office (2015) *Prevent Duty Guidance: For higher education institutions in England and Wales*, p. 4. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445916/Prevent_Duty_Guidance_For_Higher_Education__England__Wales_.pdf

“non-violent extremism... [if it] does not create a risk that others will be drawn into terrorism”.⁵¹ He also stated that while universities must consider the guidance when fulfilling their Prevent Duty, they are not required to ‘follow’ it to a particular outcome in their decision-making.⁵² In 2019 the Court of Appeal judges confirmed these points, but found that one paragraph (paragraph 11) of the guidance is unlawful and needs to be revised.⁵³

The Equality and Human Rights Commission’s guidance gives an example of how universities should manage their Prevent Duty and duty to uphold freedom of speech. In the example, a speaker is invited who has “a history of associating with violent extremists and making statements that could risk drawing people into terrorism”. The speaker has publicly distanced him / herself from these statements “but continues to associate with extremist groups”. The Commission advises that the university would need to assess the level of risk that this speaker would draw people into terrorism and take steps to reduce those risks. The Commission also notes that neither prohibiting the event or allowing it to go ahead would necessarily be unlawful, since it is down to the university decide how best to balance its legal responsibilities.⁵⁴

- **Criminal offences**

Speech can be restricted legitimately if it would break the law. Criminal offences in this area include speech which causes fear or provocation of violence; causes a person harassment, alarm or distress; is intended or is likely to stir up hatred on grounds of race, religion or sexual orientation; or amounts to a terrorism offence. Criminal law balances individuals’ right to freedom of expression with the protection of other people from threats, abuse and harassment.⁵⁵

- **Charity law**

Many universities and students’ unions are charities and must comply with charity law requirements. For example, a charity must act only in ways which further its charitable purposes (usually to further students’ education) and are for the public benefit. Its trustees must be able to show how they have decided to mitigate any risks associated with a speaker or event. They must also avoid exposing the charity’s reputation to undue risk. The Equality and Human Rights Commission has clarified that this includes considering the reputational harm that may arise to a charity if it prevents a planned speaker event from going ahead as well as, conversely, any risks that may arise from allowing it to proceed.⁵⁶

- **Equality Act 2010**

The Equality Act requires universities to comply with the Public Sector Equality Duty. They must consider the need to eliminate discrimination, harassment and victimisation, and advance equal opportunities and good relations between people who have a protected characteristic and those who do not.⁵⁷

⁵¹ Butt v Secretary of State for the Home Department [2017] EWHC 1930 (Admin), s. 30.

https://www.bindmans.com/uploads/files/documents/CO-6361-2015_-_Butt_v_Secretary_of_State_for_the_Home_Department_-_Final...pdf

⁵² Ibid, s. 98.

⁵³ Butt v Secretary of State for the Home Department [2019] EWCA Civ 256, ss. 176-7.

<https://www.judiciary.uk/wp-content/uploads/2019/03/r-butt-v-sshd-judgment.pdf>

⁵⁴ Equality and Human Rights Commission (2019) *Freedom of expression*, p. 25.

⁵⁵ Ibid, p. 17.

⁵⁶ Ibid, p. 21.

⁵⁷ The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

This means universities must consider how they can promote equality and minimise tensions on campus. When an event on a divisive topic or with a controversial speaker is proposed, the university must consider the potential impact on students who may feel vilified or marginalised by the views expressed. This does not mean, however, that the event cannot go ahead if there is a risk of controversial speech, since the university must also comply with its duties to uphold freedom of speech within the law.⁵⁸

⁵⁸ Equality and Human Rights Commission (2019) *Freedom of expression*, pp. 18-19, 26.