

EDUCATION

# UNPOPULAR OPINIONS

Academic Freedom in New Zealand

James Kierstead  
Foreword by Grant Schofield



**THE  
NEW ZEALAND  
INITIATIVE**

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# THE NEW ZEALAND INITIATIVE

**Published August 2024 by**  
The New Zealand Initiative  
PO Box 10147  
Wellington 6143  
New Zealand  
[www.nzinitiative.org.nz](http://www.nzinitiative.org.nz)

Views expressed are those of the author and do not necessarily reflect the views of The New Zealand Initiative, its staff, advisors, members, directors or officers.

**ISSN**  
2624-0092 (print)  
2624-0106 (online)

RR84

Printing arranged by TBD Digital



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## About the New Zealand Initiative

The New Zealand Initiative is an independent public policy think tank supported by chief executives of New Zealand businesses. We believe in evidence-based policy and are committed to developing policies that work for all New Zealanders.

Our mission is to help build a better, stronger New Zealand. We are taking the initiative to promote a prosperous, free and fair society with a competitive, open and dynamic economy. We are developing and contributing bold ideas that will have a profound, positive and long-term impact.

## ABOUT THE AUTHOR



James Kierstead is a Senior Fellow at the New Zealand Initiative, where his work focusses on universities, free speech, and democracy. Born in Canada, he earned a BA in classics at Oxford and a Master's in ancient history in London before moving to Stanford, where he earned another MA in political science and completed his PhD in classics in 2013. That year he also moved to Wellington to take up a position as a Lecturer (later Senior Lecturer) in classics at Victoria University. In 2022 he began working at the New Zealand Initiative, publishing his first report *Blessing or Bloat? Non-academic Staffing at New Zealand Universities in Comparative Perspective* (co-authored with Michael Johnston) in August last year, a few months after which his role at Victoria was disestablished. Besides his academic publications on ancient and modern democracy, he has published pieces in *The Dominion Post*, *The Spinoff*, *The New Zealand Herald*, *The Australian*, *The Spectator Australia*, *Quillette*, *Quadrant*, *Times Higher Education*, *Chronicle of Higher Education* and other outlets. He is also the co-host, with Michael Johnston, of the Free Kiwis! podcast, which aims to establish liberalism in New Zealand.

## ACKNOWLEDGEMENTS

I am grateful to a number of Initiative colleagues who contributed to the text of this report. Michael Johnston produced a thoroughly revised version of Chapter 2, regenerating many of the graphs in the process, wrote the account of Jim Flynn's book being dumped by his publisher, and drafted the treatment of the *Listener* letter controversy. Stephanie Martin contributed accounts of the cancelling of the Feminism 2020 conference and the deplatforming of Daphna Whitmore for Chapter 3, and Max Salmon was responsible for our treatment of the Siouxsie Wiles Employment Court case and of Raymond Richards being called to a meeting after referring to religious 'cranks' in a lecture. I also thank Oliver Hartwich and Chelsy Killick for edits and advice. Most of all, I am grateful to the academics who contributed their own experiences and stories, especially those few who were brave enough to do so under their own names.

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# Foreword



In recent decades, New Zealand, like much of the English-speaking world, has undergone profound changes. The ways we access information, express our views, and encounter the perspectives of others have transformed dramatically. Social media and mobile devices have fundamentally altered our communication landscape. Algorithms create echo chambers, amplifying polarised views while diminishing centrist, nuanced discourse.

This shift has significant implications for our society, especially in higher education. The role of universities as the “critic and conscience of society,” as legislated in the Education and Training Act, is under threat. This report looks at the evidence of growing political polarisation and diminishing debate within NZ universities. It questions whether these institutions still fulfil their critical societal role.

Universities have been the places where learning, investigation, and debate have traditionally flourished, contributing much to society in the process. They have enjoyed taxpayer support, with the understanding that they advance society and do so in a constructive, rational way.

Academic freedom, as defined by the Education and Training Act, underscores the freedom of academic staff and students to ‘question received wisdom, propose new ideas, and voice controversial or unpopular opinions’ without fear of retribution. This freedom is crucial for fostering creativity, radical thinking, and critique of the status quo. Maintaining this freedom requires a supportive environment that actively encourages and protects it.

New Zealand’s legal framework, including the Human Rights Act of 1993 and the Bill of Rights Act of 1990, also aims to maximise our rights and freedoms while safeguarding the well-being of all. An important safeguard is the rule of law. We can voice our ideas and opinions, but only within a set of laws developed through the legislative process of a social democracy.

My own journey illustrates the importance of academic freedom. When I first challenged the conventional low-fat, high-carb dietary guidelines, advocating for low-carb, healthy-fat diets as therapeutic for metabolic issues, the response was both rigorous and robust. Despite facing significant institutional resistance, including attempts to silence me, I was ultimately supported by my university’s leadership.

Fifteen years later, these debates have shifted conventional wisdom. Without the freedom for critique and contestation we risk stagnation. Academic freedom enables scientists to propose new ideas, test hypotheses, and advance knowledge, even at the risk of being wrong. Indeed, this is the essence of the methods first outlined by Francis Bacon centuries ago which have changed humanity mostly for the better.

This report by Dr James Kierstead provides a critical examination of the current state of academic freedom in New Zealand. It presents compelling evidence that many academics feel constrained in expressing certain views.

If the university as it currently exists is to remain relevant, then nuanced, robust, and open debate must not only be defended, but encouraged. Academic freedom is a privilege, and one that comes with responsibilities. But it is a privilege that has served us well.

The robust debates that must continue will not always be comfortable. Feelings will be hurt, egos will be bruised. This is a necessary part of the process, and one which we must embrace, not hide from. Our universities need to once again rise to the role that they were primarily and legislatively designed for.

**Prof. Grant Schofield**

# Introduction

Academic freedom is in peril. Unusually, this is the case not only in unfree societies such as China and Iran, but also in countries that have long carried the flag for liberalism and free speech. Indeed, it is in English-speaking liberal democracies that some of the most dangerous threats to academic freedom have emerged in the past few years and from which they have begun to be exported to the rest of the liberal democratic world.

All these statements are, of course, controversial. For each of the many press articles reporting on or decrying threats to free speech on campus, there has been at least one claiming that the threat has been exaggerated.<sup>1</sup> For many sceptics, the idea that free speech is under threat at universities is a ‘Trojan horse’ for a broader attack on the political left – or even on universities themselves.<sup>2</sup>

Nonetheless, there is now a good deal of solid evidence that academic freedom has indeed been under attack over the past decade or so – whether through de-platformings, book cancellations, or the sanctioning and sacking of academics – and that it remains under threat across the English-speaking world.

## Academic freedom in the English-speaking world

In the autumn of 2021, Dorian Abbott was invited to give the distinguished Carlson lecture at MIT’s Department of Earth, Atmospheric, and Planetary Sciences. Abbott, a professor at the University of Chicago and the author of several widely cited papers on climate science and astronomy, seemed a natural choice.

On 30 September, though, Abbott was disinvited, with Robert van der Hilst, the organiser of the lecture, stating that “besides freedom of speech, we have the freedom to pick the speaker who best fits our needs,” and that “words matter and have consequences.”

Van der Hilst did not come to that conclusion in a vacuum, but only after a Twitter mob, composed largely of graduate students who had long opposed Abbott’s criticism of Diversity, Inclusion, and Equity (DEI), had demanded that his lecture be cancelled.

Abbott’s case is a classic example of an academic being disinvited from giving a talk, or (to use a more recent term) ‘deplatformed.’

The most important compendium of disinvitations of this sort is the Foundation for Individual Rights and Expression (FIRE)’s Campus Deplatforming Database, which has recorded the date, institution,

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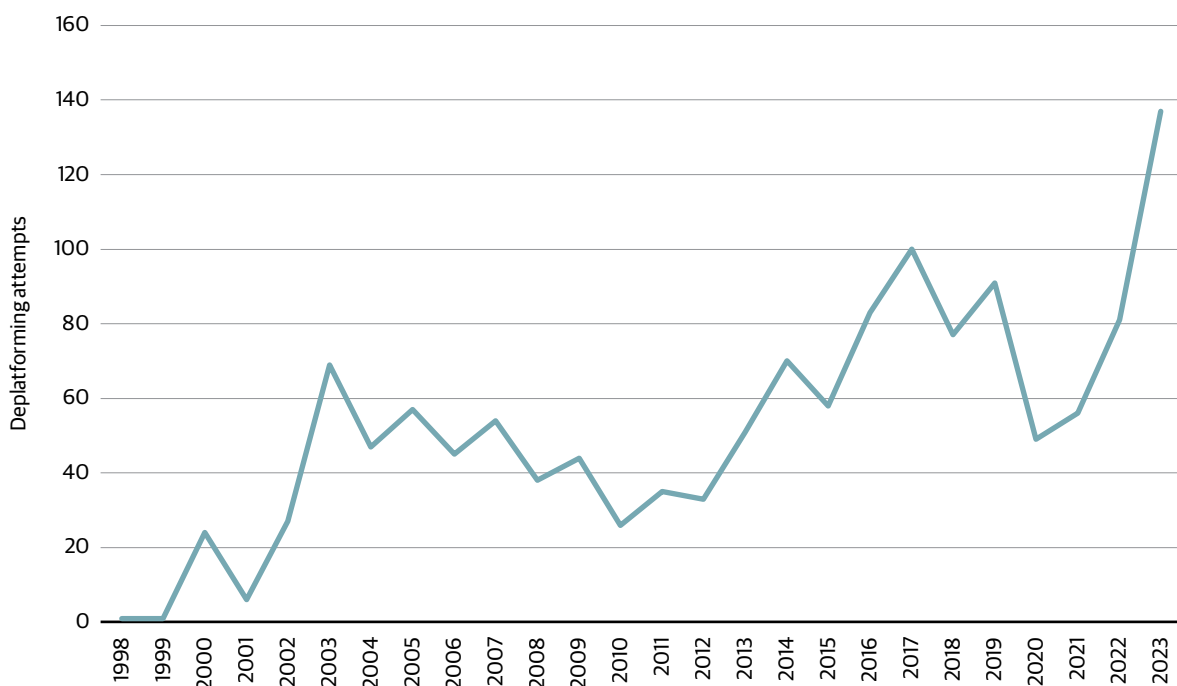
<sup>1</sup> See e.g. Zack Beauchamp, “The myth of a campus free speech crisis,” *Vox* (31 August 2018).

<sup>2</sup> Ulrich Baer, “Free speech and equality on campus,” *Public Books* (25 January 2019).

institution type (public, private etc.), type of expression, speaker/performer, topic, outcome, and other details for every deplatforming attempt (whether ultimately successful or not) that has happened in the US since 1998.<sup>3</sup> Figure 1 charts attempted deplatformings over time.

The graph records a substantial increase in deplatforming bids across the board in this period, with an especially striking spike in attempts (mostly from the left) in 2016. Commentators who took the decrease in 2018 as a sign that “the ‘campus free speech crisis’ had ended,”<sup>4</sup> though, were soon proven wrong, with another spike in cases the following year. Since another dip in 2020 and 2021 (almost certainly affected by the closure of many campuses in response to COVID), attempted deplatformings have soared, with the database recorded 137 in 2023 alone, many of them concerned with the speech about the Israel-Palestine conflict.

**Figure 1: Annual numbers of deplatforming attempts on US campuses, 1998-2023**



Source: Data from “Introducing FIRE’s Campus Deplatforming Database,” FIRE website<sup>5</sup>

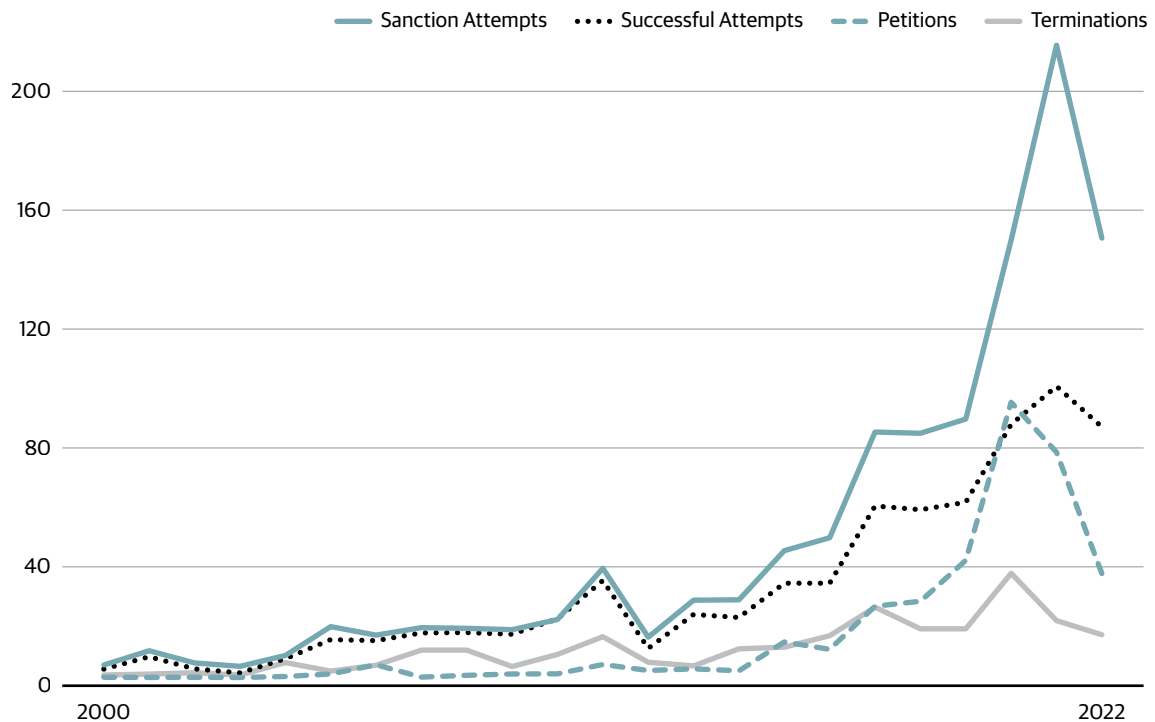
However, disinvitations are not the only threat to academic freedom that has been on the rise in recent times, however. As Figure 2 shows, attempts to have academics sanctioned have also increased, as have petitions calling for them to be dismissed and actual dismissals.

3 FIRE website, <https://www.thefire.org/research-learn/campus-deplatforming-database>. The website defines a deplatforming attempt as ‘a form of intolerance motivated by more than just mere disagreement with, or even protest of, some form of expression. It is an attempt to prevent some form of expression from occurring. Deplatforming attempts include efforts to disinvite speakers from campus speeches or commencement ceremonies, to cancel performances of concerts, plays, or the screenings of movies, or to have controversial artwork removed from public display. An attempt to disrupt a speech or performance that is in progress is also considered a deplatforming attempt, whether it succeeds or fails.’ It also notes that ‘deplatforming attempts do not include criticisms of some form of expression and protests denouncing them that are not motivated by the goal of deplatforming the controversial expression.’

4 Jeffrey Sachs, “The ‘campus free speech crisis’ ended last year,” Niskanen Center (29 January 2019).

5 <https://www.thefire.org/news/introducing-fires-campus-deplatforming-database>

**Figure 2: Annual numbers of sanctionings (attempted and successful), petitions against, and terminations of professors in the US, 2000–2022**



Source: “Scholars punished for their speech skyrocketed over last three years,” FIRE website<sup>6</sup>

Commentators who are sceptical of the idea that there is a free speech crisis in the university sector sometimes argue that ‘incidents of conservative speech being suppressed on campus are rare and do not add up to a national crisis.’<sup>7</sup> And it is true that even with the numbers of deplatformings and dismissals skyrocketing in recent years, the vast majority of invited talks go ahead as planned, and the vast majority of academics are never dismissed for their views.

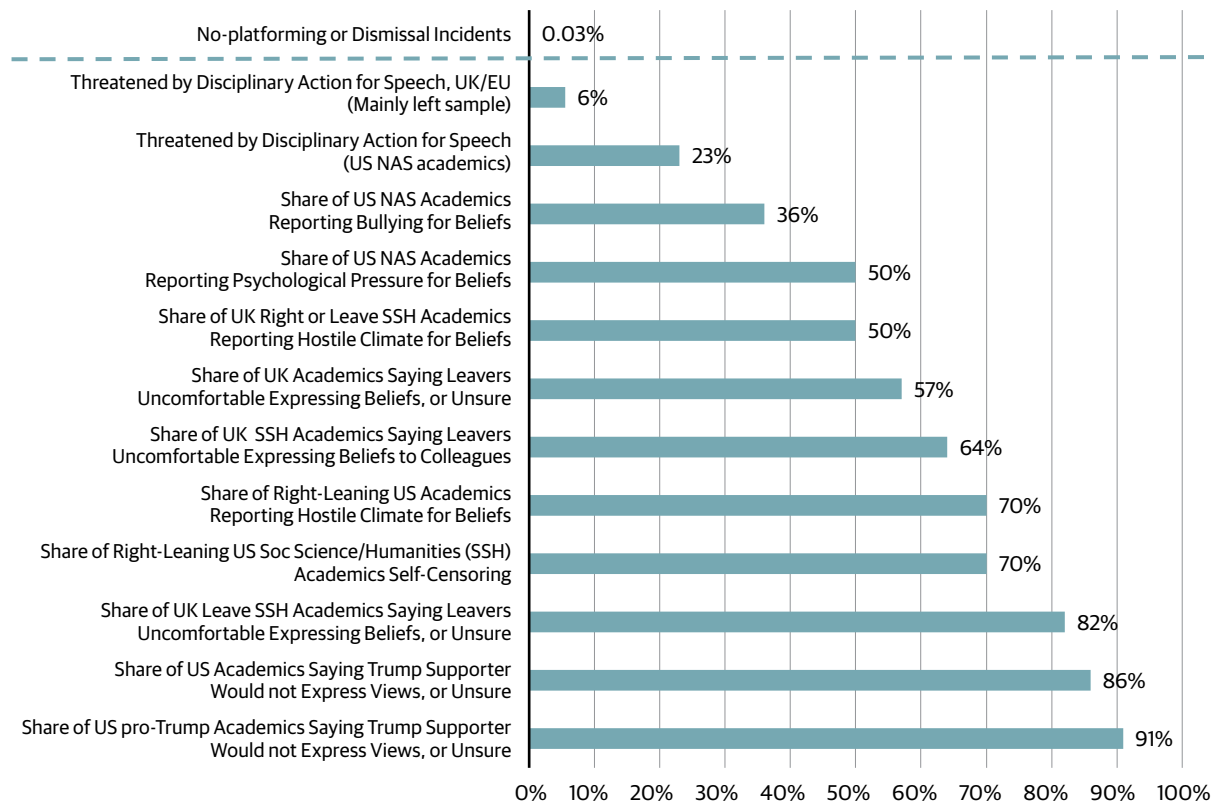
But it would be hasty to conclude from this that academic freedom is not under threat. Eric Kaufmann has developed what he calls the ‘iceberg model’ of campus free speech, with deplatformings and dismissals just the tip of a much larger iceberg made up of discrimination in job searches, social ostracism, and other types of informal sanctions for speech (see Figures 3a and 3b below).<sup>8</sup> This is the massive iceberg that, in Kaufmann’s view, has been chilling the waters of discourse on Anglophone university campuses.

<sup>6</sup> <https://www.thefire.org/news/report-scholars-punished-their-speech-skyrocketed-over-last-three-years>

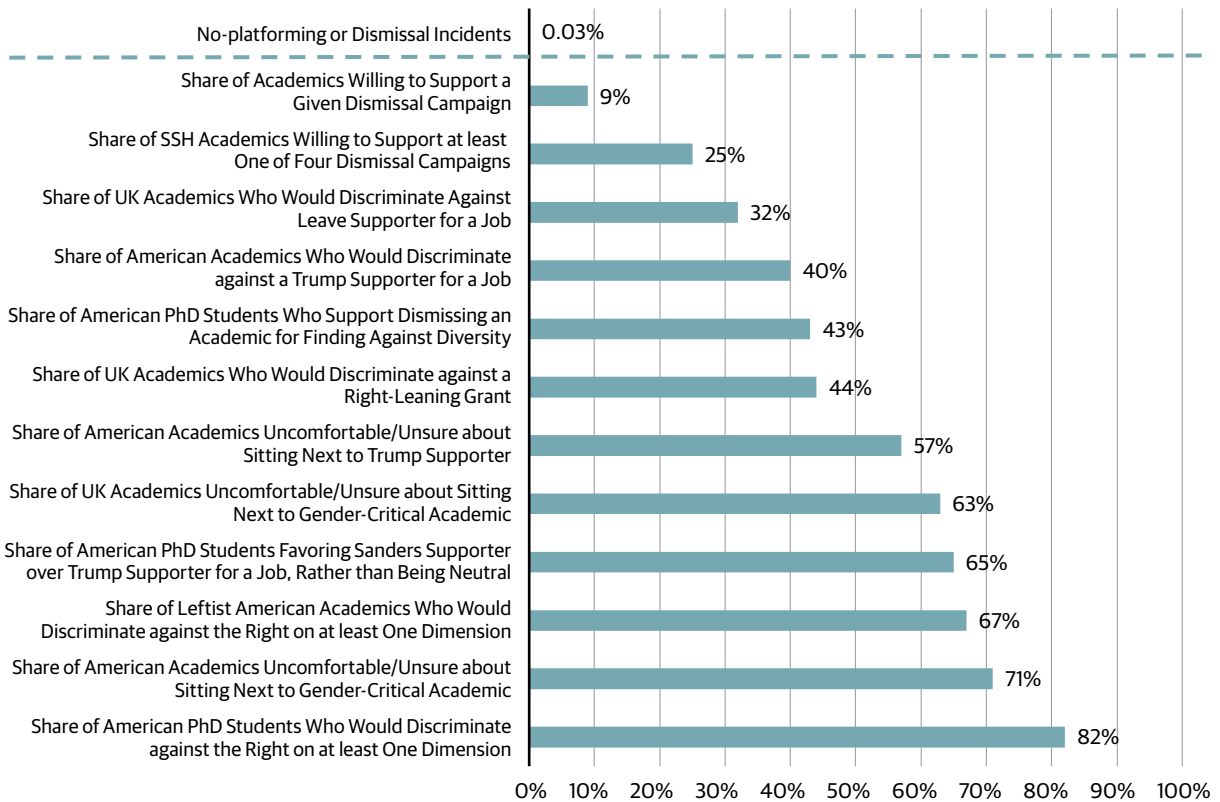
<sup>7</sup> Zack Beauchamp, “The myth of a campus free speech crisis,” *Vox* (1 September 2018).

<sup>8</sup> Kaufmann, Eric. “Academic Freedom in Crisis: Punishment, Political Discrimination, and Self-Censorship” (Center for the Study of Partisanship and Ideology, 2021).

**Figure 3a: Kaufmann's iceberg model of academic (un)freedom, victim's view**



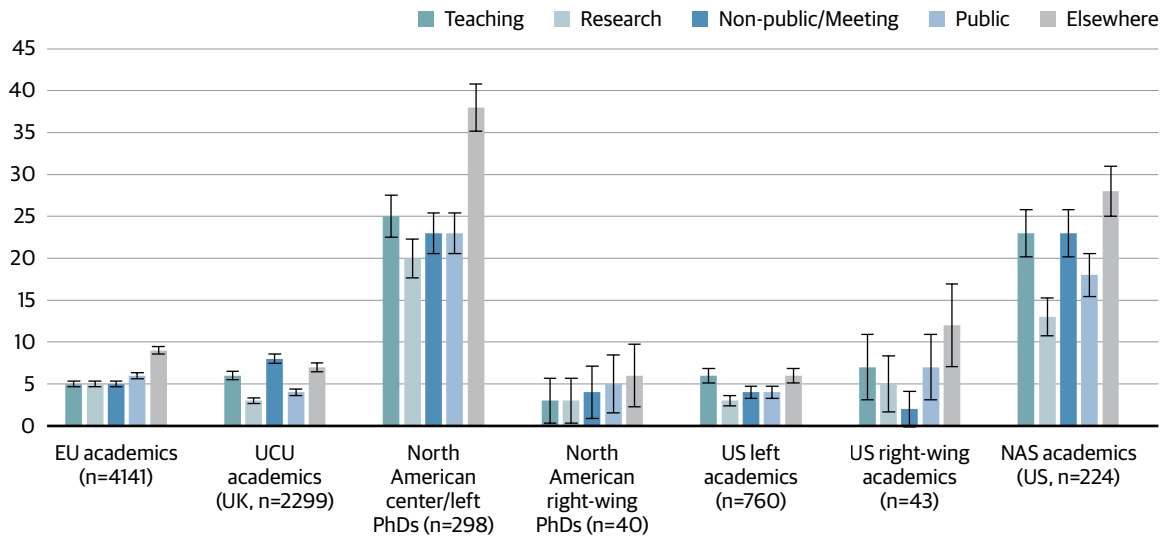
**Figure 3b: Kaufmann's iceberg model of academic (un)freedom, perpetrator's view**



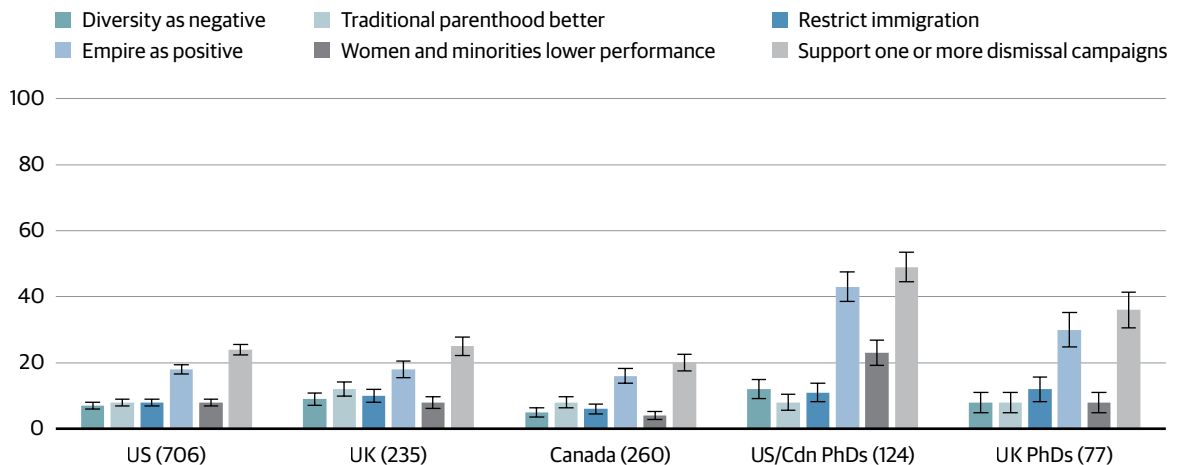
Source: Kaufmann, "Academic Freedom" (see note 8), 13-14.

As the charts above suggest, Kaufmann’s model is drawn from surveys of academics in both the US and the UK. Figures 4a and 4b show, though, that his report also draws on surveys that include Canadian academics. Other recent surveys and studies in all these countries have only added to the evidence that all three have a problem with academic freedom.<sup>9</sup>

**Figure 4a: Percentages of academics saying they had been subjected to, or threatened with, disciplinary action for their views. UCU=Universities and Colleges Union (UK); NAS=National Association of Scholars (US). Error bars denote standard errors.**



**Figure 4b: Percentages of social science and humanities academics and PhD students who would support a campaign to oust an academic advocating for one of the views listed. Error bars denote standard errors.**



Source: Kaufmann, “Academic Freedom” (see note 8), 16, 24.

9 E.g. Shelly Zhou and Steven Zhou, “Understanding the Campus Expression Climate Three-Year Report: Fall 2019, 2020, and 2021” (New York: Heterodox Academy); Civitas Research Team, “Academic Freedom in Our Universities: the Best and the Worst” (London: Civitas, 2020); Remi Adekoya, Eric Kaufmann, and Thomas Simpson, “Academic Freedom in the UK: Protecting Viewpoint Diversity” (London: Policy Exchange, 2020); Christopher Dummitt and Zachary Patterson, “The Viewpoint Diversity Crisis at Canadian Universities: Political Homogeneity, Self-censorship, and Threats to Academic Freedom” (Ottawa: MacDonald Laurier Institute, 2022).

In Australia, a 2019 report commissioned by the Minister of Education and carried out by the former Chief Justice Robert French found that

although there is no ‘crisis of free speech’, there is an issue of principle and policy which is a matter of public concern and should properly be addressed by the sector in as clear and comprehensive and authoritative way as it can.<sup>10</sup>

It also promulgated a model academic freedom code which all Australian universities were invited to adopt on a voluntary basis, and made minor changes to the Higher Education Support Act 2003 and the Higher Education Standards Framework (Threshold Standards) 2015.

## Academic freedom in New Zealand

Does the New Zealand university sector have a problem with academic freedom of the sort that is currently afflicting similar English-speaking countries? In a way, it would be surprising if it did not, considering how deep-seated the connections are between New Zealand and Australia, the UK, Canada, and the US, as well as how reliably we import trends from them in terms of popular culture, politics, and even social mores<sup>11</sup> – a tendency that has no doubt only been accelerated by social media.

Simply assuming that we have a problem similar to theirs would obviously not do, though. New Zealand does not mirror Australia or Canada, let alone the UK and US, in every way, even if the English-language often acts as a conduit for cultural and political trends. Moreover, New Zealand is much less polarised than the US and significantly less polarised than Australia, Canada, and the UK,<sup>12</sup> and it is plausible that polarisation would make people more likely to want to have someone they disagree with shut down or sanctioned for their views, including in a university setting. So perhaps our universities have less of a problem with academic freedom too.

This report presents evidence that New Zealand universities do indeed have a problem when it comes to academic freedom. We draw on three types of evidence, which are presented in the following three chapters (Part 1). First, we present a sample of testimonies from academics on their perceptions of the current climate for academic freedom on campus. Next, we provide a detailed look at surveys that have been conducted on the topic over the past few years. Finally, we provide a thoroughly documented list of academic freedom incidents that have occurred over the past decade. This survey of the evidence makes up Part 1 of our report.

In Part 2, we turn to the three main threats to academic freedom in New Zealand. The first is the far left, the progressive left, or the ‘woke’ left, whose ascent within our universities seem to underlie most of the testimonies, survey responses, and academic freedom incidents we surveyed in Part 1. The second threat we examine is China, or, more specifically, the Chinese Communist Party that currently

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10 Robert French, “Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers” (Canberra: Department of Education, 2019).

11 For just one example of the importation of an American sub-culture, see Redmer Yska, *All Shook Up: The Flash Bodge and the Rise of the New Zealand Teenager* (Auckland: Penguin, 1993).

12 Bryce Edwards, “NZ not so politically and socially polarised,” *The Democracy Project* (11 November 2021).



holds autocratic power in China. The final threat we examine is the so-called ‘neo-liberal’ or market-oriented university and the managerial and hierarchical structures that are often associated with it.

Our brief in this report was to present and examine the evidence that we have a problem with academic freedom in New Zealand. We have, therefore held, back from drawing up detailed plans for a solution to the problem, either in the form of draft legislation or in the form of principles that universities should adhere to. We do, however, present some more general suggestions in our conclusion, suggestions which, we hope, will be helpful to policy makers and reformers keen to grapple with the issue of free speech at our universities.

## **Why academic freedom is important**

Why, though, is this issue even important? Almost a quarter of a century ago now, the authors of a report by the New Zealand Universities Academic Audit Unit (AAU) – now the Academic Quality Agency (AQA) – provided a convenient summary of reasons why academic freedom is crucial to the success of our universities:

Academic freedom is inseparable from a university’s role as critic and conscience of society. This is because academic freedom can only exist within an environment that encourages creativity, radical ideas and criticism of the status quo; and conversely, freedom is needed to express criticism. Since a university’s performance in its role as critic and conscience of society is one aspect of its overall performance as an academic institution, the Academic Audit Unit (AAU) has an interest in monitoring it. A further reason for the AAU’s interest is the link to academic freedom: if academic freedom is as important as generally assumed, a university’s poor performance in supporting and encouraging it, will have detrimental consequences for teaching, research, and that institution’s contribution to the community.<sup>13</sup>

The report draws on the Education Act and Training Act (see text box) in referring to the university as ‘the critic and conscience and society’ (see text box). But it also goes beyond the Education Act in evoking two other, related reasons that academic freedom is important: because freedom is necessary for criticism to be possible, and because criticism, in turn, is indispensable for any university that wants to uphold high standards in teaching and research.

We could add further reasons why academic freedom is important. Academic freedom is a subset of the freedom of speech or expression, a freedom that is enumerated both in the UN Universal Declaration of Human Rights and in the New Zealand Bill of Rights. Like the broader right of free speech, academic freedom reflects the equality of students and academics under the law and protects them from being illegitimately silenced by powerful superiors. Academic freedom allows students to express themselves, explore ideas, and develop their personalities without fear of ideological reprisals. It also allows academics to pursue their intellectual missions and develop their life’s work, again without undue constraints.

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<sup>13</sup> Gareth Jones, Kerry Galvin, and David Woodhouse, “Universities as Critic and Conscience of Society: The Role of Academic Freedom” (Wellington: New Zealand Universities Academic Audit Unit, 2000).

## Academic freedom in the Education and Training Act

In the Education and Training Act, section 267, academic freedom is defined as including:

- '(a) the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions:
- (b) the freedom of academic staff and students to engage in research:
- (c) the freedom of the institution and its staff to regulate the subject matter of courses taught at the institution:
- (d) the freedom of the institution and its staff to teach and assess students in the manner that they consider best promotes learning:
- (e) the freedom of the institution through its chief executive to appoint its own staff.'

In what follows, we will have this definition mainly in mind, especially the stipulation in (a) that academic freedom includes 'the freedom of academic staff *and* students [our emphasis], within the law, to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions.'

Though our evidence comes mainly from academics, we accordingly also include survey results and incidents that involve threats to, or violations of, students' expressive rights, including their right to question and test received wisdom in the context of student groups.

Moreover, if we want universities to remain the primary sites of scientific discovery and humanistic learning in our societies, it stands to reason that we need to afford students and academics even stronger protections than are afforded by the baseline right of free speech. Granting students and academics protection that extends even (for example) to criticism of their employer not only defends staff and students, but also incentivises them and others to contribute to our universities, with beneficial effects for them, the progress of knowledge, and society as a whole. And the stronger the reputation that New Zealand universities, in particular, have for academic freedom, the more that New Zealand will be able to reap these benefits in the now ferociously competitive international market for intellectual talent.

But it can be difficult to get across the importance of such a crucial freedom by relying on rational arguments alone. So, we will conclude this introduction with a story – a story that happens to be true.

### Popper's paradise

In March 1937, the Austrian philosopher Karl Popper arrived in Christchurch to take up a lectureship at what was then Canterbury University College in the University of New Zealand (and is now Canterbury University).

Popper had arrived in the nick of time. A year later, Austria would be absorbed into the Third Reich. *Kristallnacht*, during which almost a hundred synagogues were destroyed in Vienna alone, would follow on 9 November 1938. Sixteen members of Popper's extended family would later be killed in the Holocaust. Though Popper's parents had both converted to Protestantism, there is little doubt that he would have suffered the same fate had he stayed in Vienna.

For Popper, New Zealand was ‘not quite the moon, but after the moon...the farthest place in the world.’ But ‘it was a wonderfully quiet and pleasant atmosphere for work,’ and as a result, the philosopher ‘settled down quickly to continue’ his work.<sup>14</sup>

The main work that Popper produced during his time in New Zealand was *The Open Society and its Enemies*, which Michael King would later call perhaps ‘the most influential book to come out of New Zealand.’<sup>15</sup> In two volumes, the work offers a defence of the liberal democratic tradition by way of a scathing critique of thinkers that Popper saw as enemies of the open society, especially Plato, Hegel, and Marx.<sup>16</sup>

Popper would leave New Zealand soon after the War ended to take up a new position at the London School of Economics, though he did return to New Zealand in 1973 to take up a short-term fellowship at Otago and to accept an honorary doctorate from the University of Canterbury, which now has a building named in his honour.



*Popper at a waterfall on the Banks Peninsula in 1941, while he was working on *The Open Society and its Enemies*. To his left is Henry Broadhead, a classicist and colleague at Canterbury College. To his right is Popper's wife Hennie. Source: National Library of New Zealand.*

Popper's experience in New Zealand is a powerful reminder of the value of some of our most fundamental freedoms, including the freedom of speech and academic freedom. New Zealand afforded Popper the security and dignity that the Nazi regime would have denied him in his native land.

More than this, it also enabled him to write one of the definitive defences of the open society, something that the Nazis would obviously never have allowed (even in the unlikely event that they would have allowed Popper to live), and which would equally certainly not have been allowed anywhere in the communist world (especially in view of Popper's incisive critique of Marx in Volume 2 of *The Open Society*).

Popper's genius was largely unappreciated by New Zealand's university administrators at the time, with the philosopher later complaining that “the university authorities were not only unhelpful but tried actively to make difficulties for me.”<sup>17</sup> For all that, he never had any doubt about his freedom to write the polemical work he produced while in the country.

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<sup>14</sup> David Edmonds and John Eidinow, *Wittgenstein's Poker: The Story of a Ten-Minute Argument between Two Great Philosophers* (London: Faber & Faber, 2001), 213; Karl Popper, *Unended Quest: An Intellectual Autobiography* (Chicago: Open Court, 1974), 112.

<sup>15</sup> Michael King, *The Penguin History of New Zealand* (Auckland: Penguin, 2003), 502.

<sup>16</sup> For a recent reassessment of the book, see James Kierstead, “Karl Popper's *Open Society and its Enemies* and its Enemies,” *Journal of New Zealand Studies* 28 (2019), 2-28.

<sup>17</sup> Karl Popper, *Unended Quest*, *op. cit.*, 119.

The result was a win for Popper, a win for political philosophy and liberal thought, and, ultimately, a win for New Zealand, with Popper's experience further burnishing the country's reputation as a liberal and tolerant society where ideas – even daring ones – could be played with and tried out.

Would Popper, or someone like him, feel as free to write an equally polemical book on an equally polemical subject in New Zealand today? Would he feel as free from interference from authoritarian regimes abroad, ideologues within the university, and even from hack-handed university administrators? This is a question we will return to in our conclusion.

## **PART I**

# **The Evidence**

The three chapters that follow present the evidence that there is currently a major problem with academic freedom at New Zealand universities. The testimonies illustrate the seriousness of the problem and its effects on individuals, and also show that at least a fair number of New Zealand academics perceive the climate for speech on campus as chilled. The surveys show that this perception is in fact shared by a substantial minority of academics and students, and provides more information about which issues have become difficult to talk about at our universities. The list of academic freedom incidents that follows describes and documents several occasions when academic freedom was violated or threatened or when a public debate about academic freedom was provoked.

For the most part (and with the partial exception of the chapter on surveys), we have focussed in this part of the report on simply relaying and documenting the evidence. What this evidence suggests about the main threats to academic freedom in this country is a matter of interpretation, and we have largely saved our interpretations of this evidence for the three chapters of analysis which follow in Part II of this report.

## CHAPTER 1

# Testimonies

All the testimonies that follow come from academics currently or recently employed at New Zealand universities. The first ten were collected from academic contacts of the authors, and the others were selected from the comments submitted by respondents to the Free Speech Union's 2023 Academic Freedom Survey.<sup>18</sup> Though we asked our contacts to share testimonies under their own names, all but one insisted on anonymity, and we have chosen not to share even that name to protect them. We have also added a few longer submissions from academics, some of whom agreed to reveal their identities in text boxes. A few minor corrections have been made to the orthography and punctuation of the submissions throughout this chapter, and the names of individuals and universities have been redacted.

Disclaimer: The opinions expressed in the testimonies below do not necessarily represent the opinions of this report's authors. However, we have no reasonable cause to believe that the opinions expressed do not represent the genuine opinion of the survey respondents.

1. In a recent online meeting about my university's attempt to deal with academic freedom, the point was raised by one academic that undergraduates are already so carefully self-policing their own comments in class that it is becoming difficult to generate student discussions. The response of the meeting organisers was to criticise the teaching competence of the woman who had raised the point. The organisers openly mocked her and turned it into a joke and a put-down.
2. In a meeting of two academics and a non-academic manager, the manager got so angry at a young female academic when she presented a view different from that of the manager that he began to yell at her, even calling her "dishonest." She did not feel that it was wise to continue in the meeting. She explained this politely and quietly, and she left the meeting. The other academic soon left as well and immediately sought the woman out to offer support, agreeing that the manager's behaviour was completely inappropriate. The manager subsequently accused the young woman of "leaving the meeting in a rage" and used it against her as a disciplinary matter.
3. For several years, my colleagues and I have preferred to meet off campus for fear that anything we say, anything we find funny, anything we question might be used against us. None of us agree with the social-justice strategy of the university. We all support traditional university values but are not safe letting that be known.
4. X lost his position at [a NZ university] after he disagreed publicly with [a senior administrator] about her cancelling of [an event]. Colleagues...often raise X's case as an example of what can happen if you put your head above the parapet.

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<sup>18</sup> Free Speech Union, "2023 Academic Freedom Survey" (Wellington: Free Speech Union, 2023).

## Kendall's story

Kendall Clements, Professor of Biological Sciences at the University of Auckland, is a leading marine biologist with interests in fish biology, animal nutrition and reef ecology. On 26 July 2021, an edition of the *New Zealand Listener* magazine containing a letter on science that Kendall had co-authored appeared in shops.

Kendall and his co-authors argued that though it has been used to aid colonisation, "science itself does not colonise," and that though "indigenous knowledge is critical for the preservation and perpetuation of culture and local practices, and plays key roles in management and policy...in the discovery of empirical, universal truths, it falls far short of what we can define as science itself."

On 31 July, the Pūtaiao committee at the School of Biological Sciences (SBS) at Auckland issued a letter which included a request "that Kendall is not put in front of students" on the grounds that "this is not safe for students or other staff involved in teaching in the same course" in view of "the events of this week, and a long history" of Kendall's part "of demeaning the value of Mātauranga Māori and those that teach it."

Kendall told us that it was "unclear" to him what that last claim was referring to. In addition, "No complaint was ever made about me, my teaching, or my interactions with other staff in this regard." He adds that this letter was "withheld" from him at the time, but that he and another of the co-authors of the *Listener* letter later "obtained a copy through a personal information request under the Privacy Act."

On 5 August, Kendall's Head of Department (HoD) asked him if it might be prudent to "put some distance" between recent events and his teaching of a stage 3 paper that he had taught for years. "I said absolutely not," he told us. "There was no reason for me to avoid my teaching as I had done nothing wrong."

Nevertheless, at the same meeting Kendall's HoD asked him to step down from teaching stage 1 and stage 2 evolution classes "for workload reasons" (as Kendall told us) and "so that I could concentrate on taking over course directorship of a stage 3 evolution paper" which he had never previously taught. Kendall told us that he believes that the HoD's "suggested workload rationale" was "disingenuous," and that his being asked to withdraw from teaching on these courses only ten days after the publication of the *Listener* letter was not a coincidence.

He referred us to the letter sent by the Pūtaiao committee to his HoD, the HoD's own comments on 5 August, and his being asked to step back from teaching stage 1 and stage 2 courses – a step that was very unusual in his view and did not seem justified by the workload rationale that was given.

He also told us that after a personal information request under the Privacy Act, he obtained "an email from the course director of the stage 1 course" he was teaching on "following the publication of our letter (i.e. between 26 July and 9 August)" suggesting to the HoD that "Kendall be removed from BIOSC1109 teaching" (in the email's wording) since "having someone with his opinions directly engaging with our year 1 students is not appropriate."

Further emails that Kendall obtained through the same process "from several SBS staff (including one section leader on the SBS executive) to my HoD" stated that he should be "excluded from teaching as a consequence of being a signatory to the *Listener* letter."

Finally, Kendall's colleague and fellow Professor of Biological Sciences, Tony Hickey, independently told us: "I coordinate/direct a third-year course, into which Kendall teaches. Following the [Listener] letter...I was asked by my class representative to remove Kendall from" teaching this course too, but he "refused" to do so.

Kendall stepped down from teaching on the stage 1 and 2 evolution courses "under protest," and has not taught on them since.

5. During a meeting of subject leaders, I asked [a senior administrator] if he thought indigenous people experienced any benefits whatsoever from contact with Europeans. He said, “None!” The next day, he replaced me as head of subject by a Māori and told me it was just a matter of rotation.
6. In [faculty X] we recently almost voted on a new core. (The vote was called off, because it was obvious that it was going to fail.) Our current core focusses almost entirely on providing introductory skills in a variety of areas. The new core was going to push a particular ideology. I think that many people were afraid to speak their objection to this being what our core was about. There was a request (apparently by multiple people) that the vote be closed ballot.
7. I was at a Faculty Board meeting back when [X was a senior administrator]. There were two different members who both put forward a need for an explicit university policy of censorship for right-wing ideas. [Senior administrator X] (politely) shut them down.
8. The ethics board (...now university-wide) was originally created in order to assure that subjects were not harmed during data generation/collection. However, it has been used to censor projects (and cut off funding) based on ideology.
9. Our promotions criteria put explicit weight on “engagement.” Given how broken the promotions system is, I can’t help but think that, for example, your engagement with the NZI [New Zealand Initiative] would be held against you rather than being considered a positive. You would know better.
10. A colleague once circulated a document for students that summarised tips for better writing, including advice from Steven Pinker’s book on academic writing. In this book, Pinker argues for direct negation of a proposition that a minority of people believe is true but is, in fact, not. As an example, Pinker writes: “*Barack Obama is not a Muslim.*” Following the small internal circulation of my colleague’s document, an anonymous reader complained to the university that the quoted sentiment was insensitive. Under pressure from certain quarters of the university, my colleague deleted this ‘controversial’ quote from his writing guide.
11. The strategy for many academics is to voice no position unless it is conformist. Unfortunately, this pervasive self-censorship in universities defeats a main justification for the institution’s public support (to tangle openly with uncomfortable topics of social importance), and worse yet, it gives implied cover to an orthodoxy that stands unchallenged.
12. I think the predominant form of freedom of speech repression is implicit rather than explicit. When the TEU takes clear sides regarding politically contested topics, that sends a very strong signal to the community. The political viewpoint homogeneity among academics is another mechanism that triggers self-censorship for any minimally agreeable person. Explicit bullying also occurs: derogatory statements about Christianity, whites (white privilege), males (toxic masculinity), or right-of-centre political orientation (‘far right,’ ‘Fascists,’ etc. to refer to National or ACT politicians) are socially acceptable in the academy.



## Two incidents, by a NZ academic

1. When [NZ university] tried to close down the [faculty], I and many others went public criticising the closure and various university policies attached to this. The vice-chancellor filed serious misconduct cases against three of the academics. This was followed by a legal inquiry. Two young researchers who were accused decided to leave [NZ university] at that time. I defended my legal case by arguing that freedom of speech in New Zealand should prevail, thus allowing me to criticise the university, even in public if required. The case took over two months and was dismissed at the end. I have heard of other cases where the vice-chancellor filed a serious misconduct case against staff members for publicly speaking out.
  2. At Academic Board I criticised certain aspects of post-modernistic anti-science coming out under the umbrella of Mātauranga Māori (MM). I called for a special Academic Board meeting to discuss these serious issues before we introduce MM into the [NZ university] curriculum including the sciences. I was told that only Māori can comment on MM and it is not for me to criticise it. In the following academic board meeting, two student representatives gave a lengthy speech complaining about what I said. Their speech was carefully written and well-rehearsed. A proposed discussion on MM at academic board never took place.
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13. The atmosphere at the university is chilling when it comes to the expression of social and political views that do not align with those expressed by the university's senior management. This is particularly the case when it comes to contentious issues such as the Treaty of Waitangi. There are, of course, individuals who do speak out, but many are fearful. I know this because of the number of times people have thanked me in private for giving voice to concerns they share, but do not feel able to express.
  14. As a senior academic with no need to apply for promotion and or take on administrative leadership roles, I am relatively free to air my views (but not to research or teach the way I judge best). Junior staff with ambition (or who lack secure jobs) are far more constrained.
  15. I don't feel comfortable voicing views which are in the conservative spectrum because of concerns regarding being labelled as one of the "-phobes."
  16. The University, in line with the Royal Society, MBIE and other Government agencies such as the TEU, has adopted non-logical policies such as the promotion of Vision Mātauranga, claiming equal validity for 'spiritualised' and non-evidence-based indigenous knowledge, and the false designation of established scientific fact as 'Western science.' There is a climate of fear against those who speak out against such nonsense policies, who are subjected to ridicule and attack as "racists". We have also been mandated to include 'bicultural competence' touchpoints in all our science courses, which is again a ridiculous and counterproductive approach for numerically based science.

## Two vignettes, by a NZ academic of Māori descent

### Vignette 1

I was a representative on an academic committee tasked with approving course applications for permanent status. The university has a policy that all courses provide a statement of how a course integrates Treaty principles and supports Māori perspectives. When I noted that a particular course being considered had no relevance to Treaty or Maori perspectives and principles, the Committee's Maori representative argued that every course had to include a Māori perspective. After noting various factors that made such principles and perspectives irrelevant, the discussion was closed down – I was basically told to cease and desist by the chairperson who stated that no course would be approved by this or higher academic committees that did not include Treaty principles or Maori perspectives.

By the embarrassed expressions and silence of the other committee members, it was very clear that none were prepared to risk censure in order to stand against the Maorification of the university's curricula.

### Vignette 2

My department's academic members felt under great pressure over insufficient numbers of Māori in our programmes. Programme heads were tasked with coming up with ways of increasing support for Māori students. At one such meeting the idea was floated that special, Māori-only student morning teas should be held weekly, so that Māori students could get extra attention from staff members. I asked in the discussion, to be inclusive rather than exclusive, when would the morning teas be held for other student ethnic groups...A silence descended on the meeting, and after a few colleagues spoke up in acknowledging my logic, the Programme Head quickly tabled the discussion 'for another time' (probably when I might not attend). Social justice ideology and narratives have been loaded into every aspect of the university's approach to education at the expense of the highest of standards of critical thinking and writing and robust best practices of research and writing that used to exemplify university level education and the pursuit of truth and knowledge.

17. The greatest challenge to academic freedom relates to Treaty of Waitangi and race issues, where there is no ability to speak without dire consequences for academics.
18. The pressure to be 'PC' and 'woke' is enormous – and my views are pretty PC and woke! But I feel that the most gentle, careful questioning of ideas around issues such as trans rights or Mātauranga Māori would result in ostracism by staff and negative feedback from students (at best). And we all know that the two highest priorities of universities – far higher than anything else – are bringing in external research funding and making students happy. And it's near impossible to get external funding without prioritising Mātauranga Māori.
19. Even filling in this survey makes me uncomfortable. To say I feel uncomfortable discussing things – I am anxious about that. I have seen what has happened to people who have for example spoken out about school curriculum changes. I also feel like the students sit and judge us and are waiting for any slip up...to 'call it out' rather than be curious and debate.

## Elizabeth's story

Elizabeth Rata is a professor of sociology of education at the University of Auckland, where she leads the Knowledge in Education Research Unit.

'My own experiences of the closing down of academic freedom,' she wrote to us 'occurred in the Faculty of Education and Social Work at the University of Auckland 'from the 1990s,' but 'ratcheted up a notch following the publication of my 2000 book *A Political Economy of Neotribal Capitalism*.'

These included, according to Elizabeth, 'false statements on Wikipedia,' opponents 'employing a lawyer to dig for dirt,' 'online abuse' as well as 'mob outrage' following the publication of the *Listener* letter on science. She also told us that she was socially and professionally ostracised, spending a 'two-year stint in Coventry' at the beginning of her career. 'Coventry,' she told us, was 'a tiny room' known as 'the broom cupboard', 'well away from' her departmental colleagues. She says that during that period she never received 'newsletters, memos, or correspondence of any kind' from the department and so 'had no idea what was happening.'

Elizabeth was instrumental in the creation of Kura kaupapa Māori (Māori immersion schools) in the 1980s, but alleges 'the removal of my name from influential publications about the establishment of the schools.' According to Rata 'it was clear that the erasure was deliberate but motives are very difficult to prove.'

A couple of years ago, though, she came across the 2012 master thesis 'Ngā pūrākau o ngā wāhine rangatira Māori o Aotearoa: The stories of Māori women leaders in New Zealand' by Rebecca Wirihana, which included the following account by Beryl Woolford-Roa:

I was a very minor figure but the kura got started. Then other people got together to try to make it a nationwide thing and to get funding. So, there were a group of people Graham Smith, Linda Smith, Tuki Nepe, the lady at Te Pai, Katarina, Peter, Aroha and a woman called Elizabeth Rata. Have you ever heard of her? Well she's very important. Well they're all important but Elizabeth is very important. Nowadays you read histories of kura kaupapa and you'll see all those names except for Elizabeth's. She's kind of been expunged. Elizabeth has been wiped out of the history of kura kaupapa so if you see her name there I'll be surprised. Elizabeth has been wiped out of the history of kura kaupapa.

So they had this group and Elizabeth was in it. She was close mates with Tuki, Graham and Linda and that was the group that started the legislative stuff. They did the lobbying and Elizabeth was instrumental in doing the legislative stuff like the writing of academic crap to justify the whole thing. She was really important, which is ironic considering she's been expunged and never spoken about ever since.

Elizabeth credits former vice-chancellors John Hood and Stuart McCutcheon 'along with other academics in senior positions' with maintaining a baseline respect for academic freedom at the University of Auckland. She still thinks that 'leadership is the key to restoring' academic freedom in its fullest sense. Moreover, 'those leaders must be internationally respected academics committed to the principles of academic freedom as outlined in the Kalven Report.' 'Only then,' she told us 'will we recover the country's reputation for high quality teaching and research.'

That, though, would also require that something is done to weaken 'the current ideological stranglehold and return our universities to the political neutrality' required for true academic research.

20. Since the last survey there has been a notable change towards regulation of course content in new course proposals to reflect state-driven ideologies such as bi-culturalism. In one case in 2022 this resulted in two proposed social science courses being rejected (despite consultation and extensive re-drafting) and the resignation of the staff member. The faculty meeting discussion became more a personal attack (and an attack on that discipline) rather than a reasoned critique of the proposals. I have never seen this before and I think it reflects a sign of the times. I also note that some of our managers in recent years (including a VC) have become fond of downplaying our legislative right to academic freedom with “yes, but” statements.
21. The University of [X] has consistently shown that it prioritises matters regarding image and external perception of the institute over actually wanting to provide the best educational service. Instead of conflict resolution and progression, the university runs virtue signalling propaganda campaigns. Instead of attempting to keep an impartial position on many topics allowing for real academic freedom, it allows political and special private interests...to dominate discussion while persecuting all that pursue a more balanced approach.
22. I do not feel comfortable discussing my personal views and opinions in my institution as they do not always align with the popular rhetoric.
23. I am leaving the university on a voluntary redundancy and I had to sign a non-disclosure agreement so I cannot talk about the toxic environment in which I had to work. These are currently common.
24. The elite set the debate and those who diverge from it can be bullied or suffer detriment, e.g. not being promoted (as in my case last year).
25. Questioning anything about the radical current interpretation of the Treaty of Waitangi is likely to be career ending.
26. The University of [X] has included “academic freedom” in its vision and strategic direction for 2040. We have not heard exactly what they mean by that but if other universities are a guide, it’s freedom for certain perspectives and not others. Unattractive opinions, according to leadership, will simply be deemed hate speech or similar and not allowed without consequence.
27. Freedom of speech is almost eroded in New Zealand universities...There will be consequences for speaking up accepting or even listening to alternative views. Alternative views are considered taboo to even debate on contentious issues. Research funding is highly skewed and we are openly told that...success is possible only if research is skewed with a certain ethnic dimension.
28. I feel more pressure from students and how they see the courses. There is a willingness to prioritise students’ expectations without paying attention to what is good and necessary for them to learn. I found some of the school graduates are closed-minded about doing different degrees and with an unrealistic vision of the world and industry.
29. If you want to be promoted or funded you have to be careful and wise with what you say.

30. There are themes decided at the university's senior team level that are not for discussion.
31. Bi-culturalism is pushed very hard, leaving no room for debate around multi-culturalism given our very diverse student body. This cannot be questioned. Radical sexual orientation is also pushed very hard by senior management.
32. There are major problems around Treaty type issues since the University now claims to be Treaty-led. The long-term implications of this are yet to become clear, but there seems to be a lessening of room to question directions coming from the top.
33. I think this is not just an issue of academic freedom, it is an issue of freedom of expression in NZ as a whole.
34. The terms academic freedom and free speech need debate. My institution has completely shut down any interpretation of the Treaty of Waitangi other than their own fabrication. Students are confronted with a grading curve favouring specific races; specific races get access to support services (based on race, not need); attempts to debate what is meant by free speech have been shut down by the institution's administrators.
35. I am concerned about the lack of diversity in the leadership of this "Free Speech Union." Free speech needs to be moderated by the potential to cause harm to minority groups. This "Free Speech Union" is not adequately equipped to make those assessments without a genuine representation from a large number of minority groups in the leadership.
36. University administrations have made a mockery of the 'critic and conscience' role for academics. Your research or public speaking irritates the farmers' block? Bye! You dare to question what "Tiriti-led" means? You're racist. Question TEC 'report cards' and their absurd approach to measuring university 'quality'? Don't rock the boat or the hand that feeds.
37. [University X] is a Te-Tiriti-led institution and as such there is no opportunity to debate whether it should not be Te-Tiriti led.
38. The problem for academic freedom in NZ (and beyond) is not some sort of bar on free speech or culture that prevents it within the academics themselves, it is the university leadership's sad efforts to force us to publish in certain ways, so their rankings go up. That forces us to do work that is "funded" and so is of interest to the funder rather than the academic. If the unis had the guts to reject rankings and bibliometrics, academic freedom would be much enhanced.
39. Free speech appears to apply to academic areas, but is no longer allowed should it question the dogma that Māori ideas and beliefs have supremacy over all others. I fully support the inclusion of Māori in research, but now every meeting – even those not involving any Māori participants – has to start with reciting verses I do not believe in or agree with, in a language I do not speak or understand, and research is unlikely to be funded unless it is endorsed by a Māori representative. Questioning this is not an option if I want to progress in my career.

## A New Zealand academic on managerialism as the main threat to academic freedom

It is easy to focus on individuals 'stat[ing] controversial or unpopular opinions,' to quote the Education Act. However, these *causes célèbres* distract from a less glamorous and ultimately larger concern – I cannot think of a single academic outside of senior management (along with quite a few of those within it) who is happy about the extent of top-down decision-making in our universities.

However, the Act (reflecting the broader understanding of the term) sees 'regulat[ing] the subject matter of courses' and the ability to 'teach and assess students in the manner that they consider best promotes learning' as being components of academic freedom held collectively by the institutions and their staff. It is hard to see how that can be meaningfully honoured without a more collective approach to governance and strategy than we see in New Zealand at the moment, or in our British and Australian counterparts.

So, it is ironic that this comes as possible financial penalties are being mooted for universities that 'de-platform' potentially controversial speakers. But if you wanted to drive genuinely valuable change in our institutions you would threaten to penalise universities that could not demonstrate that their governance and decision-making processes meaningfully engaged with the judgement and expertise of their academic staff.

40. The only comment I want to make is that while I am all for freedom of speech, I am totally against hate speech. We only need to look to the United States to see that the promotion of free speech also leads to the freedom for hate speech. This is something that will need to be addressed directly when promoting free speech.
41. There is a culture of fear in the university. For example, this is a common situation. I have an academic talking with me in my office and, even with the door shut, they will whisper things to me rather than say them out loud when speaking about topics related to the culture war. I have also had a similar experience with postgrad students.
42. This survey misses a key factor: the overruling role of market forces. What we do is almost entirely determined by the choices of teenagers in a country that is extremely neoliberal in its approach to education. Any subject which is not perceived to lead directly to money/jobs and/or sporting achievement is vulnerable. So, my ability to teach and pursue research – no matter how important it may be – depends entirely on these forces. I have kids in primary and secondary school, so I know first-hand how the school system is set up to encourage them to worship money and sport. I can also compare with other countries. This more than anything else compromises and threatens academic freedom in NZ and also the ability of NZ's universities to be the critic and conscience of society. By the time it all gets to us, it is too late.

43. The university authorities are terrified of the prejudices and alleged ‘sensitivities’ of the students, mostly acquired at school or from the internet. Increasingly it seems that such prejudices are *all* they acquire at school! The present crop of undergraduate students are not used to hearing a range of opinions, or to examining issues in detail (they do not read unless they have to, and then do so ineffectively). To them, all traditional knowledge and cultural products – at least, Western traditions and culture – are tainted...And some of the students, having a severely limited range of critical skills, are prepared at the drop of a hat to complain about anything which they think offends them. The students are increasingly whiney and self-entitled, and the university bends over backwards to pander to them, rather than educate. So, we keep quiet to protect our jobs. And of course, the present financial pressure of universities is added incentive not to rock any boats. Any work to encourage our better students to be ‘critic and conscience’ has to be done very carefully.
44. Certain topics (particularly related to gender, culture and colonialism) have become increasingly politically sensitive; critical discourse beyond ‘politically correct’ paradigms, values, ideologies and norms has become challenging and is rarely appreciated. Labels such as ‘racist’ or ‘sexist’ are sometimes used inappropriately to silence critical discourse or opposing opinion. This is a worrying development not only in NZ but globally.
45. I feel well supported by the senior leadership – less so by my colleagues in my department.
46. The limitations are not that university policies prevent me from speaking out directly to media or other forums. Limitations are more to do with the dominant Western, capitalist (one-size-fits-all production-line) structures that result in unattainable workloads and lack of consideration for the time needed to conduct good research, produce quality publications, maintain and develop up-to-date programmes and understand marking and assessment as formative teaching practice. This is particularly so for ‘frontline’ education programmes for professions such as teaching, nursing, social work and counselling where safe, professional, ethical practice is paramount. Furthermore, the power structures mean that it is not safe to speak out or challenge marginalising practices, despite organisational policies that claim otherwise.
47. As each year goes by it feels like we have less freedom. Students are also more likely to complain to management if your views do not align with their views.
48. The university, and the legal framework within which the university operates, does not try to constrain my ability to teach or research as I wish – the economic system within which university lecturers and researchers operate is a far larger restraint. However, I do not feel that the Free Speech Union speaks for me and have never seen them argue for more public funding for lecturers and researchers to enable them to actually do the useful work that we do. I also do not believe that academics should be pushing offensive and retrograde ideas which make academic space unsafe for other academics or students, such as holocaust denial, eugenics, or gender/race essentialism.
49. We have become a corporate body concerned about brand image in a content marketing world in a climate of cancel culture.

50. I have been told to remove Facebook posts that I perceived were of direct interest to our students (at whom the page was directed) because the content was not in line with what the university wanted to promote. I resisted but was ordered by my manager to comply. The issue was small, but it certainly gave the feeling that Big Brother was watching, and everything will be fine so long as you don't step out of line. I would assume the right to free speech as a University Academic would include the right to question the University itself. This was not the case.
51. We are currently in a state of fearing for our jobs, this means many feel it best to stay quiet.
52. Freedom to research in areas of my choice is more constrained by PBRF requirements than by academic freedom per se – and to that extent PBRF itself impacts on academic freedom.
53. Staff are often likely to engage in self-censorship; individuals who voice opinions that are out of step with senior management are likely to find themselves restructured out of a job.
54. I feel my job is at risk if I question the direction the university is taking. The last round of redundancies was definitely about getting rid of those who were not boot lickers.
55. I have lots of things to complain about at my university, but constraints on academic freedom is not one of them!
56. We have also had the format of assessments imposed upon us by management reducing freedom to teach and assess as we see fit or find personally works best. . . It is extremely controlled, extremely authoritarian, extremely oppressive, an extremely damaging to staff morale, motivation and hence course quality, student experience, and outcomes. An utter manufactured disaster of neoliberal totalitarianism. . . The solution is to gut the hierarchical power-control structures and implement a Swiss style democratic structure with business accountability similar to open companies with shareholder voting rights and staff-initiated referenda etc.
57. Universities are now neoliberal corporate entities which are much more focused on branding, compliance to 'values' and risk management.
58. Academic freedom is more constrained by outside structures and requirements e.g. qualification requirements, funding priorities. So, these exert some government control in the areas you are surveying and it is not clear how much the universities can influence these or as an institution have academic freedom in these areas.
59. In my particular area our student numbers are low. This means that my job is constantly at risk. This reinforces my unwillingness to say anything. The overall environment is one of fear, for the reasons above, and due to the general culture fostered by the vice-chancellor. All these things are discussed rarely and in hushed tones among small groups.
60. At my institution, the concept of being Tiriti-led was never up for discussion or debate, despite this approach being contrary to principles of academic freedom in the context of NZ universities.
61. It feels ok to promote 'progressive' ideas, even radical or controversial ones, but I keep quiet about 'conservative' views.



62. Our contracts and performance management practices act to limit freedom in research – only certain research seems to count.
63. I take the position in all my teaching and research that no subject is off-topic, as unpopular or controversial that opinion may be, but also affirm that consideration must be given to the manner in which such subjects are raised and addressed: one can choose to be an arsehole or not with the right to free speech in academia.
64. I have been able to set course content only because nobody has checked it. I also have to be very careful how I frame things, so I don't get a complaint made about me. It is a constant consideration for me.
65. I teach engineering so at the moment there is no interference in my lecturing content but there is a push for use of Mātauranga.
66. I have no concerns about academic freedom or free speech at my institution, within the bounds of my area of expertise.

### Roger's story

Roger Openshaw is Emeritus Professor of Education at Massey University. He remembers meeting Elizabeth Rata for the first time at a café at the Epsom campus at the University of Auckland. 'When we walked in,' he wrote to us, 'there was an audible scraping of chairs...I looked across the room to see that virtually everyone present had shifted their chairs so that they had their backs turned away from us.'

A couple of years later, Roger was commissioned to write a report on a professional development programme for teachers which, Roger told us, 'laid most of the blame for Māori student's educational underachievement on...teacher racism,' something which Roger found was not adequately supported by the evidence. Roger also upheld complaints by the Post-Primary Teachers' Association (PPTA) that teachers had been 'dragooned into taking part and professionally ostracised if they were...critical' of the programme.' 'When I presented my report,' Roger told us, 'I could feel the venom being directed at me personally by some attendees to the extent that I felt concerned for my professional future.'

Roger tells us that Pro-Vice-Chancellor James Chapman was 'very supportive' of him and of academic freedom at Massey at the time and was 'prepared to stand up to any pressure that might be brought to bear,' something that Roger remains grateful for. Only a few years later, though, Roger felt that 'matters had definitely changed for the worst at Massey,' with 'a lively debate over the merits and otherwise of social constructivism...being abruptly closed down by the powers that be.'

Around the same time, Roger recalls 'being hustled out of a colleague's office rather abruptly when I asked about the climate that seemed to pervade any debate concerning the place of Te Reo in education.' 'Only when we were safely outside the building,' he told us 'did my colleague feel able to open up, furnishing a perceptive, critical, but whispered opinion of both the directives emanating from the top concerning Te Reo, and the ideology' that lay behind them.

Though Roger is now retired from Massey, his impression is that 'the climate' for free speech is now 'even worse.' 'Staff appear afraid to speak up at what is happening for fear of being labelled racist,' he told us. 'They will talk about it,' but 'only when off-campus and sure of not being overheard.'

## CHAPTER 2

# Surveys

The testimonies that we quoted in the last chapter show that there are at least a fair number of academics at New Zealand universities who feel that academic freedom is under threat. They also illustrate some of the effects the current climate for speech has had on individual academics.

That said, the number of academics we quoted in the last section is small: only seventy-two (if we include those with stories in text boxes) of the more than 7,000 academics currently employed at New Zealand universities (although we could have included more from the Free Speech Union's 2023 Academic Freedom Survey). They may also have been more concerned about free speech than the average New Zealand academic, since they chose to provide testimonies on the topic to us or the Free Speech Union.

It is not beyond the realm of possibility that these are the only academics in the country that feel this way. On the other hand, they may point to a broader pattern and a larger iceberg, one which is mostly invisible to us because most academics feel too intimidated to talk about their experiences publicly.

But the testimonies reported in the last section are not the only evidence we can draw on. The New Zealand Free Speech Union and Heterodox New Zealand have, between them, conducted three surveys that provide more extensive data about the extent to which students and academics at our universities feel free to speak their minds. We supplement these with evidence from an internal staff survey conducted by the University of Auckland, and with a survey that the Tertiary Education Union (TEU) conducted of its members.

These surveys have limitations (especially the 2023 Free Speech Union Survey) and come with the usual caveats. At the same time, together they provide evidence that substantial minorities of academics and students at New Zealand universities feel uncomfortable speaking openly about certain topics of public concern. They also give us a more granulated sense of what those hot-button topics are, and how free different sub-sections of the university community feel to talk about them.

### **2021 Heterodox New Zealand survey of undergraduates**

In 2021, Heterodox New Zealand surveyed students on the extent to which they feel free to express their views on a range of topics on university campuses. (Heterodox New Zealand is the local chapter of Heterodox Academy, an international consortium of academics concerned about academic freedom and viewpoint diversity in today's universities.<sup>19</sup>)

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<sup>19</sup> See <https://heterodoxacademy.org/>.

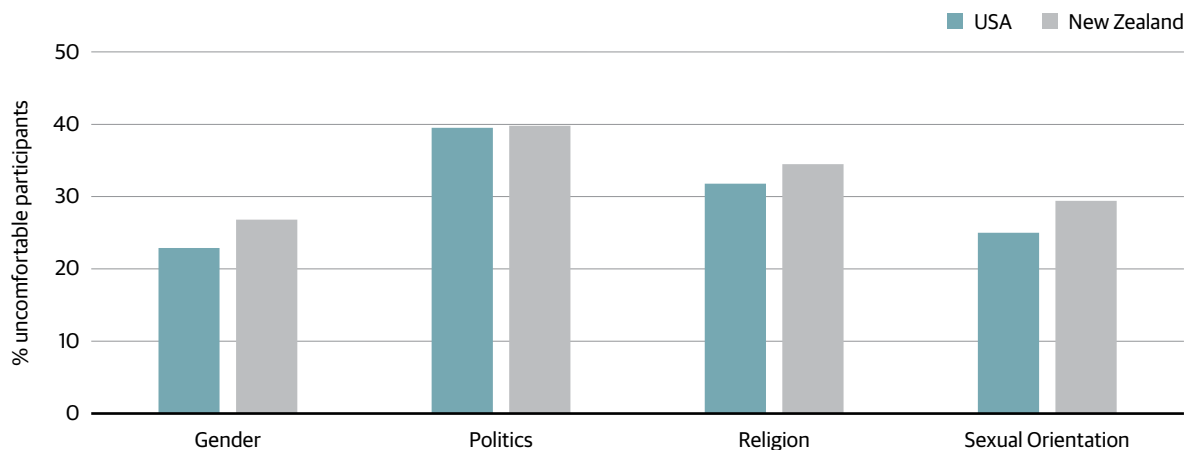
Heterodox Academy has administered its Campus Expression Survey to US students since 2019. Heterodox New Zealand adapted this US survey to the New Zealand context. It used student email lists and flyers to circulate it to students across the country, but especially at the University of Otago, Victoria University of Wellington, and the University of Auckland – the home institutions of most of the researchers.

To maximise participation and mitigate self-selection problems, participants were given a chance to win one of a hundred \$100 Amazon gift cards.<sup>20</sup> Seven hundred ninety-one students answered the survey, 436 from Otago, 181 from Victoria, 155 from the University of Auckland, and 19 from other institutions.

Figure 5 compares the results of the Heterodox New Zealand survey with those of Heterodox Academy’s 2021 US survey.<sup>21</sup>

Similar proportions of US and New Zealand students reported that they would feel uncomfortable sharing their views on gender, politics, religion and sexual orientation in the classroom, with Kiwi students reporting slightly higher levels of discomfort in all four categories.

**Figure 5: Percentage of students who said they would feel ‘not at all’ or ‘not really comfortable’ (US: ‘somewhat’ or ‘very reluctant’) to share their views on four controversial issues in the classroom, 2021**



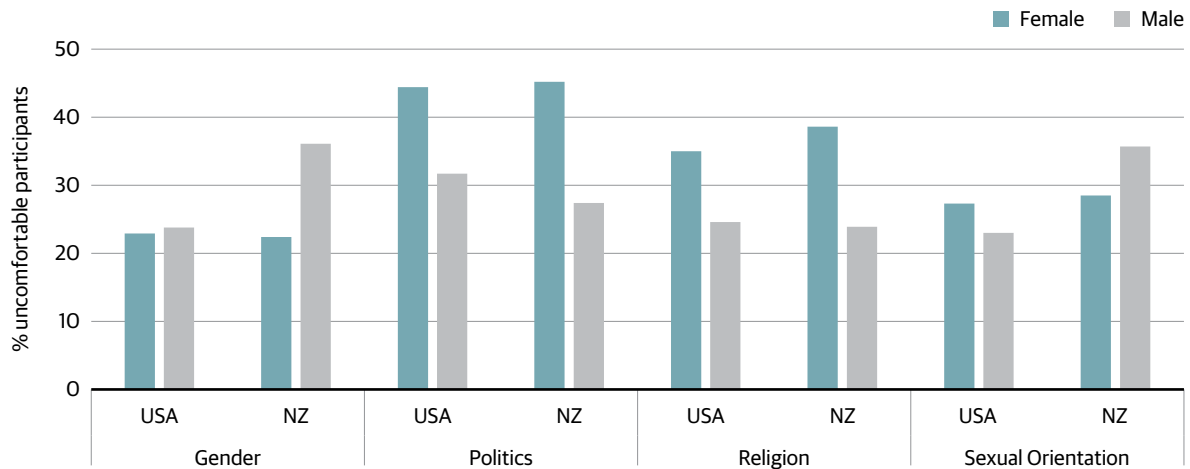
Source: Halberstadt *et al.*, “Freedom of Expression” (see note 20), 4.

Figure 6 disaggregates the same data by sex. Sex differences in reporting feelings of discomfort were greater for all four topics in the New Zealand survey than in the American one, with the gap between male and female levels of discomfort in discussing gender much greater in New Zealand. In both the US and New Zealand female students were more uncomfortable discussing politics and religion, while male students were more uncomfortable discussing gender in both countries. In the US female students were more uncomfortable discussing sexual orientation, while in New Zealand male students were.

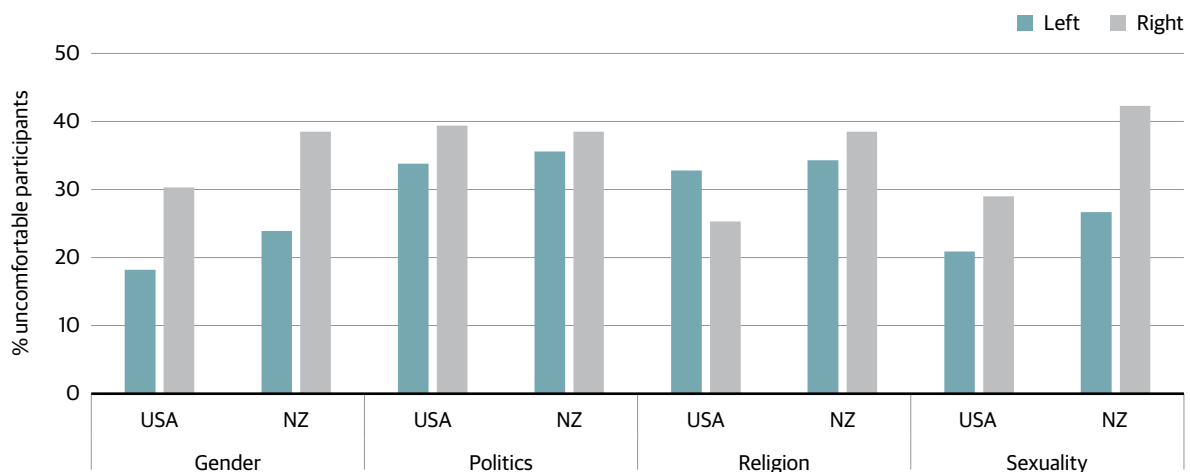
<sup>20</sup> The project received funding from Heterodox Academy.

<sup>21</sup> Jamin Halberstadt, Arindam Basu, David Rozado, Barry Hughes, Ruth Hughes, Michael Johnston, James Kierstead, “Perceived Freedom of Expression at New Zealand Universities,” *Social Sciences* 11, 502.

**Figure 6: Percentage of students who said they would feel 'not at all' or 'not really comfortable' (US: 'somewhat' or 'very reluctant') to share their views on four controversial issues in the classroom by sex, 2021**



**Figure 7: Percentage of students who said they would feel 'not at all' or 'not really comfortable' (US: 'somewhat' or 'very reluctant') to share their views on four controversial issues in the classroom by political leanings, 2021**

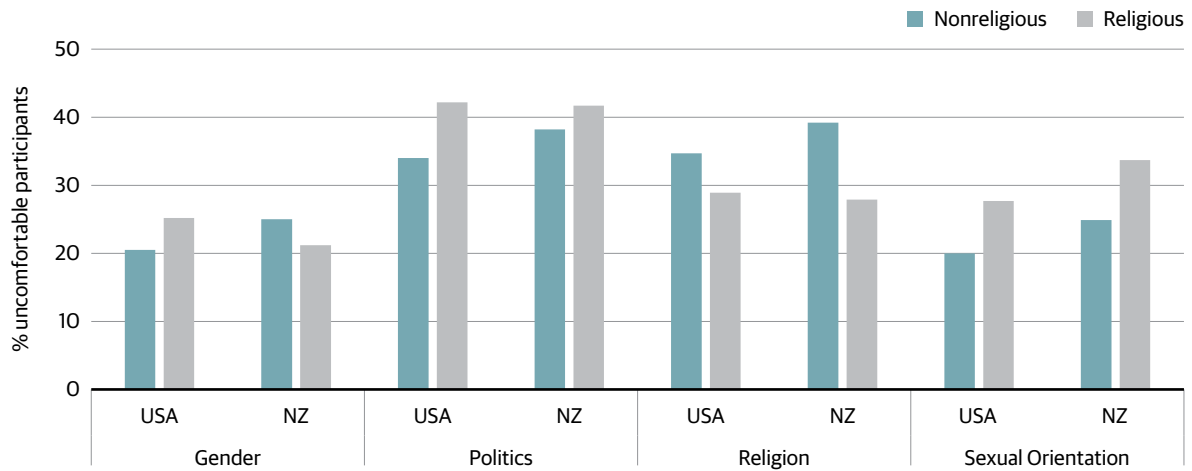


Source: Halberstadt *et al.*, "Freedom of Expression" (see note 20), 4.

In Figure 7, the data are disaggregated by reported political leanings. Right-of-centre students were more uncomfortable discussing all of the topics than left-of-centre students in both countries, with one exception: left-wing students in the US felt more uncomfortable discussing religion than their right-wing peers.

Figure 8 compares religious and non-religious students' reported levels of discomfort in discussing each topic. Religious students were more uncomfortable discussing politics and sexual orientation than non-religious students in both countries, while non-religious students were more uncomfortable discussing religion in both countries. While in the US, religious students were more uncomfortable discussing gender than non-religious students, in New Zealand it was nonreligious students who were more uncomfortable discussing the topic. It should be noted that a much higher proportion of the US sample (56%) than of the New Zealand sample (13%) identified as religious.

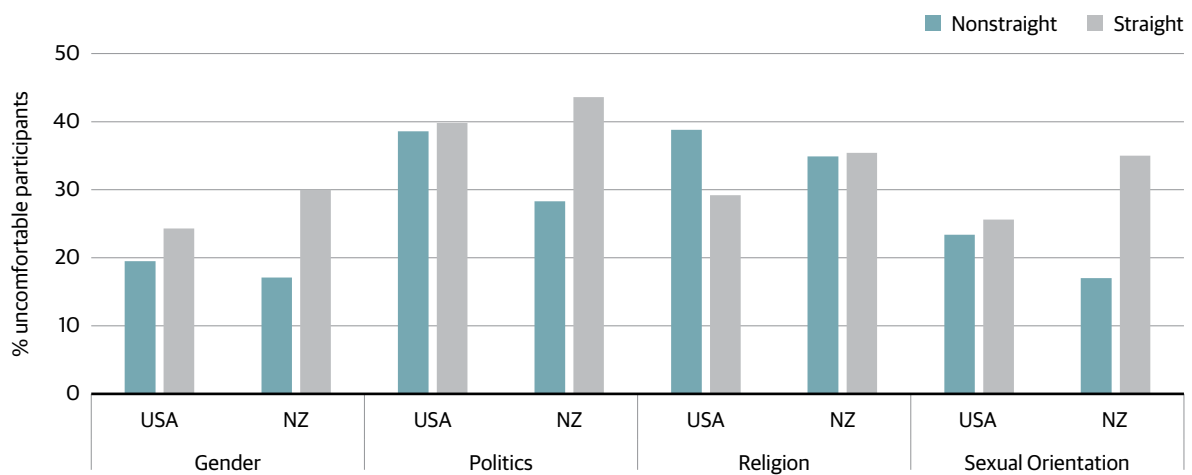
**Figure 8: Percentage of students who said they would feel 'not at all' or 'not really comfortable' (US: 'somewhat' or 'very reluctant') to share their views on four controversial issues in the classroom by religiosity, 2021**



Source: Halberstadt *et al.*, “Freedom of Expression” (see note 20), 6.

Finally, Figure 9 disaggregates the data by sexuality. Straight students were more uncomfortable discussing all the topics in both countries, with one exception: non-straight students were more uncomfortable discussing religion in the US.

**Figure 9: Percentage of students who said they would feel 'not at all' or 'not really comfortable' (US: 'somewhat' or 'very reluctant') to share their views on four controversial issues in the classroom by sexuality, 2021**



Source: Halberstadt *et al.*, “Freedom of Expression” (see note 20), 7.

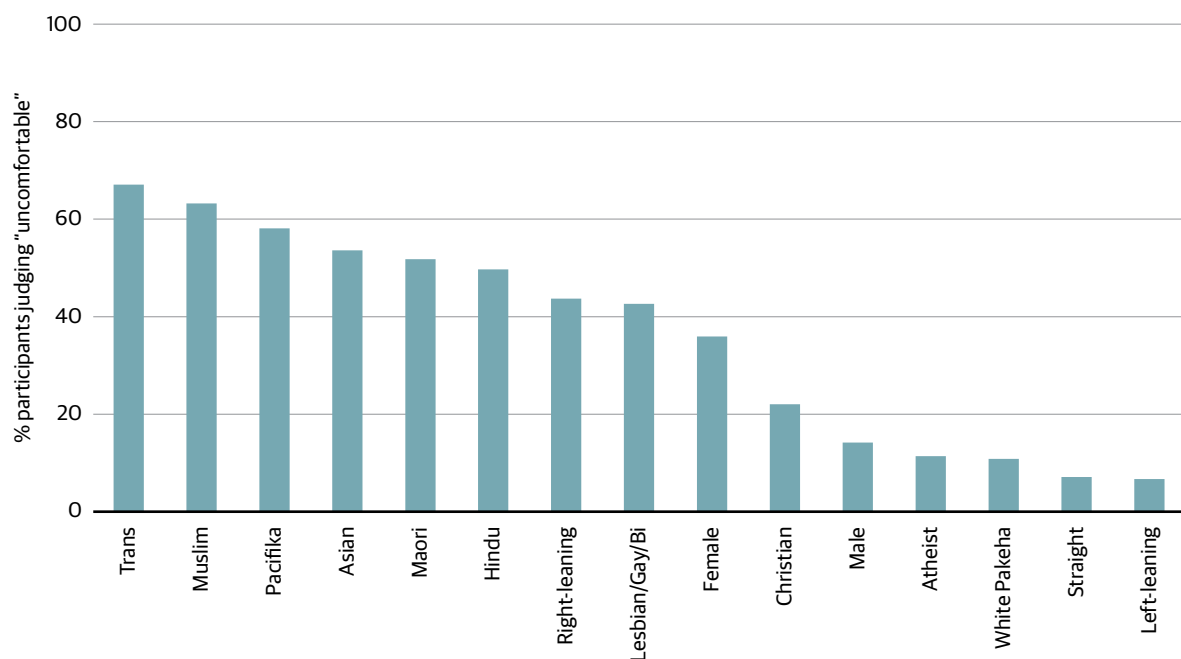
The Heterodox New Zealand survey also asked respondents whether they thought the groups of students in Figure 10 below would be more or less comfortable than average sharing their views in the classroom.

On some topics their responses were congruent with what these groups had told us. The proportion of respondents who thought that right-leaning students, for example, would feel more uncomfortable than average discussing their views was higher than the proportion that thought that left-leaning students would feel uncomfortable. And (as Figure 8 showed) right-leaning students were more uncomfortable discussing all the topics than left-wing students.

On other topics, though, students' perceptions of these groups' level of discomfort were out of kilter with those groups' own responses.

So, the proportion of respondents who thought that non-straight students would be uncomfortable in class discussions was higher than the proportion that thought straight students would be. But straight students themselves reported feeling more uncomfortable discussing all the topics than non-straight students (although the difference when it came to discussing religion was very small: see Figure 10).

**Figure 10: Percentage of students who thought various groups would feel less comfortable than average sharing their views in class, 2021**



Source: Halberstadt *et al.*, "Freedom of Expression" (see note 20), 7.

## 2022 Free Speech Union Academic Freedom Survey

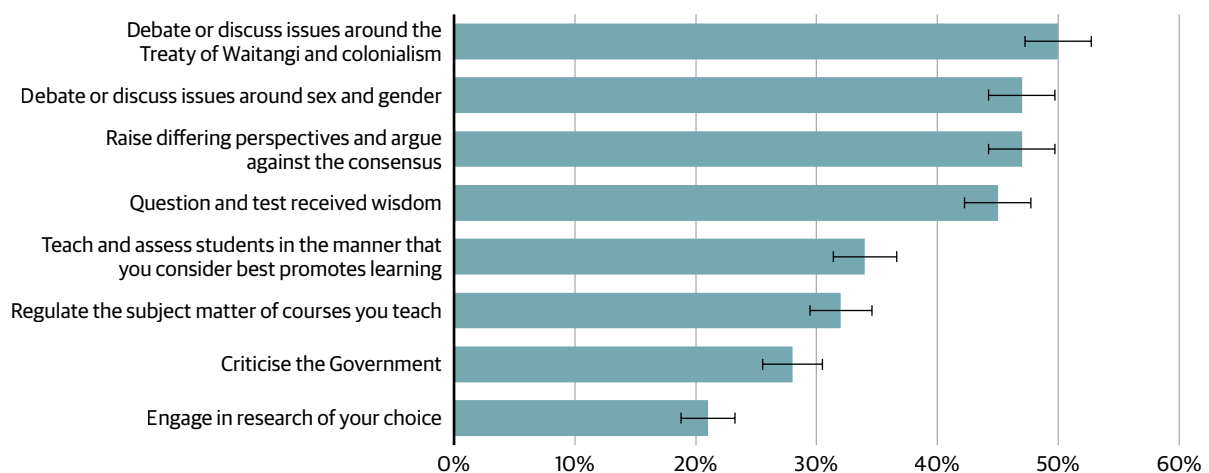
In March 2022, polling firm Curia Market Research conducted a survey of academics at New Zealand universities on behalf of the Free Speech Union. Using publicly available email addresses, the survey obtained a sample of 1,266 academics.<sup>22</sup>

The survey asked academics how free they felt ‘on a 0 to 10 scale where 0 is totally unfree and 10 is totally free’ to:

- engage in research of their choice
- criticise the government
- regulate the subject matter of courses they teach on
- teach and assess students in the manner that they consider best promotes learning
- question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions
- raise differing perspectives and argue against the consensus amongst their colleagues
- debate or discuss issues around sex and gender
- debate or discuss issues around the Treaty of Waitangi and colonialism

Figure 11 shows percentages of respondents who felt more unfree than free to discuss each topic (that is, that gave scores of 5 or lower for their freedom to perform each action). Half of all respondents felt more unfree than free to debate or discuss issues to do with the Treaty of Waitangi. More than 40% felt more unfree than free to question and test received wisdom, raise differing perspectives, and debate or discuss gender and sex. On the remaining questions, the proportion who felt more unfree than free was sometimes almost or more than a third, and never less than a fifth of all respondents.

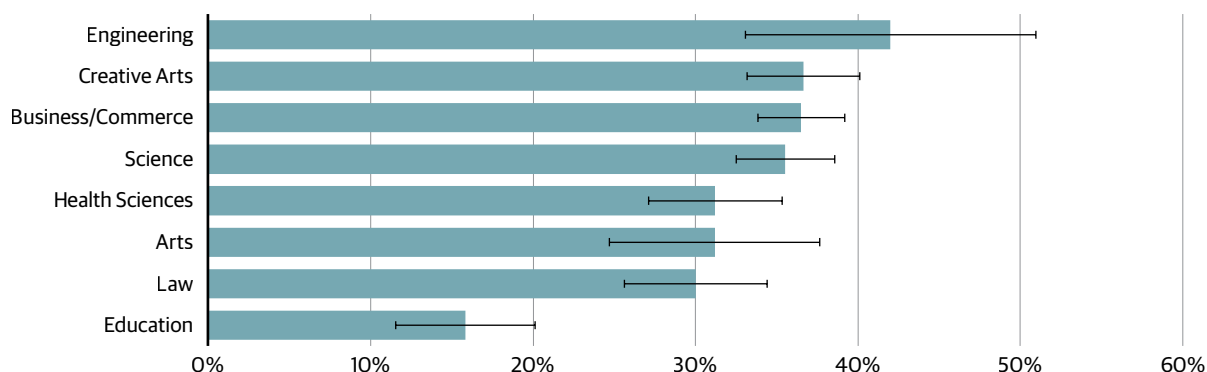
**Figure 11: Percentage of respondents who gave a score of 5 or below in response to the question ‘At your institution how free do you feel to...?’, 2022. Error bars denote standard errors.**



Source: Curia Market Research, “Academic Freedom Poll” (see note 22).

22 Curia Market Research, “Academic Freedom Poll: March 2022,” shared with us by Curia CEO David Farrar. Academic staff at New Zealand universities who had a working e-mail address listed on their institution’s website were asked to participate, and 1,266 respondents did so.

**Figure 12: Percentage of respondents in different fields who felt less free than free to discuss their views across all topics, 2022. Error bars denote standard errors.**



Source: Curia Market Research, “Academic Freedom Poll” (see note 22).

Figure 12 shows standard error intervals for the percentages of respondents from different academic fields who felt more unfree than free to discuss the topics listed in the survey (i.e. who gave a score of less than 5 on average). Academics in Education felt most free, and academics in Engineering the least. Academics in more quantitative fields, like Engineering, Business/Commerce, and Science, also seemed to feel less free than colleagues in more qualitative ones (Arts, Law, Education), with the exception of Creative Arts academics. Only the difference between Education and the other fields, though, is statistically reliable.

## 2023 Free Speech Union Academic Freedom Survey

In 2023, the Free Speech Union again surveyed academics using publicly available email addresses. This survey had a much lower response rate than the 2022 survey, with 452 academics responding. For that reason, this survey, on its own, should be interpreted with caution. Its statistical power is relatively weak and its low response rate of 3.1% opens it to justifiable criticism in relation to potential sample bias.<sup>23</sup> Even so, taken alongside the other surveys discussed in this chapter, a consistent picture emerges.

Rather than asking academics to rate how free they felt on a scale of one to ten, the 2023 survey asked them to rate their level of agreement with five statements, all of which were adapted from the previous survey. Rather than being asked to rate how free they feel to engage in research of their choice, for example, they were asked to rate their level of agreement with the statement ‘At my institution I am free to engage in research of my choice’ on a scale running from ‘strongly agree’ to ‘strongly disagree.’

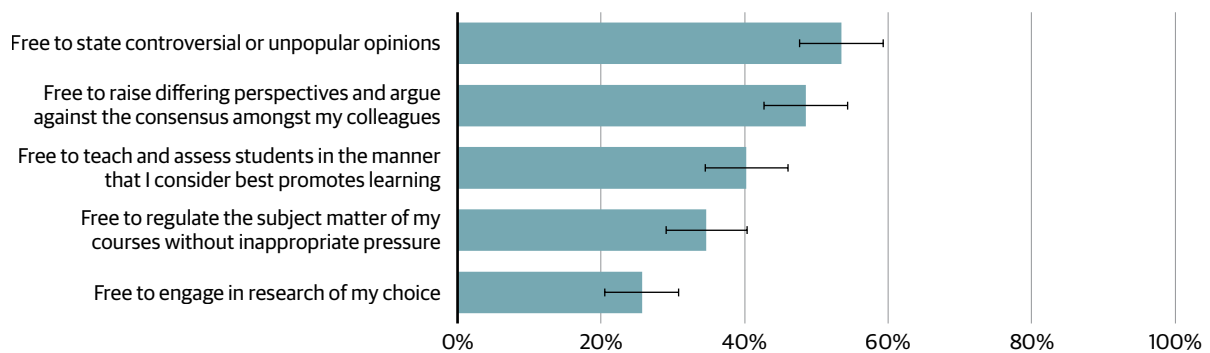
The questions about the Treaty of Waitangi and about sex and gender were replaced with a new question asking respondents how comfortable they would feel discussing six issues: politics, sex and gender, religion, the Treaty of Waitangi and colonisation, sexual orientation, and race. For these items there were presented with a scale running from ‘very comfortable’ to ‘not at all comfortable.’

<sup>23</sup> The 452 responses came from a total population of New Zealand academic staff of 14,460 in 2023: <https://www.educationcounts.govt.nz/statistics/resources>. We drew the data from Curia Market Research, “Academic Freedom in New Zealand,” shared with us by Curia CEO David Farrar.



Figure 13 shows the percentages of respondents who disagreed (from strongly to slightly) with the statement that they were free to exercise various aspects of academic freedom. The results suggest that respondents felt least free to voice controversial views and to argue against consensus, with just over half (53%) not feeling free to state controversial or unpopular opinions. Statistically, this percentage was not reliably greater than the 49% who disagreed that they felt free to argue against consensus, but it was reliably greater than the percentages reporting feeling free to teach in a way they believed would best promote learning (40%), to regulate the content of their courses (35%) or to engage in the research of their choice (26%).

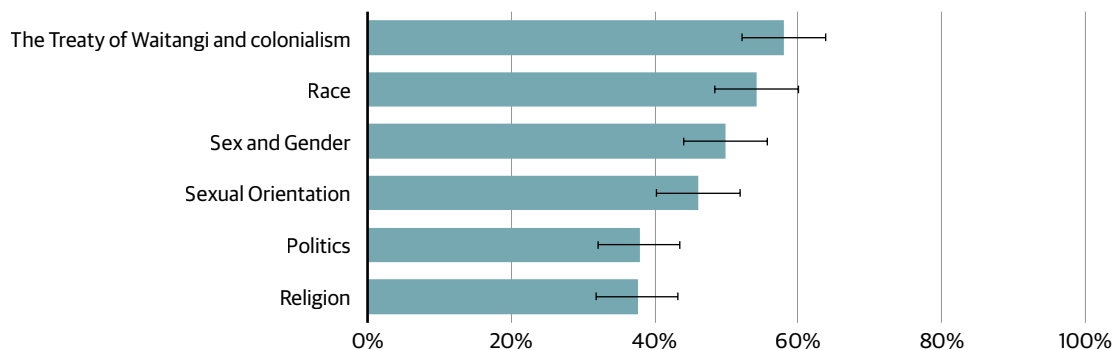
**Figure 13: Percentage of respondents who disagreed with the idea that they felt free in the ways listed below, 2023. Error bars denote standard errors.**



Source: Free Speech Union, “Academic Freedom in New Zealand” (see note 23).

The percentage of respondents who reported feeling uncomfortable (both ‘not really’ and ‘not at all’) talking about various controversial topics is shown in Figure 14. Issues relating to the Treaty of Waitangi and race caused the most discomfort: 58% and 54% of respondents were uncomfortable discussing these topics, and these percentages were reliably higher than the percentages reporting feeling free to discuss politics and religion (both 38%). The percentages reporting discomfort discussing sex and gender (50%) and sexual orientation (46%) did not reliably differ from the percentages for any of the other items.

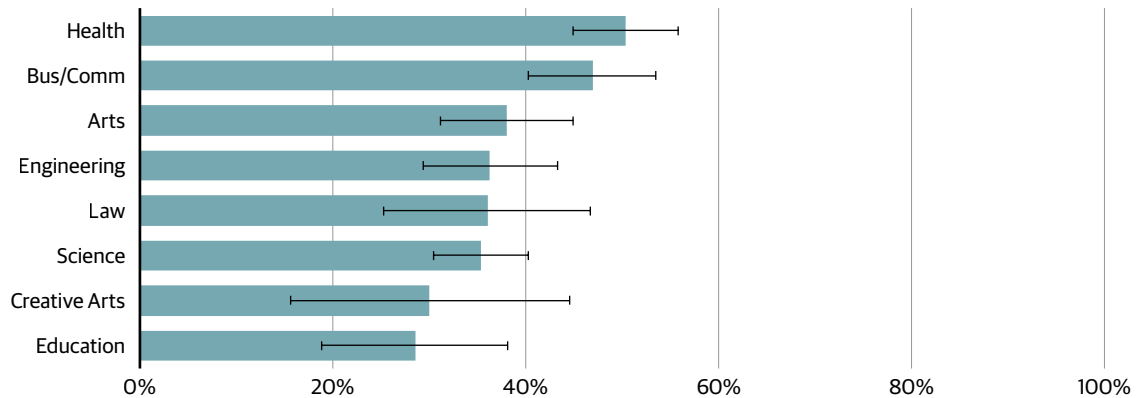
**Figure 14: Percentage of respondents who felt ‘not really’ or ‘not at all’ comfortable discussing selected topics, 2023. Error bars denote standard errors.**



Source: Free Speech Union, “Academic Freedom in New Zealand” (see note 23).

Figure 15 shows the percentage of respondents in different fields who disagreed with the idea that they were free to enact the various aspects of academic freedom listed in Figure 13 above, with the percentages aggregated across all five of these items. The highest rate of disagreement was from academics in Health (50%), which was reliably higher than Science (35%) and Education (28%). No other pair of academic fields showed reliable differences. While the disagreement rate for Creative Arts (30%) was comparable to that for Education, the sample from Creative Arts was small, resulting in a broad standard error interval.

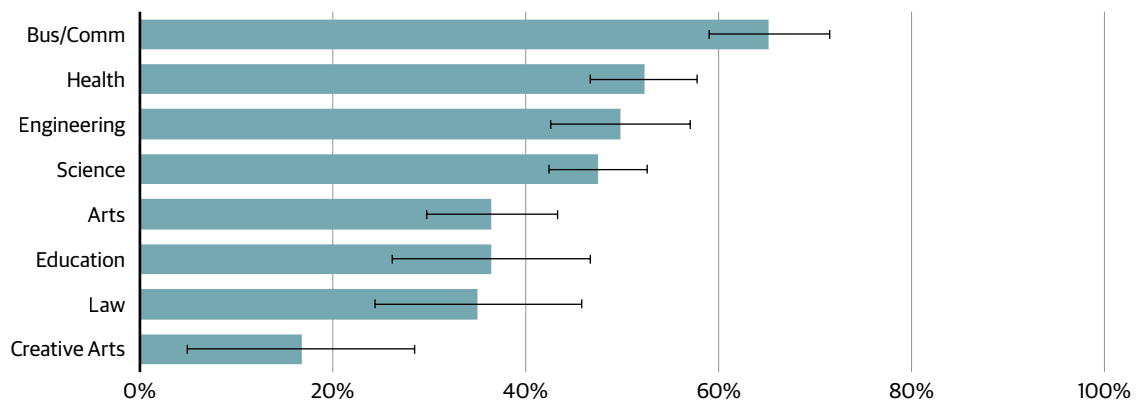
**Figure 15: Percentage of respondents in different fields disagreeing (strongly-slightly) with the idea that they felt free to enact various aspects of academic freedom in Figure 13, aggregated across all aspects, 2023. Error bars denote standard errors.**



Source: Free Speech Union, “Academic Freedom in New Zealand” (see note 23).

Figure 16 shows the percentage of responses from academics in different fields who were uncomfortable discussing the controversial topics listed in Figure 14, aggregated across these topics. The results again suggest that greater proportions of academics felt uncomfortable discussing controversial subjects in quantitative than in qualitative fields, although most of the differences between fields are not statistically reliable. That more Business and Commerce academics felt comfortable discussing controversial topics than academics from the other fields listed was reliable, though, as were academics in Creative Arts feeling more comfortable in discussions of this nature than colleagues Arts, Science, Engineering, Health, and Commerce.

**Figure 16: Percentage of respondents in different fields who were uncomfortable discussing the controversial topics in Figure 14, aggregated across all topics, 2023. Error bars denote standard errors.**



Source: Free Speech Union, “Academic Freedom in New Zealand” (see note 23).

## Other surveys

On 2 October last year, Victoria Young and Oliver Lewis reported on “an internal survey leaked to BusinessDesk” from the University of Auckland with their article focussed on dissatisfaction at Auckland Law School, where (among other signs of dissatisfaction) only 15% of academics had agreed with the statement “I feel able to respectfully voice my views without fear of any negative impact.”<sup>24</sup> The same day, the Free Speech Union put out a press release emphasising that finding in particular.<sup>25</sup>

We have also obtained the results of the same internal survey from the Faculty of Science.<sup>26</sup> Percentages of academics across the ten departments comprising the faculty feeling able to respectfully voice their views without fear of any negative impact varied between 25% and 57% with a median of 36%. The ‘overall response rate’ to the survey was 67%.

Two further surveys conducted by the TEU have canvassed academic staff on their perceptions of the climate for academic freedom as well as on other aspects of their professional environment. In one conducted in 2013, 39% of 2,015 academic respondents reported that their level of academic freedom had declined in their time as academics and 42% reported that their opportunity to act as critic and conscience of society had similarly declined.<sup>27</sup> Another survey, conducted in 2018, asked staff how satisfied they were that their institution provided the conditions for academic freedom, and to be a critic and conscience of society. Of the 1,936 academic respondents, 25% reported being dissatisfied with their institutions on each of these fronts.<sup>28</sup> Of 160 Māori respondents, 27% reported being dissatisfied that their institutions provided the conditions for academic freedom.<sup>29</sup>

## Summary

The Heterodox Academy survey, as well as the two FSU surveys, both show a consistent picture in which substantial minorities of both students and academics feel uncomfortable talking about controversial issues such as sex and gender, sexuality, ethnicity or race, and colonialism and the Treaty of Waitangi. The Auckland University and the 2018 TEU surveys also show that substantial proportions of academics feel that the climate at their institutions is not particularly conducive to academic freedom.

There is some evidence that different groups feel more inhibited than others, with right-wing students and straight students reporting more discomfort discussing controversial topics than left-wing students and non-straight students, as well as academics in more quantitative fields. Students’ own sense of which groups feel most inhibited is not always accurate.

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24 Victoria Young and Oliver Lewis, “Law school staff unhappy in latest survey,” *BusinessDesk* (2 October 2023).

25 Free Speech Union, “Leaked University of Auckland survey confirms again, Academic Freedom is under fire,” FSU website: [https://www.fsu.nz/leaked\\_university\\_of\\_auckland\\_survey\\_confirms\\_again\\_academic\\_freedom\\_is\\_under\\_fire](https://www.fsu.nz/leaked_university_of_auckland_survey_confirms_again_academic_freedom_is_under_fire)

26 Faculty of Science, “Employee Experience Survey,” University of Auckland (PowerPoint slides, dated 6 July 2023).

27 Tim Bentley, Laurie McLeod and Stephen Teo, “The State of the Tertiary Education Sector in New Zealand – 2013,” (Wellington, Tertiary Education Union, 2014).

28 Charles Sedwick and Sarah Proctor-Thomson, “The State of the Public Tertiary Education Sector Survey,” (Wellington: Tertiary Education Union, 2018).

29 Charles Sedwick and Eliza de Waal, “Māori employees in the tertiary sector Survey results and document reviews from 1994 to 2022,” (Wellington: Tertiary Education Union, 2022).

While the Heterodox Academy and FSU surveys focussed specifically on academic freedom, the University of Auckland and TEU surveys included a range of other workplace issues. The surveys also range in sample size and response rate, with concomitant variation in their reliability. Nonetheless, all suggest that a substantial minority of academics do not feel free to exercise their legislated academic freedom.

The 2023 FSU report in particular has received criticism because of its relatively small sample size and the possibility of sample bias.<sup>30</sup> It is worth pointing out, however, that its results are congruent with those of the 2022 FSU survey and the 2018 TEU survey, which had larger samples, and with the University of Auckland survey, which had a 67% response rate.

There are, finally, some indications that the climate for academic freedom has deteriorated in the last few years. Later surveys – those by Heterodox New Zealand, the FSU, and Auckland University – show higher proportions of respondents reporting constraints on academic freedom than the earlier ones from the TEU. This claim must be treated as tentative, however, because the later surveys had smaller samples and poorer response rates than the earlier ones.

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<sup>30</sup> Bill Hickman, “Changes made after criticism of Free Speech Union report,” *RNZ* (10 May 2024).

## CHAPTER 3

# Academic Freedom Incidents

This chapter presents what we are calling ‘academic freedom incidents’ – significant episodes that involve academic freedom in some way. These include deplatformings, attempted deplatformings and event cancellations; petitions and public requests to have academics disciplined or fired for speech; universities disciplining, attempting to discipline, or investigating academics for speech; harassment (online or otherwise) of academics for speech; flyers being covered over or removed; public denunciations of academics’ views by universities and other institutions; and an attempt to censor a talk by an academic.

We have deliberately cast our net widely so that we have a broad base for the analysis in Part II. We have tried to include any episode touching on academic freedom that has come to our attention and that we can document with evidence (not all of which has been included here), though most of these episodes have been reported in the press or elsewhere online and are hence already in the public domain. Nonetheless, we thought it would be useful to collect all of this evidence in one place.

Though this should not need saying, in the current climate it is probably best if we make doubly clear at the outset that describing these academic freedom incidents in detail does not necessarily mean that we agree with all of the speech described. (As it happens, we agree with some of the ideas described here, and disagree – sometimes strongly – with others.) It should also not be assumed that we think that all of these episodes are equally serious, or that they constitute threats to, or violations of, academic freedom to the same extent – these are issues we will return to in our analysis and conclusions.

Since it wasn’t realistic for us to list all the academic freedom incidents that had ever occurred in New Zealand, we decided to include events within a decade of when we first conceived of this list. That was last year (2023), and so the earliest incident we include occurred in 2013. The controversy over Mike Joy’s criticisms of New Zealand’s ‘100% pure’ image thus falls just outside our range, though we do note the episode at the beginning of our write-up of the complaints against Joy for being a ‘biased scientist’ in 2017 and 2018.

A couple incidents came to our attention when we were already in the final stages of this report. The first was the postponement and then reshaping of Victoria University of Wellington’s panel event on free speech under pressure from progressive student activists and academics, as emails obtained under an Official Information Act request later made clear.<sup>31</sup> The second was Massey’s decision not to continue to employ Paul Crowhurst as a lecturer after he published an article criticising the Teaching Council of New Zealand’s ‘Unteach racism’ initiative.<sup>32</sup> We regret that we were unable to give these incidents the full treatment that they deserve, but we do think that they suggest that New Zealand universities’ problems with academic freedom are ongoing.

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31 See esp. Nadia Braddon-Parsons, “This OIA response reveals the true state of free speech in universities,” Free Speech Union website: [https://www.fsu.nz/this\\_oia\\_response\\_reveals\\_true\\_state\\_of\\_free\\_speech\\_in\\_universities](https://www.fsu.nz/this_oia_response_reveals_true_state_of_free_speech_in_universities)

32 See esp. Nick Hanne, “Who’s teaching our teachers? Punishing dissenting voices in education,” *Plain Sight* (18 July 2024).

Finally, to avoid confusion with the testimonies and to remind readers of the essence of each case, we have chosen not to number the incidents and will be referring to them in Part II as ‘the *Listener* letter controversy,’ ‘the petition to have Rex Ahdar fired,’ and so on.

### **Petition to Have Rex Ahdar Fired (April 2013)**

In the course of a nationwide debate about same-sex marriage (which would eventually result in it being legalised in August 2013), Rex Ahdar, a law professor at the University of Otago, published a column opposing the idea in *The Dominion Post*. Entitled ‘Finding the true essence of marriage,’ the article argued that ‘gay couples should not be permitted to marry because they lack the essential traits that constitute true (conjugal) marriage.’<sup>33</sup>

Two days later, on 10 April, a petition appeared on change.org to ‘fire Rex Ahdar for his homophobic remarks.’<sup>34</sup>

Under ‘Why this petition matters’ was the following:

As a place where thousands and thousands of students are educated, as well as being the heart of a city, Otago University has a responsibility to discourage the spread of bigotry by those in its own ranks. As such, they need to ensure that Rex Ahdar’s disgusting display of homophobia is not left unpunished.

Comments that were posted below the petition include ‘I think that firing him is the right decision,’ ‘someone like this in authority shouldn’t have the right to express an opinion against something like this,’ and ‘I go to Otago University and I am seriously considering changing to a different University where the staff being bigoted arseholes is not acceptable.’

The university took no action against Ahdar.

### **Auckland University European Students Association controversy (March 2017)**

On 2 March, RNZ reported that the University of Auckland had allowed ‘a group calling themselves the Auckland University European Students Association’ to hold a stall during the university’s orientation week.<sup>35</sup> The article also reported that several students and lecturers had raised concerns about the group:

The club’s Facebook page – which features Celtic and Germanic iconography and 19th century painting *The Proclamation of the German Empire* – offers little explanation of the group’s intentions, however some are interpreting the imagery as reminiscent of that used by far-right and white power groups.

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33 Rex Ahdar, “Finding the true essence of marriage,” *The Dominion Post* (8 April 2019).

34 <https://www.change.org/p/otago-university-fire-rex-ahdar-for-his-homophobic-remarks>

35 Mandy Te and Katie Parker, “European’ campus club rejects claims of racism,” *RNZ* (2 March 2017).

A header image shows James Cook superimposed over a New Zealand flag along with the phrase “strength through honour”. It has also posted “our pride is our honour and loyalty”, a statement similar to “my honour is called loyalty”, a common translation of the Nazi SS slogan.

The article further noted that ‘in response to the accusations the group have posted a statement on the page, refuting claims of racism.’<sup>36</sup>

The article also quoted several Auckland academics and students who opposed the decision to allow the group to hold a stall, with Dr Rhys Jones, Associate Professor of Public Health, calling it ‘not how you promote a safe and inclusive campus,’ and an anonymous student calling club members ‘really unsafe people.’

The Auckland University Students Association (AUSA) said in a statement that ‘the presence of a group that uses such historically evocative imagery, particularly in a time of fear and oppression all over the world undermines their safety.’

AUSU President Will Matthews also clarified that ‘it was standard practice for new clubs that had formed over the summer to be allowed to hold a stall at O-Week before the affiliation process’ and then to be ‘up for affiliation midway through week two of the semester, a process which is decided by a vote of AUSA members.’

A subsequent report stated that the group had disbanded on 3 March, the day after the previous article appeared on RNZ.<sup>37</sup> ‘The constant threats to our safety, exposure of privacy, and general abuse the group and individuals have received is simply unacceptable, dangerous and extremely worrying,’ the group was quoted as saying.

### **Complaint to the University of Waikato about Raymond Richards' Facebook post about Islam (September 2017)**

On 1 September, Dr Raymond Richards, then Senior Lecturer in history at the University of Waikato, responded to a Z Energy Facebook Post about diversity and showing a man wearing a turban with the comment, ‘Who needs employees if they stop work five times per day to talk to an imaginary being?’

The question was met with criticism in the comments section, with one of the commenters, Zumber Mohammed, lodging a complaint with Waikato University the following morning. Mohammed was reported in the *NZ Herald* as saying that he ‘believed in freedom of speech but not in publicly mocking another person’s religion’ and that he had ‘asked the university for him to publicly apologise for what he’s done.’<sup>38</sup>

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36 The Facebook post linked in the article is no longer live or readable.

37 Katie Scotcher, “White supremacist movement growing at Auckland uni, students say,” *RNZ* (12 April 2017).

38 Natalie Akoorie, “Waikato University lecturer under fire after prayer comment,” *NZ Herald* (3 September 2017).

Richards, for his part, ‘stood by his comment and that it had nothing to do with his job as a university senior lecturer.’ He also stressed that he was speaking as an individual, expressing my own personal opinion’ and added that ‘it’s very important people exercise their freedom of speech.’<sup>39</sup>

University of Waikato communications director Alice Clements, however, ‘said the university was taking the matter seriously and would be investigating.’ ‘The University of Waikato does not condone language or actions that perpetuate hate, discrimination or harmful stereotypes,’ she said, noting that the University of Waikato was ‘an institution that values diversity’ and has ‘clear expectations of staff conduct.’<sup>40</sup>

A subsequent article in the *NZ Herald* noted that Zumber Mohamed had been ‘contacted by the university thanking him for alerting them to the matter,’ and that the university ‘was reaching out with stakeholders including the student association and other groups on campus that any concerns they had were being taken seriously.’

Alice Clements was also quoted as saying that the university was ‘pretty serious about not condoning language or actions that perpetuate hate discrimination or harmful stereotypes’ and ‘really proud of the diversity of our campus,’ something it tried ‘to reflect...in our expectations of staff conduct.’<sup>41</sup>

Dr Richards told us in an email that though he was unable to discuss details of the case, he was able to disclose that ‘the university summoned’ him ‘to a meeting, to which I took a lawyer.’ Richards added that he ‘vigorously defended’ himself, and that ‘after the meeting, the university decided that no further action was warranted.’

## **Complaints about Massey University’s Mike Joy, including to the university (April 2017–March 2018)**

In November 2012, Victoria University freshwater ecologist was heavily criticised after calling attention to what he saw as a gulf between New Zealand’s ‘100% pure’ image and environmental standards in the country.<sup>42</sup> Joy was accused of ‘overstatement’<sup>43</sup> as well as of being a ‘traitor’ to New Zealand.<sup>44</sup>

On 11 April 2017, a column with the title, ‘Is Mike Joy a Biased Scientist?’ appeared on *Stuff*.<sup>45</sup> Written by Doug Edmeades, an independent soil scientist and the Managing Director of the farming consultancy AgKnowledge, the column questioned whether the views that Mike Joy had ‘expressed over a number of years in respect to water quality meet the standard set out by the Royal Society of New Zealand’ in its Code of Professional Standards and Ethics. Edmeades was particularly

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39 Natalie Akoorie, “Waikato University” *op. cit.*

40 Natalie Akoorie, “Waikato University” *op. cit.*

41 *NZ Herald*, “University reaches out to Islamic community after lecturer’s Muslim comment,” *NZ Herald* (4 September 2017).

42 Esp. in comments quoted in Charles Anderson, “New Zealand’s green tourism push clashes with realities,” *New York Times* (16 November 2012).

43 *NZ Herald*, “100% pure critic needs to be fair and accurate,” *New Zealand Herald* (26 November 2012).

44 Rachel Stewart, “Woe betide those who question our water quality,” *Stuff* (10 December 2012).

45 Doug Edmeades, “Is Mike Joy a Biased Scientist?” *Stuff* (11 April 2017).



concerned with the code's stipulation that members should 'endeavour to obtain and present facts and interpretations in an objective and open manner' and that they should 'strive to be fair and unbiased in all aspects of their research and in their application of their knowledge.' He went on:

Yes, Dr Joy has the qualifications of a scientist and is employed in a scientific organisation. He is allowed to wear the 'cloak of science'. But it occurs to me that his scientific utterances over the past few years cast him in the mould of an 'Issue Advocate' pushing a point of view rather than a scientist who proceeds logically, cognizant of all the data.

There will be some who will argue that he is entitled to his opinions. Others will argue that because he is employed by a university he is protected by the 'academic freedom' provisions of the Education Act.

I totally support the principle of free speech – it is one of the cornerstones of democracy. But surely this general freedom comes with the caveat, at least in technical and science matters, that such opinions should be objective and unbiased. This most certainly applies to members of the Royal Society of New Zealand, as expressed in its Code of Conduct.

I would have thought that this caveat would also apply to the principle of academic freedom. Universities, and I think we can be sure of this, are very protective of their scientific standing and reputation. It is not in their interest to uphold academic freedom if this is enabling their staff to bring the organisation into ill repute.

It is ironic in my view that Dr Joy has been, and I suspect will continue to be, supported by the powers-that-be at Massey University under the academic freedom umbrella. It is a double irony that Dr Joy was recently honoured for his work by none other than the Royal Society of New Zealand.

Soon afterwards, Doug Edmeades was invited onto the NZ Herald's *The Country* podcast to discuss Joy alongside the Environmental Protection Agency's (EPA) Chief Scientist, Dr Jacqueline Rowarth, in two episodes called 'Is Dr Mike Joy an extremist, or does he have a point?'<sup>46</sup> At one point *The Country* journalist Jamie Mackay, referring to Joy's teaching at Massey, asked his guests whether it was 'right that he fills these young minds with these thoughts?' Rowarth replied that 'when lecturers stick to facts, they have academic freedom,' later adding that 'as long as they can produce the facts – the data, the science that's behind what they're saying, then they're allowed to say it.'

In a letter dated 17 October, Alan Freeth, the Chief Executive of the EPA wrote to Massey Vice-Chancellor Jan Thomas about freshwater ecologist Mike Joy.<sup>47</sup> Freeth's letter expresses 'concern' over the 'continuing behaviour' of Joy towards Jacqueline Rowarth. Though Joy's 'criticism in the past has been generally restricted to differences in professional opinion with Rowarth,' Freeth wrote, 'in the last few months his public statements have become more personal, and, on occasion, close to libellous.' 'On public radio he inferred Dr Rowarth's involvement with a dairy farm, and, by implication, Fonterra in some way influenced her scientific views and work, calling into question her professionalism.' Freeth continued:

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46 'Listen: Is Dr Mike Joy an extremist, or does he have a point?' *NZ Herald* (20 April 2017).

47 <https://fyi.org.nz/request/7450-complaints-about-mike-joy>

In his latest Facebook post, he calls Dr Rowarth the leader of the EPA and asserts that her appointment is political. Both assertions are patently untrue but have the potential to damage Dr Rowarth's and the EPA's reputation amongst the general public.

Freeth concludes the letter by saying that if 'Dr Joy has issues with the EPA's handling of any issue,' then Freeth 'would welcome him to visit us and discuss his issues with my staff.'

In a response to Freeth's letter dated 20 October, Pro Vice-Chancellor Ray Geor thanked him 'for taking the time to bring this to our attention.' He also assured Freeth that 'we take this matter seriously,' and informed him that his letter had been passed on to 'the Head of the Institute Agriculture and Environment, Professor Peter Kemp,' who would 'address this matter with Dr Joy appropriately.' This would include 'passing on your concerns and invitation to discuss his issues with your staff directly.'<sup>48</sup>

On 14 March 2018, University of Auckland physicist Shaun Hendy published an article in *The Spinoff* with the title 'Why is NZ's environmental regulator trying to muzzle scientist Mike Joy?'<sup>49</sup> Referring to the interviews on *The Country* podcast, Hendy commented that 'by labelling scientists as extremists, it is much easier to dismiss them and it discourages other scientists from speaking publicly on issues.' Hendy also defended Joy from Freeth's insinuation that his comments about Rowarth had been libellous. Finally, referring to a claim by Edmeades that the planet had not warmed 'for 17 or 18 years,' Hendy concluded that, 'the Environmental Protection Authority is not fussed if you want to deny climate science, but will write to your boss if you get the name of its CE muddled.'

## **Burglary and Harassment of Anne-Marie Brady (late 2017–early 2018)**

### **Summary**

University of Canterbury professor Anne-Marie Brady claimed that she was the subject of a harassment campaign by the Chinese Communist Party (CCP), which included her home and office being burgled and anonymous, late night phone calls. The New Zealand police conducted an investigation with the cooperation of Interpol, but by February 2019, the investigation had been declared unresolved. In response to an Australian Broadcasting Corporation (ABC) programme that claimed that China was behind the burglaries, Prime Minister Ardern stated that there was 'no evidence behind the claims made in that story.'

### **Burglaries and Harassment**

From late 2017 on, Brady claims that she was the target of a campaign of harassment and interference ordered by the CCP. She says she 'answered numerous, anonymous phone calls in the middle of the night, despite having an unlisted number,' that her family car had been 'tampered with' and that her Canterbury office was 'broken into twice.'<sup>50</sup> On 14 February 2018 Brady's house was burgled, with a laptop she had used to write a paper on Chinese interference in New Zealand stolen, as well as a mobile phone she had used on a recent trip to China, while jewellery and cash that had been left out

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48 <https://fyi.org.nz/request/7450-complaints-about-mike-joy>

49 Shaun Hendy, "Why is NZ's environmental regulator trying to muzzle scientist Mike Joy?" *The Spinoff* (14 March 2018)

50 Eleanor Ainge Roy, "'I'm being watched': Anne-Marie Brady, the China critic living in fear of Beijing," *The Guardian* (23 January 2019).

in the open was not taken.<sup>51</sup> The burglary occurred just a day before Brady testified to an Australian parliamentary committee on Chinese interference in Australia and New Zealand.<sup>52</sup>

In September 2018, it was reported that the investigation was making progress, with a police spokesperson saying that police had ‘positive lines of inquiry,’ and that Interpol and the New Zealand Security Intelligence Service (NZSIS) were also involved.<sup>53</sup> But by 19 February the following year, the police had declared the investigation ‘unresolved,’ with ‘intelligence analysts and private investigators’ telling the *New Zealand Herald* that the outcome ‘may have been subject to political pressure,’ and the former University Auckland lecturer Paul Buchanan describing the police’s statement as ‘amazingly diplomatic, or cowardly.’<sup>54</sup>

In April 2019, the ABC current affairs programme *Four Corners* claimed that ‘government sources’ had confirmed that ‘intelligence assessments identified China’s spy service as the prime suspect behind the intimidation of Brady.’ When a *NewsHub* journalist asked her about the claim, though, Prime Minister Jacinda Ardern said that there was ‘nothing – no evidence – to support the claims made in that story.’<sup>55</sup>

### **AUT cancels commemoration of Tiananmen Square massacre (June–July 2019)**

On 29 July, *Newsroom* reported that AUT had cancelled a booking for an event commemorating the 30th anniversary of the Tiananmen Square massacre, at which thousands of citizens were killed by the CCP after holding protests in support of freedom and democracy. The event, organised by Ji Ruan, Senior Lecturer in Computer Science, had been due to take place on Monday, 3 June. On Friday, 31 May, Chinese Vice-Consul-General Xiao Yewen met with AUT Vice-Chancellor Derek McCormack after raising concerns about the event.<sup>56</sup>

According to an RNZ report posted on 30 July, ‘McCormack said AUT did not know the event was about the Tiananmen Square protests and it cancelled the booking only because the staff member who made it had not followed the right process, and the building would be closed’ as that Monday was a holiday.<sup>57</sup>

In an email disclosed in response to an Official Information Act request, though, McCormack thanked Xiao for a meeting about ‘an event...to which the Chinese government had taken exception and wanted it stopped.’ The emails also show that a number of senior members of AUT staff, including Andrew Codling, Head of the Vice-Chancellor’s Office, were aware that the Chinese Consulate had been in contact about an event marking the anniversary of Tiananmen Square.

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51 Matt Nippert, “Police fail to crack case of burgled China scholar Anne-Marie Brady,” *NZ Herald* (13 February 2019). In total, Brady said that ‘three laptops and two phones’ had been stolen (Official Committee Hansard of the Parliamentary Joint Committee on Intelligence and Security, 15 February 2018: <https://www.documentcloud.org/documents/4873587-Brady-Oz-Parliament-Testimony>); she also told the committee that she had received ‘a warning letter’ the same week that ‘she was about to be attacked.’

52 Official Committee Hansard of the Joint Committee, *op. cit.*

53 Matt Nippert, “The curious case of the burgled professor,” *NZ Herald* (15 September 2018).

54 Matt Nippert, “Brady case: Police dead-end labelled ‘diplomatic or cowardly,’” *NZ Herald* (13 February 2019).

55 Zane Small, “Jacinda Ardern denies intelligence pointed to China in Anne-Marie Brady burglaries,” *NewsHub* (9 April 2019).

56 Laura Walters, “AUT scraps Tiananmen Square event,” *Newsroom* (29 July 2019).

57 RNZ, “AUT denies cancelling Tiananmen event over China govt pressure,” *RNZ* (30 July 2019).

Several were also involved in informing Ji that the event had been cancelled, in posting a notice of cancellation at the venue, and in organising ‘a low impact security presence...to deal with any people who turn up for this event.’<sup>58</sup>

After the meeting on 31 May, Andrew Codling wrote to Xiao saying that he was ‘pleased to inform you that this event has been cancelled’ and thanking him for ‘alerting us about this.’ Xiao wrote in response:

I highly appreciate ‘the right and wise decision made by AUT, which will definitely help promote further growth of exchanges between AUT and the General Consulate and China in general. I understand that with the kind support of AUT, such uninvited scenario will not take place anymore.

In his email to Xiao, McCormack said that the venue ‘had not been booked correctly or paid for’ and that the event was scheduled on a public holiday, ‘when the building in question was to be closed.’ Because of this, ‘on this instance your concerns and ours coincided,’ with the event being cancelled. ‘Nevertheless,’ McCormack continued,

I would like to take this opportunity to re-affirm that not only in the University, where academic freedom is taken very seriously, but also in New Zealand at large, freedom of speech and assembly are held as core democratic principles and fundamental values of our society. In all matters within New Zealand’s jurisdiction these freedoms must continue to be amongst our primary considerations as a public institution.

In response, Xiao wrote:

As a diplomat, I fully understand the basic values of freedom of speech and assembly: which, however, have nothing to do with the political agenda of certain forces attempting to change the basic political system of China.<sup>59</sup>

Several New Zealand academics criticised AUT for the decision on academic freedom grounds. University of Canterbury Professor Anne-Marie Brady said ‘AUT management appears to be afraid to offend the Chinese Government, but what about the requirement under New Zealand law that they uphold academic freedom and the critic and conscience role of academia in New Zealand?’<sup>60</sup> University of Otago Associate Professor of English Jacob Edmond published a piece in *The Spinoff* declaring that ‘we must speak out on...academic freedom’ and ‘continuously fight for freedom of speech.’<sup>61</sup> And Leonid Sirota, Senior Lecturer in Law at AUT, asserted in a *Newsroom* article that ‘the principles of free inquiry, free communication of ideas, and free debate are the right principles for a university to act on, and if acting on them offends some people, the university must still stand firm.’<sup>62</sup>

The event also received a write-up by the US-based free speech group FIRE (then the Foundation for Individual Rights in Education).<sup>63</sup>

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58 <https://fyi.org.nz/request/10844-tiananmen-square-protests>

59 <https://fyi.org.nz/request/10844-tiananmen-square-protests>

60 Laura Walters, “AUT scraps Tiananmen Square event,” *Newsroom* (29 July 2019).

61 Jacob Edmond, “We must speak out on AUT, China and threats to academic freedom,” *The Spinoff* (3 August 2019).

62 Leonid Sirota, “For a university that deserves the name,” *Newsroom* (1 August 2019).

63 Sarah McLaughlin, “Newly-released documents draw attention to China’s uneasy relationship with universities,” FIRE.org (31 July 2019).

## **Protestor pushed, flyers covered over during protests over Hong Kong's extradition bill (August 2019)**

In June and July 2019, protests erupted in Hong Kong over the Chinese government's introduction of a new extradition bill that would have allowed people accused of crimes in Hong Kong to be tried in mainland Chinese courts. Protests and related disruption continued for the rest of the year.

On 30 July, the *NZ Herald* reported that three Chinese men had clashed with University of Auckland student Serena Lee over the bill and later 'pushed her to the ground.' Lee told the *Herald* that the three men had approached them as they were setting up a 'Lennon wall' (a wall on which people can write messages). A video shows one man pointing aggressively at Lee and shouting, 'If you don't like China, get out of China!' and 'Hong Kong is part of China!' to which Lee responds, 'We are in New Zealand – that's why I'm [in] New Zealand.'<sup>64</sup>

University spokesperson Lisa Finucane told the *Herald* that the university's vice-chancellor expected 'all members of our community to abide by our commitment to academic freedom and freedom of speech.' 'While people may have different opinions on a matter, they must express those opinions in a manner that respects the rights and opinions of others,' Finucane said. 'The university makes it very clear ... harassment, bullying, and discrimination are completely unacceptable.'

A few days later, then Vice-Chancellor Stuart McCutcheon stated that 'he had asked campus security to ensure such situations did not escalate' and that he 'expected people to respect academic freedom and freedom of speech.'<sup>65</sup>

On 6 August, hundreds of demonstrators attended a rally protesting the bill at the University of Auckland. Serena Lee co-organised the event and told RNZ that 'even though her group was given permission by Auckland University to post flyers about the extradition bill, others had covered those with their own messages.' 'They tried to cover the information that we posted up instead of having a fair, two-sided discussion,' she said.

## **White nationalist flyers at the University of Auckland (October 2019)**

On 1 October 2019, Katie Scotcher, in an article picked up by both *RNZ* and the *NZ Herald*, reported that 'a new wave of posters and stickers promoting a recently-launched white nationalist group' had 'been spotted at the University' of Auckland.<sup>66</sup>

On 12 April, Scotcher had reported in an article for *RNZ* that 'white supremacist graffiti, posters and stickers' had appeared at the university 'since the Christchurch terror attacks' on 15 March.<sup>67</sup> One student told Scotcher then:

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<sup>64</sup> Lincoln Tan, "Hong Kong dispute over China's extradition bill gets physical on University of Auckland campus," *NZ Herald* (30 July 2019).

<sup>65</sup> RNZ, "Police probe incident during Hong Kong demonstration at Auckland Uni," *RNZ* (August 1 2019).

<sup>66</sup> Katie Scotcher, "White supremacist flyers creating 'unsafe uni environment'," *NZ Herald* (1 October 2019); "Auckland Uni management won't act on white supremacist flyers," *RNZ* (1 October 2019).

<sup>67</sup> "White supremacist movement growing at Auckland uni, students say," *RNZ* (12 April 2019).

I do not feel safe on campus, I do not feel safe in my workspace and I don't understand why the university hasn't done anything to protect our safety or even listen and believe that this is how we're feeling.

Scotcher also reported that 'multiple complaints have been made to the university about one student's behaviour, with some dating back to 2013,' and with one made 'after the student wore a jacket with a swastika on the sleeve to class' having 'previously described himself...as a Nazi' according to fellow students. The university stated that they were 'able to and have acted on' formal complaints about a student, that 'offensive propaganda, including graffiti' was 'always quickly removed,' but that 'the university was not aware of significantly increased incidences of this in the past month.' Scotcher's article included photographs of a poster advertising the Dominion Movement, a far-right group that disbanded shortly after the Christchurch massacre,<sup>68</sup> and the phrase 'Deus vult' ('God wills [it],' a phrase associated with the crusades and appropriated by white nationalists).<sup>69</sup>

In response to the 'new wave' of posters' in October 2019, which Scotcher suggested were 'promoting a recently-launched white supremacist group,' Auckland Vice-Chancellor Stuart McCutcheon reportedly 'told the University's student magazine' *Craccum* that the posters were 'unfortunate,' but were 'protected by [the principle of] free speech.'<sup>70</sup> Another report also quoted him as saying that 'the particular posters' he had seen were 'not of themselves hate speech,' were 'not illegal,' and were 'not inciting people to violence.' 'I tend to have the view that we should promote free speech wherever we can,' he added.<sup>71</sup>

In response to the vice-chancellor's comments, Dr Rhys Jones, Senior Lecturer in Medical and Health Sciences, said that the university should do more 'to show that we value the safety of vulnerable students and staff more than we do the rights of, you know, white nationalists to spread their harmful rhetoric.' Rhoen Hemara, one of a small number of students who staged a sit in on 1 October, suggested that the vice-chancellor's refusal to take action was 'creating an unsafe environment' at the university.

Scotcher's report went on:

In a statement, the university said the views expressed by the group are "what most people would consider abhorrent."

"Their philosophy of excluding women, non-European, non-heterosexual or differently abled people is totally inconsistent with the commitment of the University to be a safe and equitable place for all staff and students."

It said the Vice-Chancellor has made it clear the university is a place where a range of opinions can be held and are allowed to be debated.

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68 Gyles Beckford, "Far right groups dispersing after mosque attacks," *RNZ* (27 March 2019).

69 Matthew Gabriele, "The Deus vult cross," in *Uncivil Religion* (digital project co-ordinated by the University of Alabama and the Smithsonian Institute): [www.uncivilreligion.org](http://www.uncivilreligion.org)

70 Scotcher, "White supremacist flyers," *op. cit.*

71 Katie Fitzgerald and Heather McCarron, "David Seymour praises University of Auckland's inaction over white supremacist materials," *Newshub* (2 October 2019).

“Additionally, as has been pointed out by other commentators, shutting down or censoring such groups can create martyrs and allow them to justify their behaviours and opinions.

“The group is not hosted on or by the University nor is there any forum for them here outside of the current undercover stickering. Both the Vice-Chancellor and the President of the AUSA have suggested that a community-driven approach (including removing stickers and publicly debating issues) is an effective response.”

It’s difficult to draw a line between freedom of speech and speech that invokes hatred and violence – and until that line is crossed, the University of Auckland has a responsibility to uphold the principles of freedom of speech, the statement said.

On 2 October, an open letter with Richard Easter and Shaun Hendy listed as the first co-signatories appeared on the *Spinoff*.<sup>72</sup> As well as declaring that ‘racism and white supremacy have no place at the University of Auckland,’ the letter stated:

We understand the “absolutist” position that some take that freedom of speech extends to the right to speak in ways that are hateful. We also understand that the language of rights is complex and nuanced, recognising that such displays create an environment that brings harm to segments of our community, fraying the cultural tapestry that provides our diverse campus community with vitality and energy. We also note that by virtue of their race, gender, class, country of origin, religious affiliation, sexual or gender identity, many people empowered to judge conduct on university campuses are less likely to be the focus of hate speech, and may be slower to recognise its impact on its intended targets. However, “speech” has many forms, including gesture and nonviolent protest. If these posters constitute “free speech”, the same can be said of the actions of individuals who remove those that they encounter.

The following day *NewsHub* reported that ACT Party leader David Seymour had defended McCutcheon’s response.<sup>73</sup> ‘The way to deal with objectionable material is not censorship but debate in an open society, especially on university campuses,’ he said, adding that we need to ‘stand up for freedom of expression so that bad ideas can be rejected by sunlight rather than censored where they will tend to fester underground.’

On 7 October, the *Spinoff* reported that ‘the vice-chancellor of the University of Auckland has responded to an outcry among staff and students over white supremacist materials on campus.’ It also printed an email from Stuart McCutcheon that had been sent to staff:

Dear colleagues

I would like to clarify my position on the recent debate about free speech at the University.

Let me be very clear: I am, always have been, and always will be utterly opposed to prejudice, discrimination and hate speech of any kind, including the kind that is characterised as “white supremacy”.

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72 “No place for racism: an open letter from University of Auckland staff,” *Spinoff* (2 October 2019).

73 Katie Fitzgerald and Heather McCarron, “David Seymour praises University,” *op. cit.*

I recognise the impact that such behaviours have on those against whom they are directed. I also applaud and support others who have spoken out against those kinds of behaviour.

Any discrimination, including racism, homophobia and sexism, is totally inconsistent with the values of the University of Auckland and our commitment to being safe, inclusive and equitable. It has no place on our campuses.

Moreover, the University can – and does – act on complaints of bullying, harassment and discrimination, when they are brought to our attention.

I also believe that freedom of speech is important in a democracy and in a university. Sometimes the free expression of conflicting views, even when done appropriately and within the law, may lead to some people feeling hurt or upset by those views.

While one would wish to avoid that as far as possible, the contest of views is a key function of a university in a democracy. I do not believe that it is the role of the Vice-Chancellor to censor views that are within the law, even when he or others in the University do not agree with them.

That is the point I was trying to make in my interview with *Craccum* magazine last week.

However, based on the many comments I have received in recent days from students and staff members on this issue, I recognise that the most important matter right now is not a debate about free speech, which I think we should put to one side for the moment. There has been the suggestion it could be a “hot topics” subject for Senate and that seems a good idea.

The most important matter right now is the very real hurt and sense of threat that some people in our University community (students and staff) feel in response to these expressions of white supremacist views.

I acknowledge that hurt, and I have listened carefully to, and understood, the concerns of our people.

My priority as Vice-Chancellor is to continue working with students and staff to address this challenging issue and to create a University community that is truly safe, inclusive and equitable for everyone.

The *Spinoff* further noted that the open letter it had posted the previous week had ‘now been signed by more than 1,300 people, including many of the university’s most senior academics,’ and that

last week a group of students and staff scoured the campus to cover the white supremacist group’s material with posters including the words “ZERO tolerance for protecting human rights and dignity – if the UoA can’t protect minority students from hate in the name of ‘freedom of speech’, they have no right to take these posters down.”

‘On Thursday,’ the article went on, ‘a group of about 100 students occupied the university clock tower to demand the vice-chancellor’s resignation.’



## Don Brash De-Platformed at Massey (August 2019)

### Summary

A student politics society at Massey University had its booking for an event involving former National leader and Reserve Bank governor Don Brash cancelled by Massey University Vice-Chancellor Jan Thomas. Initial reports stressed security concerns, but leaked emails subsequently made clear that Thomas cancelled the event because she disagreed with Brash's views. Thomas was later cleared of any wrongdoing by an independent review.

### De-platforming

On 9 July, 2018, the Massey Manawatu Politics Club emailed Massey Vice-Chancellor Jan Thomas informing her of and inviting her to attend a number of their forthcoming events, including one with former National and ACT leader and Reserve Bank governor Dr Don Brash.<sup>74</sup>

By 7 August, the university had cancelled the event, with a statement on the university website explaining that the members of the Politics Club had signed a venue and space use agreement form in which they agreed to manage the venue in accordance with the University's Strategy, including recognising the values of a Te Tiriti o Waitangi-led organisation and ensuring its use would not adversely affect University operations, security, reputation or public safety.

It also claimed that members of the club had 'approached University management concerned about their ability to meet the agreement's terms around security after becoming aware of social media posts suggesting the event could lead to violence.' In light of this, the statement went on,

The University considered providing additional security for the event, but decided the risk of harm to students, staff and members of the public was too great, particularly at a time of heightened tension over the issues around free speech and hate speech.

Vice-Chancellor Thomas was also quoted as saying that Brash's leadership of Hobson's Pledge and the 'views he and its supporters espoused in relation to Māori wards on councils' were 'of concern to many staff, particularly Māori staff' and adding,

In my opinion the views expressed by members of Hobson's Pledge come dangerously close to hate speech. They are certainly not conducive with the University's strategy of recognising the values of a Tiriti o Waitangi-led organisation.<sup>75</sup>

Separately, it emerged that former student Karl Pearce had written to Thomas, describing Brash as 'publicly anti-Māori' and asking if the event 'would be used as a platform for separatist and supremacist hate speech.'<sup>76</sup>

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74 David Farrar, "Massey lying over cancellation of Brash speech," *KiwiBlog* (18 September 2018).

75 Massey University website, <https://www.massey.ac.nz/about/news/brash-talk-to-student-club-cancelled-due-to-security-concerns/>

76 Janine Rankin, "Massey University bans Don Brash from speaking," *Stuff* (7 August 2018); Karl Pearce, "Official Letter to Vice-Chancellor and Pro-VC's Massey University Manawtu [*sic*]," Facebook.

Amid widespread press coverage, the leaders of National, ACT, and Labour all criticised the decision, with Prime Minister Jacinda Ardern describing it as ‘an over-reaction on the part of the university.’ The President of the Massey University Students’ Association, Ben Schmidt, also criticised the move, saying that students ‘should be able to engage in discussion and debate.’<sup>77</sup>

Nonetheless, the decision was not reversed, and the event did not take place as originally scheduled.

### Email revelations

On 18 September, the National-linked blogger David Farrar published the results of his Official Information Act request into the affair.<sup>78</sup> This revealed that Thomas had looked for ways to de-platform Brash within only a couple of days of receiving the initial email from the Politics Club, with the Vice-Chancellor describing Brash on 9 July as ‘v. racist,’ suggesting that ‘using university facilities gives tactic [*sic*] endorsement’ and asking administrators ‘what do we currently have re restrictions in this regard.’

After a further request the next day for ‘options re not allowing politics club to hold an event on campus,’ an administrator replied that there were ‘no criteria’ that would allow them to cancel the event, and that doing so ‘would present a very real risk of us being accused restricting free speech etc.’

Despite this, Thomas renewed her requests, adding several questions about university provision of funding to student groups and ‘whether this can be used as a mechanism to manage this.’ After an email discussion in which another administrator described Brash as a ‘colonial racist,’ Thomas finally told the group on 13 July that ‘hate speech has no place’ at Massey, which she again describes as a ‘Te Tiriti-led university.’

Farrar also posted an email from Prof. Sarah Morgan to Massey’s Academic Board in her capacity as Chair, in which she said that Thomas had assured her that she had ‘not considered cancelling the event at any point’ before seeing ‘a thread on social media’ which included ‘a plan to violently disrupt the talk’ and making mention of a gun (a mention that Morgan confirmed she had herself seen).

### Brash speaks, Thomas reviewed and cleared

On 19 September, it was reported that the university board had tabled motions to censure the Vice-Chancellor for de-platforming Brash and for ‘mishandling information’ to do with the decision, with Deputy Vice-Chancellor Chris Gallavin quoted as saying that the emails may have revealed ‘wilful deceptions’ on Thomas’ part, and that ‘a portion’ of Massey academic staff was ‘unhappy about how things have proceeded.’<sup>79</sup>

At the same time National leader Simon Bridges called for Thomas to resign, saying that she had been ‘dishonest’ and ‘had tried to tort free speech.’<sup>80</sup>

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<sup>77</sup> Gill Bonnett, “Don Brash’s talk to Massey students canned,” *RNZ* (7 August 2018).

<sup>78</sup> Farrar, “Massey lying over cancellation of Brash speech,” *op. cit.*

<sup>79</sup> Anonymous, “Massey University’s board is moving against its VC for Don Brash emails,” *Stuff* (19 September 2018); Anonymous, “Massey University board tables motions to censure against Vice-Chancellor Jan Thomas,” *NZ Herald* (19 September 2018).

<sup>80</sup> Anonymous, “Simon Bridges backs calls for Jan Thomas to resign and says the Government needs to take action,” *NZ Herald* (19 September 2018).

By 5 October, Massey had announced that there would be an independent review into Thomas' behaviour conducted by the consultancy firm Martin Jenkins.<sup>81</sup>

On 17 October, Don Brash finally spoke at Massey as a guest of the Politics Club to an audience of nearly 100 people.<sup>82</sup>

On 20 December, the review had cleared Thomas' wrongdoing. It found that Thomas had not intended to cancel the event before the threat of violence was made, and that she did not mislead the Massey board about why she cancelled the event.<sup>83</sup>

### **Jim Flynn's book on free speech and academic freedom unpublished by press (September 2019)**

Professor James Flynn was an American-born philosopher and researcher of human intelligence. He spent most of his career at Otago University, where he remained an Emeritus Professor until his death in 2020. His last book, *A Book Too Risky to Publish: Free Speech and Universities*, was published by Academic Press in 2019.

Originally, the UK-based Emerald Group had agreed to publish the book under the title *In Defence of Free Speech: The University as Censor*. Emerald de-scheduled the publication deal in 2019. A letter from Emerald's publishing editor, Tony Roche, to Flynn revealed that the publisher was concerned that the book would run afoul of the UK's 'hate speech' laws for its discussion of academic debates regarding race and IQ.<sup>84</sup>

Roche claimed that 'the work could be seen to incite racial hatred and stir up religious hatred under United Kingdom law.' Emerald feared being prosecuted, as Roche made clear: 'The potential for circulation of the more controversial passages of the manuscript online, without the wider intellectual context of the work as a whole and to a very broad audience—in a manner beyond our control—represents a material legal risk for Emerald.'

Roche also noted that 'many instances in the manuscript where the actions, conversations and behavior of identifiable individuals at specific named colleges are discussed in detail and at length in relation to controversial events.' Because of this material, Emerald feared reputational damage and being sued for libel. According to Roche, 'there [was] both the potential for serious harm to Emerald's reputation and the significant possibility of legal action.'

A number of internationally renowned public intellectuals commented on Emerald's decision.<sup>85</sup>

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81 Anonymous, "Massey orders independent review into Brash cancellation," *RNZ* (5 October 2018).

82 Anonymous, "Don Brash speaks at Massey University after controversy," *RNZ* (17 October 2018).

83 George Heagney, "Review clears Massey University vice-chancellor Jan Thomas over Don Brash ban," *Stuff* (20 December 2018).

84 James Flynn, "My book defending free speech has been pulled," *Quillette* (24 September 2019).

85 James Flynn, "My book defending free speech," *op. cit.*

Professor Steven Pinker said that the de-scheduling was ‘shocking ... even by the standards of contemporary restrictions on free speech, and especially ironic given the subject of [Flynn’s] book.’ Professor Peter Singer also noted the irony of ‘a book critical of restrictions on free speech’ itself being ‘rejected by a publisher who is worried about the book falling afoul of UK laws on incitement to racial hatred.’

Professor Charles Murray, whose argument for a genetic component to racial disparities in IQ Flynn had long disputed, told Flynn ‘Your book should not be considered even close to the fringes of politically correct discourse. If publishers are scared of your book, the censorship problem is a few orders of magnitude worse than I realised.’

In October, a group of New Zealand academics associated with Heterodox Academy warned that the incident had chilling implications for academics’ ability to publish their work. In a *Stuff* column, James Kierstead, Vinayak Dev, Michael Johnston, Jamin Halberstadt, Maryanne Garry and Andy Vonasch argued that ‘there is now climate of intolerance, especially on social media, that can fan indignation in a way that makes it increasingly likely that “hate speech” laws will be used against publishers.’<sup>86</sup>

## **Feminism 2020 event by Speak Up for Women De-Platformed at Massey (November 2019)**

### **Summary**

Speak Up for Women, an organisation concerned with women’s sex-specific rights and the censorship of women in the media, had their booking for an event entitled ‘Feminism 2020’ revoked by Massey University less than a month after it was announced. Massey cited health and safety concerns and consideration of their community as justifications for the cancellation, though it seems highly likely that internal and external pressures from student activist groups and Rainbow organisations had a role in the decision. ACT party leader David Seymour subsequently arranged to host the event at Parliament, where it was held without protest on 19 November.

### **De-platforming**

On 23 September 2019, Speak Up for Women announced an event to be held at the Massey University Theatre: ‘Feminism 2020.’<sup>87</sup> A student from Massey who was involved in organising the event had requested that the event be held on their Wellington campus, and the request had been approved. Speak Up for Women’ stated that the intention of the event was to discuss the future of feminism and the women’s liberation movement.

Following the announcement of the event, trans-rights activists began calling on the university to cancel it, arguing that it would be a forum for hate speech. A group of students at Massey University led by Charlie Myer created Massey Students Against Transphobia, ‘as a reaction because there wasn’t any student voice that was advocating against the event,’<sup>88</sup> and because the students had not received responses to their complaints when they had contacted Massey individually.

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86 Kierstead *et al.* “Refusal to publish NZ academic’s book is a worrying blow for free speech,” *Stuff* (9 October 2019).

87 Anonymous, “Massey University, speak up for women and feminism 2020,” *Speak Up for Women* website: <https://www.speakupforwomen.nz/post/massey-university-speak-up-for-women-and-feminism-2020>

88 Charlie Myer, “Petition organiser celebrates university event cancellation,” *Morning Report* interview, *RNZ* (6 October 2019).

By 27 September, approximately 15 complaints had been made to Massey University about the event, including through the Vice-Chancellor's office and on social media. Around this date, Gender Minorities Aotearoa contacted senior management at Massey, including Vice-Chancellor Jan Thomas, expressing concerns about the event. Wi-Hongi, national coordinator of Gender Minorities Aotearoa, stated publicly around a week later that they had not yet received a reply.<sup>89</sup>

Also, on 27 September, Massey University released a statement about the event to all students by email and on social media. It included the following excerpts:

We have had several complaints about this event and questions from media on why we have allowed the booking to go ahead, as this group holds controversial views on the rights of transgender and intersex people.

We would like to emphasise that the university strongly and openly stands with the sexual- and gender-diverse community, and safety and wellbeing of our students and staff is a top priority. We do not in any way share the views of the speakers at this event.

We will be donating the proceeds of the venue booking to a sexual- or gender-diverse group – suggestions are welcomed via our Facebook page.

We are currently placing signs, flags and posters around our campuses to show support for our community and we will be increasing this over the next few weeks so that our people are aware of our commitment to diversity and inclusion. The rainbow and transgender flags will fly prominently on campus wherever possible. We will be taking active steps to ensure that the participants of this event arrive to a venue that is very clearly pro-rainbow, and that our staff and students experience support.

...

We would like you to be aware that this event has a security plan and risk assessment and we are closely monitoring the situation in the event of any potential issues.

While we strongly support our community, we are also committed to free speech as a fundamental tenet of a university, and we recognise that free speech, academic freedom and freedom of expression are contentious and nuanced issues worldwide. We are currently working on a Freedom of Expression Policy as a public statement to reaffirm our commitment to free speech and academic freedom, and an External Speaker Code of Practice, to provide more guidance to speakers on our three campuses.

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Support is available from Student Services and the health and counselling centres on campus, and we encourage you to make use of this if you need.<sup>90</sup>

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89 Felix Desmarais, "Petition for Massey Uni to cancel 'Feminism 2020' gathers steam" *Stuff* (4 October 2019).

90 Juana Atkins, "Massey University support free speech but label feminist viewpoint 'controversial,'" (29 September 2019), *The BFD*.

The following day, on 28 September, an article appeared in *Stuff*, entitled ‘Banned from Twitter but welcome at Massey: radical feminist group to host event.’<sup>91</sup> It presented a range of views about the prospect of the event being held on a university campus. Attitudes were wide-ranging and hotly contested. As part of her research for that article, *Stuff* reporter and article co-author Ruby MacAndrew sent an email to Massey University communications director James Gardiner with a set of questions, including: “Last year Don Brash was banned from speaking at the university – how is this situation different to that one?” Gardiner replied:

Dr Brash was never banned from the university. The event was cancelled because of a security threat. It was subsequently rescheduled and held without incident on 17 October. The Martin Report, a review released late last year, thoroughly examined all the material on the incident and concluded that our actions were appropriate. Since then, we have been considering our position on a range of issues including academic freedom and free speech. These issues are of critical importance.

On 1 October, the spokesperson for Rainbow Tick, Martin King, stated publicly that if Massey did not cancel the event, it was likely to trigger a review of the University’s Rainbow Tick status. King stated to the media that Rainbow Tick would not support ‘any conversation that is anti-trans.’<sup>92</sup>

The following day, on 2 October, Massey University Wellington Students’ Association (MAWSA) created a petition on the online campaign platform OurActionStation, calling on Massey to cancel Feminism 2020. They stated that:

Massey Students’ Association stands for free speech and we respect the right of external groups to host events on campus. However, one of the key tenets of free speech is recognising that marginalised groups often don’t enjoy the same rights to freedom of expression. So with that in mind, Massey Students’ Association is choosing to prioritise the voices of our trans whānau who have told us that this event hurts them.<sup>93</sup>

The petition’s organiser, Charlie Myer, said Feminism 2020 could host the event anywhere, but it was inappropriate to host at a university where transgender students were meant to be supported. He challenged the idea that Speak Up for Women was truly a feminist organisation, stating, ‘if your feminism isn’t intersectional, it isn’t feminism.’<sup>94</sup>

The National Council of Women of New Zealand subsequently posted the petition to their Facebook page, along with the following message:

NCWENZ acknowledges the rights of people of all genders, including those who identify as female, male or non-binary, and further, NCWENZ recognises trans women as women, and trans men as men. We’re asking you to sign MAWSA’s petition to Massey University to cancel the event, ‘Feminism 2020’.

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91 Ruby MacAndrew, Jessica Long and Brittney Deguara, “Banned from Twitter but welcome at Massey: Radical feminist group to host event,” *Stuff* (28 September 2019).

92 Felix Desmarais, “Massey University Rainbow Tick likely to be reviewed if controversial ‘feminist’ event goes ahead.” *Stuff* (1 October 2019).

93 <https://our.actionstation.org.nz/petitions/cancel-feminism-2020-at-massey-1>.

94 Felix Desmarais, “Petition for Massey Uni,” *op. cit.*

The organisers of the event advocate against trans rights and scaremongering misinformation about trans people. There's no room for hate speech at our tertiary institutions, or anywhere. Trans rights are human rights.<sup>95</sup>

On 3 October, in a private conversation with Sean Plunket, members of Rainbow Tick said they had begun working with Massey University to deal with complaints they had received that the Feminism 2020 event breached their principles.<sup>96</sup>

In an interview with Sean Plunket on 3 October, Ani O'Brien from Speak Up for Women stated that she had contacted Massey, querying whether they were still willing to host the event. At the time of the interview, she hadn't received a response.<sup>97</sup>

O'Brien had also contacted Rainbow Tick to communicate to them that the Speak Up for Women organisation was run by lesbians, and there were several lesbians and bisexuals in the group of speakers, so the organisation they were trying to deplatform actually contained within it a rainbow community. She said: 'What Rainbow Tick is doing is picking and choosing who are the right kind of rainbow people... and essentially, is pitting us against our own "community" and basically is trying to deplatform lesbians from speaking.'

She also discussed the National Council of Women sharing MAWSA's petition on their social media pages and described Speak Up for Women as a hate group. 'It's really upsetting to think that our country's oldest organisation for women is partaking in a campaign to take us down because we want to talk about our concerns and our rights.'

The Massey University Wellington Students' Association petition reached 4,769 signatures by 4 pm on 4 October – only two days later.<sup>98</sup> As well as signatures, many shared their views through comments on the petition's webpage. Some examples follow:<sup>99</sup>

By spreading lies and hate about trans people endangers our lives, not just by our own hands, but by the hands of others [*sic*]. Would Massey allow white supremacists to spread hatred and lies about people of colour on its premises under the guise of freedom of speech?

I signed because it's so important we don't think for ourselves: trusting others is key. Trans students are so vulnerable that even researching Speak Up for Women's principles could kill them and that is not okay.

TERFs [trans-exclusionary radical feminists] do not belong in academia, and do not speak for feminists, this would be a sham.

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95 <https://www.facebook.com/share/E5NGhRYhoEWn3p7Z/?mibextid=WC7FNe>.

96 <http://archive.speakupforwomen.nz/ani-obrien-speaks-with-sean-plunket-on-magic-radio-about-the-backlash-to-feminism2020/index.html>.

97 See previous note.

98 Felix Desmarais, "Petition for Massey Uni," *op. cit.*

99 See note 92.

Human rights are not up for debate. Free speech does not mean “If someone asks me for a megaphone, venue and audience I am obligated to give it to them.” Massey has a moral responsibility to prevent the spread of discriminatory and dehumanising rhetoric within its campus [*sic*]. This is the kind of thing that encourages harassment, and the best they can say is “Oh well, they asked us to give them a platform that we are in no way obligated to do so. Our hands are tied!”

Transphobia has no place in schools, giving it a platform is not free speech it is hate speech.

Free speech is not freedom from consequences, neither is free speech an excuse to spread hatred and misinformation.

These people are welcome to their ‘free speech’, but let’s not give it a platform at a university.

Once the petition reached 6,000 signatures, the Association delivered it to the Massey Senior Leadership team. Subsequently, from around 9 October, a series of meetings between the Massey Students Against Transphobia group and then-acting Vice-Chancellor Giselle Byrnes took place. Charlie Myer stated publicly that throughout the week between 9–16 October, Massey Students Against Transphobia were in ‘regular communication’ with Byrnes, and they ‘were able to help and go over and review the decision.’<sup>100</sup>

On 16 October, Massey University released a statement saying that it had advised Speak Up for Women that they would need to find an alternative venue for the event. They stated that they had made the decision on the grounds of external advice on their health, safety and wellbeing obligations, in accordance with the Health and Safety at Work Act 2015, as well as a duty of care to their community. Their official statement follows:

The legal advice we have received is that cancellation of the event, as concluded by the report, is the only way to eliminate the risk to health and safety and to ensure that the University would not be in breach of its health and safety obligations.

Massey University is committed to the values of academic freedom, the freedom of speech, and the freedom of expression, as values that lie at the very heart of the tradition of a university and academic inquiry. However, this event has created significant disruption to our students, staff and University operations, and we cannot accept any further risk or issues, or any risk of potential harm that may impact upon a particularly vulnerable community.

In an interview the following day, Charlie Myer responded to the cancellation:

...In our view, it’s not a debate. The problem is that... By all means these people can discuss... options further for how we can best advance feminism, because we’re all for feminism, that’s not a question, the problem is that they are posing this as a debate, which it’s not, because... we are just trying to advance trans-rights, it doesn’t have anything to do with erasing women’s rights, it’s just about advancing our

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100 Jessica Long, “Massey University cancels controversial Feminism 2020 event due to ‘health, safety and wellbeing’ concerns,” *Stuff* (16 October 2019).



rights so that trans people are feeling less discrimination. In terms of feeling unsafe on campus, it's because by having these discussions on campus, it's a breeding ground for people in universities to continue these thoughts because they are blatantly transphobic.<sup>101</sup>

In a press release for the Free Speech Coalition, Melissa Derby criticised Massey's decision:

Today's announcement reveals the University's true position is one of absolute weakness. Massey says it values free speech while its actions prove the opposite ... Whoever thought we'd see the day when feminism is on the banned list at a New Zealand University? ... If a University's default response to 'any risk of potential harm' is the cancellation of speech, then it ought to shut up shop. Universities have traditionally been a space for free expression, protest, and the contest of ideas. Massey has disgraced this tradition.<sup>102</sup>

Jaime Veale, Senior Lecturer in Psychology at the University of Waikato, expressed support for Massey's decision:

I welcome the decision, particularly that it acknowledges the psychological harm of these extreme anti-trans views. This is important in light of our recent uncovering of the alarming mental health inequities trans and non-binary people in Aotearoa face.<sup>103</sup>

Following the cancellation of the event, ACT leader David Seymour reached out to Speak Up for Women, and subsequently arranged to host the event at Parliament. The new location wasn't initially made public, though. On 24 October, Speak Up for Women announced they had secured a new venue, but that 'in light of the ongoing attempts to deplatform them,' they had decided not to release the new venue until closer to the date of the event. The new venue for the event was announced on 14 November.<sup>104</sup>

Feminism 2020 was successfully hosted at Parliament's banquet hall on 19 November.<sup>105</sup> In an interview about Feminism 2020 and the role of free speech in society, aired on the same day, David Seymour said:

A university is a place that taxpayers fund precisely so that difficult ideas and issues can be debated and resolved, and the idea that Massey is now making it a priority not to harm anybody's feelings and having those debates is a real problem for two reasons. First of all... who gets to be the person who decides what you're allowed to say? And second of all, if the goal is that we want people to feel better about themselves, we're not going to do that by suppressing anything that may upset them, we've actually got to have open debate. Ultimately as politics becomes more polarised around the world, we need to regain the ability to have a civil conversation and we lose that when we bring out the censors.<sup>106</sup>

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<sup>101</sup> Charlie Myer, "Petition organiser celebrates," *op. cit.*

<sup>102</sup> Melissa Derby, "Massey's capitulation on feminist event disgraceful," *Scoop* (17 October 2019).

<sup>103</sup> RNZ, "Massey University cancels 'Feminism 2020' event citing health and safety risks," (17 October 2019), *RNZ*.

<sup>104</sup> <http://archive.speakupforwomen.nz/feminism-2020-is-going-to-parliament/index.html>.

<sup>105</sup> <http://archive.speakupforwomen.nz/feminists-have-spoken-up/index.html>.

<sup>106</sup> <https://www.youtube.com/watch?v=CGhUhey7MTg>.

## Investigation of Anne-Marie Brady for Report on Chinese Influence (July–December 2020)

In July 2020, Anne-Marie Brady published a report entitled *A Pen in One Hand, Gripping a Gun in the Other* for the Wilson Center, a US think tank, in which she detailed connections between New Zealand universities and Chinese institutions, including institutions linked to the People’s Liberation Army (PLA) and the CCP.<sup>107</sup> She also submitted the report as a supplementary paper to Parliament’s Justice Select Committee the same month.<sup>108</sup>

Soon after Brady’s paper appeared, the University of Auckland and Victoria University of Wellington submitted formal complaints to the University of Canterbury, where Brady is a professor.<sup>109</sup>

Auckland’s complaint focused on the report’s claims about its staff member Wei Gao, a professor of chemical and materials engineering that the report described as ‘a member of the Expert Committee of the 20 Center for China and Globalization, a think tank linked to CCP united front/political interference activities.’<sup>110</sup> It also said that Wei Gao was among the ‘top international talent’ involved in research on ‘scientific areas of national or military priority’ at the Quantum Information Centre, a research centre set up by the PLA at the National University of Defence Technology in Changsha.<sup>111</sup>

The University of Auckland claimed in response that Wei Gao ‘was never involved in quantum computing or military research’. It also stated that any titles given to him by Chinese universities were ‘honorary’ and that his research had benefits for both China and Zealand.<sup>112</sup> The report, it said, contained ‘manifest errors of fact and misleading inferences,’ the complaint concluded, which ‘have given rise to groundless assessments that imperil the integrity’ of Wei Go as well as ‘Professor Brady and her colleagues who published them.’<sup>113</sup>

In his *Stuff* report on the complaints, Martin Van Beynen noted that ‘Auckland’s complaint was handled by Professor Jenny Dixon, who oversees the Auckland Confucius Institute and has chaired the advisory board for Peking University’s New Zealand Centre.’ He also noted that both Peking University and Fudan University, Shanghai (a co-sponsor of the Auckland Confucius Institute) have conducted defence research.<sup>114</sup>

The report also identified Victoria University of Wellington as a ‘partner’ of the Chinese telecommunications giant Huawei and said that Huawei has ‘a research lab’ at VUW ‘where researchers investigate technologies such as 5G cell phone networks, “big data” and the potential of internet-connected devices.’ It also claimed that Huawei had plans for ‘a New Zealand-China intranet between the university partners who have Huawei internet and Huawei.’<sup>115</sup>

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107 Anne-Marie Brady, “Holding a Pen in One Hand, Gripping a Gun in the Other: China’s Exploitation of Civilian Channels for Military Purposes in New Zealand” (Washington: The Wilson Center, 2020).

108 [https://www.parliament.nz/resource/en-NZ/52SCJU\\_EVI\\_93630\\_JU72764/7698941ftbe718a2ae6f5655935a586235fd5c75](https://www.parliament.nz/resource/en-NZ/52SCJU_EVI_93630_JU72764/7698941ftbe718a2ae6f5655935a586235fd5c75)

109 Martin Van Beynen, “Professor’s paper on Chinese influence ‘inflammatory, unprofessional,’” *Stuff* (23 October 2020).

110 Anne-Marie Brady, “Holding a Pen in One Hand, Gripping a Gun in the Other,” *op. cit.*, 20–21.

111 Anne-Marie Brady, “Holding a Pen in One Hand, Gripping a Gun in the Other,” *op. cit.*, 20.

112 Martin Van Beynen, “Professor’s paper on China’s influence,” *op. cit.*

113 Martin Van Beynen, “Professor’s paper on China’s influence,” *op. cit.*

114 Martin Van Beynen, “Professor’s paper on China’s influence,” *op. cit.*

115 Anne-Marie Brady, “Holding a Pen in One Hand, Gripping a Gun in the Other,” *op. cit.*, 10–11.

The report also raised concerns about two VUW academics: Zhang Mengjie, who has collaborated with a researcher at Xidian University (established by the PLA); and Rod Badcock, who held a joint appointment as a professor at Beijing Jiaotong University under the Thousand Talents scheme, which Brady says has benefited the PLA.<sup>116</sup>

In response, Victoria claimed that Huawei ‘did not provide the wireless internet infrastructure across its multiple campuses’ and that the university ‘was not a partner, as alleged, in an intranet between China and New Zealand.’ It said that ‘unsubstantiated assertions and outright falsehoods’ in the report constituted ‘a serious breach in accepted standards of scholarship’ and added that it was ‘most unprofessional’ to name VUW academics ‘without providing those individuals with an opportunity to respond or clarify.’ Finally, it stated that ‘linking Victoria’s research efforts to the Chinese military’s modernisation agenda was inaccurate, inflammatory and potentially defamatory.’<sup>117</sup>

Following these complaints the University of Canterbury initiated a review of Brady’s work from two external advisors. In December 2020 the university released a statement announcing ‘that it had dismissed the complaints against Brady’ but recommending that ‘some phrases’ in Brady’s report ‘could be amended’ for the sake of ‘clarity.’<sup>118</sup>

Brady released a statement of her own in response saying that there had never been any justification for ‘gagging order to me on this important topic affecting the integrity of our universities and their relationship with China.’ ‘Staff and students at the complaining institutions, Victoria and Auckland universities,’ she continued, ‘have as much at stake as me in knowing that their vice-chancellors will also stand up for academic freedom. They asked UC to suppress my academic freedom against a Parliamentary submission. My submission contributed to better legislation updating the regulation of strategic goods.’

### **Raymond Richards called to a meeting by the University of Waikato after labelling religious people ‘cranks’ (early 2021)**

Early in 2021, Raymond Richards referred in a history lecture to ‘religious cranks’ who believed that ‘the earth was flat, the sun smaller than the moon, and that dinosaurs and Adam and Eve had met.’<sup>119</sup>

After a student raised a concern, the Head of the School of Social Sciences called Richards to a meeting. No agreement was reached during the meeting, but Human Resources later wrote to Richards saying that they did ‘not expect to have a repeat of these matters.’ The Head of School also cancelled an in-class test of critical thinking that Richards had planned.

A press release from the Free Speech Union noted that Richards would ‘be delivering the same lecture to this semester’s students on Friday.’

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116 Anne-Marie Brady, “Holding a Pen in One Hand, Gripping a Gun in the Other,” *op. cit.*, 21.

117 Martin Van Beynen, “Professor’s paper on China’s influence,” *op. cit.*

118 Martin Van Beynen, “University of Canterbury academic Anne-Marie Brady cleared after complaints,” *Stuff* (11 December 2020).

119 Free Speech Union, “FSU backs academic freedom to call out flat-earthers,” *Scoop* (29 July 2021).

It stated in closing: ‘The University has let down its students and staff by sending a strong signal that “hurt feelings” will be enough to shut down academic teaching.’

## The Listener Letter Controversy (mid-late 2021)

### Summary

In July 2021, seven professors at the University of Auckland published a letter in *The New Zealand Listener* with the title ‘In defence of science,’ in which they stated their view that ‘indigenous knowledge may indeed help advance scientific knowledge in some ways, but it is not science.’ Over the next five days, the authors of the letter were denounced by the vice-chancellor of their university, the Royal Society Te Apārangi, the New Zealand Association of Scientists, the Tertiary Education Union, and in an open letter that was eventually signed by more than 2,500 people. One of the authors felt forced to step down from teaching one of his courses. Another stepped down as Acting Dean of Science. An investigation was commenced by the Royal Society into two of the authors and later dropped; the two then resigned as fellows of the society.

### The letter

Early in 2020, the Labour government proposed several changes to NCEA (the National Certificate of Educational Achievement), including ‘equal status for mātauranga Māori in NCEA.’<sup>120</sup>

In July 2021, seven professors at the University of Auckland – Kendall Clements, Garth Cooper, Michael Corballis, Doug Elliffe, Robert Nola, Elizabeth Rata and John Werry – published a letter in *The New Zealand Listener* with the title ‘In defence of science.’<sup>121</sup> The letter was published in the print edition of the *Listener*, which appeared in shops on 26 July.

The letter begins by taking issue with two statements in ‘a recent report from a Government NCEA working group on proposed changes to the Māori school curriculum.’<sup>122</sup> The first was the working group’s stated aim ‘to ensure parity for mātauranga Māori with the other bodies of knowledge credentialed by NCEA (particularly Western/Pakeha epistemologies).’ The second was the statement that part of a new course would promote ‘discussion and analysis of the ways in which science has been used to support the dominance of Eurocentric views (among which, its use as a rationale for colonisation of Māori and the suppression of Māori knowledge); and the notion that science is a Western European invention and itself evidence of European dominance over Māori and other indigenous peoples.’

According to the letter’s authors, these statements ‘perpetuate disturbing misunderstandings of science emerging at all levels of education and in science funding’ which ‘encourage mistrust of science.’ For them science is ‘universal’ and ‘not especially Western European,’ with ‘origins in ancient Egypt, Mesopotamia, ancient Greece and later India,’ an important phase of development in ‘mediaeval Islam,’ and ‘a strong presence across Asia’ in modern times.

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120 <https://ncea.education.govt.nz/change-2-equal-status-matauranga-maori-ncea>

121 Clements *et al.* “In defence of science,” *NZ Listener* (July 2021), [https://www.fsu.nz/in\\_defence\\_of\\_science\\_article](https://www.fsu.nz/in_defence_of_science_article)

122 The reference to ‘the Māori school curriculum’ seems to be a mistake, since the changes would have applied to the main school curriculum.

Furthermore, the letter states, ‘science itself does not colonise’ although ‘it has been used to aid colonisation, as have literature and art.’ It also ‘provides immense good, as well as greatly enhanced understanding of the world,’ and helps us ‘battle worldwide crises such as Covid, global warming, carbon pollution, biodiversity loss and environmental degradation.’ In fact, we increasingly depend on science, perhaps for our very survival,’ and hence, ‘the future of our world, and our species, cannot afford mistrust in science.’

As for ‘indigenous knowledge,’ the letter-writers admit that it ‘is critical for the preservation and perpetuation of culture and local practices, and plays key roles in management and policy.’ They also insist, though, that ‘in the discovery of empirical, universal truths, it falls far short of what we can define as science itself.’ In fact, ‘to accept it as the equivalent of science is to patronise and fail indigenous populations.’ The letter closes by affirming that ‘indigenous knowledge may indeed help advance scientific knowledge in some ways, but it is not science.’

### Immediate response

On 26 July, a notice signed by Vice-Chancellor Prof. Dawn Freshwater was posted on the University of Auckland website (the letter-writers’ employer), asserting that ‘a letter in this week’s issue of *The Listener* magazine from seven of our academic staff on the subject of whether mātauranga Māori can be called science has caused considerable hurt and dismay among our staff, students and alumni.’<sup>123</sup>

‘While the academics are free to express their views,’ Freshwater went on to say, ‘I want to make it clear that they do not represent the views of the University of Auckland.’ She added that the university ‘has deep respect for mātauranga Māori as a distinctive and valuable knowledge system’ and that ‘we believe that mātauranga Māori and Western empirical science are not at odds and do not need to compete.’ They were, rather ‘complementary’ with ‘much to learn from each other.’ She also described this position as ‘at the heart of our new strategy and vision, Taumata Teitei, and the Waipapa Toitū framework’ and ‘part of our wider commitment to Te Tiriti and te ao principles.’

On 27 July, the Royal Society Te Apārangi posted a ‘Joint statement from President [Dr Brent Clothier] and Chair of Academy Executive Committee [Prof. Charlotte McDonald]’ on its website, in which it stated:

The recent suggestion by a group of University of Auckland academics that mātauranga Māori is not a valid truth is utterly rejected by Royal Society Te Apārangi. The Society strongly upholds the value of mātauranga Māori and rejects the narrow and outmoded definition of science outlined in *The Listener* – Letter to the Editor. It deeply regrets the harm such a misguided view can cause.<sup>124</sup>

Also, on 27 July, the New Zealand Association of Scientists issues a press release in which they stated that they were ‘dismayed to see a number of prominent academics publicly questioning the value of

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<sup>123</sup> <https://www.auckland.ac.nz/en/news/2021/07/26/vice-chancellor-comments.html>

<sup>124</sup> Brent Clothier and Charlotte McDonald, “Joint statement from President and Chair of Academy Executive Committee,” Royal Society website (27 July 2021). The statement was later taken down and replaced by Paul Atkins’ statement in December the same year. The original statement can still be viewed here: <https://web.archive.org/web/20211208151153/https://www.royalsociety.org.nz/news/joint-statement-from-president-and-chair-of-academy-executive-committee/>

mātauranga to science in the *Listener* this week, and claiming that science does not colonise.<sup>125</sup> In fact, the press release continued, science ‘has an ongoing history of colonising when it speaks over Indigenous voices, ignores Indigenous knowledge, and privileges a limited, Western-dominated view of science.’ ‘The implications’ of this could be seen, according to the NZAS, ‘in the way that Māori are disproportionately affected by cardiorespiratory diseases and other diseases and on average, die younger.’ The organisation also asserts that ‘we cannot make meaningful progress on doing better science now and in the future if we allow the continued treatment of mātauranga as unproven or lesser by Pākehā and other Western scientists,’ and that we should instead ‘acknowledge its equal importance and role in scientific work.’ ‘Ultimately,’ the press release concluded, ‘the NZAS is excited to see the research community as a whole discuss how we can better support and integrate mātauranga and Māori scholars into research in Aotearoa, but in this area, we need to take guidance from and listen to the voices of Māori as the experts on mātauranga. There is no argument to be had on whether this is good or necessary. It is both.’

On 28 July, it was reported that the TEU had sent a letter to the *Listener* letter authors stating that its members ‘worry that you have undermined the mana of many indigenous scientists and scholars who are working to understand the ways in which knowledge accumulates.’<sup>126</sup> The letter, signed by Dr Barry Hughes of the University of Auckland, also asserted that ‘members found your letter “offensive”, “racist”, and reflective of a patronising, neo-colonial mindset in which your undefined version of “science” is superior to – rather than complementary to – indigenous knowledge.’ Hughes added in closing that the *Listener* letter ‘was damaging without being enlightening.’<sup>127</sup>

Also, on 28 July, an open letter in response to the *Listener* letter appeared on Google Docs, with Professors Siouxsie Wiles and Shaun Hendy listed as the first signatories.<sup>128</sup> The letter, which was subsequently signed by some 2500 people, said that the *Listener* seven had ignored ‘the fact that colonisation, racism, misogyny, and eugenics have each been championed by scientists wielding a self-declared monopoly on universal knowledge.’ They also failed to acknowledge (according to the open letter) that ‘science has long excluded indigenous peoples from participation, preferring them as subjects for study and exploitation.’ Indeed, it asserted, ‘diminishing the role of indigenous knowledge systems is simply another tool for exclusion and exploitation.’ And in response to the *Listener* letter’s stated concerns about increasing mistrust in science, the open letter stated that ‘mistrust in science stems from science’s ongoing role in perpetuating “scientific” racism, justifying colonisation, and continuing support of systems that create injustice,’ and concluded that ‘there can be no trust in science without robust self-reflection by the science community and an active commitment to change.’

On 28 July, it was also reported that Professor Douglas Elliffe, one of the signatories to the letter, had stepped down from his role as Acting Dean of Science. ‘I now think that my leadership of the faculty has the potential to increase division and divert attention from the real issues that face us,’ he told colleagues in an email.<sup>129</sup>

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125 <https://scientists.org.nz/resources/Documents/PressReleases/NZAS-M%C4%81tauranga%20and%20Science.pdf>

126 Māni Dunlop, “University academics’ claim that mātauranga Māori is ‘not science’ sparks controversy,” *Stuff* (28 July 2021).

127 [https://www.fsu.nz/tags/the\\_listener](https://www.fsu.nz/tags/the_listener)

128 [docs.google.com/forms/d/e/1FAIpQLSdRwHTSKURHaalXZSN0z0luN9OjuDxK6UDG4gb6t7NhAPO3Zg/viewform](https://docs.google.com/forms/d/e/1FAIpQLSdRwHTSKURHaalXZSN0z0luN9OjuDxK6UDG4gb6t7NhAPO3Zg/viewform)

129 Ben Leahy, “Auckland University professor resigns from acting dean role over letter claiming Māori knowledge isn’t science,” *NZ Herald* (28 July 2021).

On 31 July, the Pūtaiao committee at the School of Biological Sciences (SBS) at Auckland issued a request that Kendall Clements not be ‘put in front of students’ on the grounds of it not being ‘safe’ in view of ‘the events of this week,’ and an alleged history on Clements’ part of ‘demeaning the value of Mātauranga Māori’ (see ‘Kendall’s story’ in our testimonials). On 5 August, Clement’s Head of Department (HoD) asked him to step down from teaching stage 1 and stage 2 evolution classes ‘for workload reasons.’ Emails obtained via a personal information request under the Privacy Act also revealed that that ‘several SBS staff (including one section leader on the SBS executive)’ told Clement’s HoD that he should be ‘excluded from teaching as a consequence of being a signatory to the Listener letter.’ Clements stepped down from teaching on the stage 1 and 2 evolution courses under protest, and has not taught on them since.

In August an open letter from the New Zealand Psychological Society appeared, signed on its behalf by its president, Dr Waikaremoana Waitoki, which expressed ‘disappointment’ in the Listener letter as well as ‘support and aroha for those who were, and continue to be, negatively affected by the letter’s content.’<sup>130</sup> The letter lists a number of ‘racist tropes’ supposedly used in the *Listener* letter, including ‘the White saviour trope,’ the ‘trope of condescending compassion,’ and ‘the White man’s burden.’ The letter concluded by re-emphasising that the society was ‘concerned about the wellbeing of Māori staff and students in psychology who must now navigate the fall-out of this letter.’

### Later responses

On 17 November, it was reported that two of the authors of the *Listener* letter faced possible expulsion from the Royal Society after it initiated an investigation into them.<sup>131</sup> The two authors were Garth Cooper and Robert Nola (who died in October 2022); a third letter writer who was a fellow of the Royal Society, Mike Corballis, died in November 2021. ‘Nola told Newsroom the society had informed him of five anonymous complaints made against him and Cooper, and it had established a three-person panel to investigate the matter,’ Sam Sachdeva reported, but that ‘the pair had successfully challenged the position of two of the panellists, who were among the signatories to the open response critiquing the Listener letter, while three of the five complainants had dropped out after the society required they be identified for the disciplinary process to move ahead.’

Brian Boyd, a Distinguished Professor at the University of Auckland, was reported as saying that the view that mātauranga Māori should be protected and transmitted only by Māori was ‘contrary to the principles of universities’ open inquiry or the Royal Society’s.’ Another Distinguished Professor, Peter Schwerdtfeger of Massey University, said that the Royal Society ‘should be open to debate and discussion,’ and that the investigation showed they were not.<sup>132</sup>

In early December a number of overseas intellectuals with large followings weighed in. On 3 December, the US biologist Jerry Coyne posted a long and detailed post on his blog in which he defended the *Listener* letter and criticised several of its critics (including Auckland Vice-Chancellor Dawn Freshwater) before urging readers to write in protest to the New Zealand Royal Society.<sup>133</sup>

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130 [https://www.psychology.org.nz/application/files/8716/2803/3956/NZPsS\\_letter\\_-\\_response\\_to\\_Listener\\_letter\\_re\\_Matauranga\\_Maori\\_and\\_Science.pdf](https://www.psychology.org.nz/application/files/8716/2803/3956/NZPsS_letter_-_response_to_Listener_letter_re_Matauranga_Maori_and_Science.pdf)

131 Sam Sachdeva, “Royal Society investigation into mātauranga Māori letter sparks academic debate,” *Newsroom* (17 November 2017).

132 Sam Sachdeva, “Royal Society investigation,” *op. cit.*

133 Jerry Coyne, “‘Ways of knowing:’ New Zealand pushes to have ‘indigenous knowledge’ (mythology) taught on parity with modern science in science class,” *Why Evolution is True* blog (3 December 2021).

On 4 December, an article about the debacle by the British journalist and free speech advocate Toby Young appeared in the *Spectator*, at the close of which Young, too, urged readers to write to the Royal Society.<sup>134</sup> Also on 4 December, Richard Dawkins posted an open letter to the Royal Society on his foundation's website in which he criticised what he called 'the frankly appalling failure of the Royal Society of New Zealand to stand up for science.'<sup>135</sup>

In a statement on the Royal Society website dated 17 December 2021, Chief Executive Paul Atkins stated that the society was 'deeply concerned at what has been playing out' and 'acutely aware of the potential for significant damage to be inflicted in multiple directions, not least to relationships and our ability to have a balanced and informed dialogue about important questions.' Referring to 'a barrage of frequently vitriolic and abusive messages' on the issue, Atkins also stated that 'the situation has developed to a point that is profoundly unhelpful for discussing and addressing the issues originally raised in *The Listener* letter.' In closing, Atkins affirmed that the 'Royal Society Te Apārangi remains committed to supporting science and the principles of freedom of speech' and that it also 'continues to support, foster and recognise research within multiple knowledge domains and continues to uphold the value of mātauranga Māori, mana whenua, te ao Māori and a commitment to te Tiriti in practice.'<sup>136</sup>

On 20 December, a column by the prominent University of Auckland microbiologist Dr Siouxsie Wiles appeared in *Stuff* in which she said she had been accused of "attacking" and "cancelling" one of her university colleagues and countered that she had merely 'responded to and critiqued several demonstrably false and harmful claims' in the *Listener* letter.<sup>137</sup> In the open letter that she co-signed with Shaun Hendy and others, she went on, 'we didn't call for the professors to be sacked or silenced, but argued that there can be no trust in science without robust self-reflection by the science community and an active commitment to change.' She ended her letter by confirming that 'yes, those professors have freedom of speech,' but also asking, 'wouldn't it be great if they used their voices to help break down the systemic barriers that exist within our institutions rather than fighting so hard to, perhaps unwittingly, uphold them?'

Wiles wrote in her column that 'the reason I got involved is because those professors and fellows' (that is, the authors of the *Listener* letter) 'have influence and power over people's careers' and 'astonishingly, some are now intimidating junior colleagues with lawyer's letters.' On 23 December, Elizabeth Rata complained to *Stuff* about this assertion, which she viewed as false and damaging to the letter-writers' reputations. In response to this, on 31 December, a note was added at the foot of the article by *Stuff* which said that 'the "lawyer's letters" referred to in this article were sent by the University of Auckland, following Privacy Act requests from two of the 'Listener Seven.'<sup>138</sup>

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<sup>134</sup> Toby Young, "Why punish a scientist for defending science?" *The Spectator* (4 December 2021).

<sup>135</sup> <https://richarddawkins.net/2021/12/myths-do-not-belong-in-science-classes-letter-to-the-royal-society-of-new-zealand/>

<sup>136</sup> <https://www.royalsociety.org.nz/news/message-from-tumu-whakarae-chief-executive/>

<sup>137</sup> Siouxsie Wiles, "Academics: Use your mana to aid colleagues, not fight them," *Stuff* (20 December 2021).

<sup>138</sup> <https://www.mediacouncil.org.nz/rulings/professors-kendall-clements-elizabeth-rata-doug-elliffe-garth-cooper-robert-nola-and-john-werry-against-stuff/>



On 4 January, Kendall Clements complained to *Stuff* that the note might still give the impression that the lawyer's letters were sent to junior colleagues by the professors, rather than by the University of Auckland as part of its process of responding to personal information requests under the Privacy Act. Though a request of this sort had been put in by two of the professors, 'we had nothing to do with how the university carries out this statutory process,' Clements said. On 5 January 2021, *Stuff* removed the sentence 'Astonishingly, some are now intimidating junior colleagues with lawyer's letters' from Wiles' article and added a note noting this at the foot of the column, as well as publishing a clarification in print.<sup>139</sup>

The authors of the *Listener* letter (minus, of course, the deceased Corballis) also put in a complaint to the New Zealand Media Council. In March 2022 the Council upheld the complaint, agreeing that 'the statement was inaccurate' and that it seemed 'plain that none of the named Professors were involved in intimidating junior colleagues with lawyer's letters.' It added that Wiles' assertion was 'a most serious allegation to make, striking at the heart of academic freedom by asserting that the Professors were trying to stifle opposing views using lawyers' threats' and that it 'required immediate public correction.'<sup>140</sup>

On 21 December, an article appeared in *Newsroom* co-signed by Michael Johnston, James Kierstead, David Lillis, Peter Schwerdtfeger, Lindsey White, and Brian Boyd in which the authors declared that 'the mission of universities' is 'to prepare students to think critically,' and that 'one of the core principles that have historically enabled universities to fulfil this mission is academic freedom.'<sup>141</sup>

They also quoted the Education Act, commenting that

the Act recognises that the expression of unpopular opinions – which, almost by definition, will be deemed offensive by some – must be allowed, if universities are to fulfil their mission to advance knowledge. Members of the academic community must accept that universities are venues for robust debate, which will inevitably sometimes cause upset or offence.

Academic freedom – and the benefits to human knowledge it brings – requires the tolerance to hear and engage with ideas to which one objects. To be sure, such tolerance often doesn't come naturally, which is why academics must model it to students.

The authors then describe the *Listener* letter and the response to it, arguing that though 'well-reasoned criticism of the arguments raised by the Listener seven would, of course, be entirely legitimate and firmly in keeping with academic freedom...the personalised attacks on them from several quarters and the action by the Royal Society – both of which are likely to intimidate anyone tempted to make similar arguments – are not' as 'such reactions stifle, rather than promote, healthy public debate, not to mention debate within universities themselves.'

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139 <https://www.mediacouncil.org.nz/rulings/professors-kendall-clements-elizabeth-rata-doug-elliffe-garth-cooper-robert-nola-and-john-werry-against-stuff/>

140 <https://www.mediacouncil.org.nz/rulings/professors-kendall-clements-elizabeth-rata-doug-elliffe-garth-cooper-robert-nola-and-john-werry-against-stuff/>

141 Michael Johnston *et al.*, "Academics: Don't stifle healthy debate," *Newsroom* (21 December 2021).

## Continuing fallout

On 11 March 2022, the Royal Society posted a statement on its website noting that it had received ‘complaints against Fellows of the Society who were among seven authors of a letter to the *New Zealand Listener*’ in July the previous year, complaints which ‘particularly referred to the vulnerability of Māori and early career researchers.’<sup>142</sup> It said that the society had ‘convened an Initial Investigation Panel to consider the complaints as set out under the Society’s Complaints Procedures,’ and noted that ‘the Society is obliged to follow the Complaints Procedures it has adopted when it receives a complaint about a member of the Society.’ It announced that the panel had concluded that ‘the complaints should not proceed to a Complaints Determination Committee’ because they were ‘not amenable to resolution’ because that would have demanded ‘open-ended evaluation of contentious expert opinion or of contested scientific evidence amongst researchers and scholars.’

The statement concluded:

In coming to its conclusion, the Panel noted that during the process of their investigation both the complainants and the respondents referred to a considerable number of matters that were outside the Panel’s scope, including the merits or otherwise of the broader issues raised in the letter or elsewhere. In the Panel’s view, the matters raised are of substance and merit further constructive discussion and respectful dialogue.

On 25 March, a piece by Robert Nola appeared on the Free Speech Union’s blog explaining why he had resigned from the Royal Society.<sup>143</sup> For Nola, though the idea that indigenous knowledge is not science (made in the final sentence of the *Listener* letter) ‘is a contestable claim which is worthy of debate...none was given through the RS.’ Instead, ‘its response was to shut down dogmatically such discussion.’ Referring to the Royal Society’s statement about the ‘harm’ the *Listener* letter might cause, Nola noted that ‘no evidence was ever given concerning the harm allegedly caused.’ ‘But this is also part of a view in which any harm caused by free speech, and even the extent of academic freedom, ought to lead to the curtailment of such freedoms,’ he continued. ‘In fact, it has now become much more common for there to be requests for restrictions on academic freedom as defined in the relevant 2020 Act,’ a development that Nola described as ‘unwelcome.’

One the Royal Society’s ‘Code of Ethics,’ Nola stated:

Even though the Code of Ethics of RS endorses freedom of speech (but not obviously academic freedom), the Code clearly admits restrictions which I would regard as highly contestable. I am strongly of the view, contrary to the Code of RS, that no Code of Ethics should impose restrictions on the freedoms that the laws of the land would permit. This is a problem with many codes of ethics; they need to be challenged in the courts.

Nola also alleged that the Royal Society did not support the *Listener* seven in putting their view on the nature of science, something he thought they had a duty to do even if many members of the Royal Society disagreed with it:

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<sup>142</sup> <https://www.royalsociety.org.nz/news/statement-in-relation-to-complaints-about-a-letter-to-the-new-zealand-listener/>

<sup>143</sup> [https://www.fsu.nz/tags/royal\\_society](https://www.fsu.nz/tags/royal_society)

Clearly, we had no support in advocating views about science and knowledge which were not sanctioned by RS, especially in the case where indigenous ‘knowledge’ systems are given a privileged protection immune from criticism. We are simply not permitted to say that indigenous knowledge is not a science (even though many scholars working in the field of Mātauranga Māori say that it is not!). Even if one might disagree with these views, at least support of the doctrines of academic freedom and free speech would not lead one to reject these views out of hand.

Concerning the investigation that was initiated into him and Garth Cooper following complaints, Nola acknowledged that the ‘final conclusion of the’ Royal Society’s Investigatory Panel ‘was that the complaints be taken no further,’ which he saw as ‘an important win’ for him and Cooper. It was, though, he added, ‘something which might have been arrived at by a more appropriate vetting procedure of the original complaints in the first place.’

In the end, the investigation was ‘just one example of how codes’ like the Royal Society’s Code of Ethics can ‘be employed to stifle free speech.’ It was, for Nola, ‘a serious failure of the RS that it cannot have’ a serious ‘discussion of some claim rather than dogmatically adopting some stance which is then put beyond the pale of criticism.’ The debate about science and mātauranga Māori was ‘something for which the RS might have at least provided a forum instead of evading it by retreating behind its Code.’

Nola concluded his resignation letter:

In sum, why resign? The main issue underlying this dispute has to do with freedom of speech in the area of science. It has been long recognized that science best advances when it is open to the critical discussion of any of its doctrines, whether alleged to be indigenous or not. This is something found in the 19th-century discussion of freedom of speech by John Stuart Mill. If anything is given privileged protection from criticism, then this undermines the advance of science. At the moment the dogmatic stance seems to be in the ascendancy for the RS. And it is supported by the acceptance of a Code of Ethics which can be used all too easily to curtail free speech. The remark in the letter that indigenous knowledge is not science has clearly been taken by many within the RS to be an unacceptable claim to make, given the way in which it has been challenged by reprimands and investigations. But this stance should never have been accepted if the Royal Society NZ was a fully “open society.” A resignation can be a sharp reminder that it ought to provide a better forum for the discussion of contentious views instead of condemning them on websites or having panel investigations into them.

On 29 March, Garth Cooper also posted a piece explaining why he had resigned his membership of the Royal Society. His reasons related to ‘its loss of understanding of its *raison d’être*; suppression of free speech; failure to properly support science and science education; untoward political focus of management and governance processes; and prolonged defamation of myself and Professors Michael Corballis (now sadly deceased) and Robert Nola, by certain of its authorities.’<sup>144</sup>

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144 Garth Cooper, “Why did I resign from the Royal Society of New Zealand?” *Open Inquiry* (29 March 2022).

On 2 April, Jerry Coyne posted a statement by Distinguished Professor Gaven Martin of Massey University and co-signed by 72 other fellows of the Royal Society, in which they expressed ‘their deep concern about what has been happening within the Royal Society of New Zealand over the last year,’ and stated that they had ‘lost confidence in the current Academy Executive and Council, whose actions seemingly have brought the society into disrepute, shutting down useful debate and bringing international opprobrium from leading scientists.’<sup>145</sup>

The statement argued that ‘the initial statement posted by the RSTA on its website in August 2021 about the controversy generated following the Listener letter on the relationship between mātauranga Māori and Science was ill-conceived, hasty and inaccurate in large part’; complained about ‘the mishandling of the formation of the initial committee set up by RSTA to investigate the complaint, the length of the process, and the handling of the publication of the outcome’; and described the ‘resignation from this Academy of two of its distinguished Fellows’ (Robert Nola and Garth Cooper) as ‘extremely unfortunate.’

The letter also moved and seconded three motions for discussion at an upcoming meeting: that the society apologise in writing to Nola and Cooper, that the society review its code of conduct, and that ‘the entirety of’ the Royal Society be reviewed, with attention to ‘the agency given its Fellows.’

The statement was sent to the Royal Society executive by Gaven Martin with a cover letter in which he said that several fellows had told him that they ‘will vote in favour’ of the motions at the meeting, ‘but because of the potential harassment and bullying they believe they would receive (from some current and former members of the Academy and the RSNZ Council, and from colleagues in senior and other positions within their University), they do not wish to disclose their names in this document, especially if it becomes public.’ He went on:

Many younger Fellows and others have said (again in writing) that their jobs would be at risk signing this letter. Two Fellows (major RSNZ Medallists) said this: ‘Better not (sign) at this stage...I agree with all the statements – but you ‘cannot imagine the pressure being put on us. I will vote for the motion though,’ and ‘In confidence I am disillusioned with RSNZ and I am too scared to sign anything for fear of what may happen to me at UoA if I do so.’ This is a startling indictment of the situation in the research community in NZ at the moment, and of the way in which the RSNZ handled and exacerbated the controversy over the letter to the Listener.

On 18 April, a *Times Higher Education* reported that ‘the three motions were not put to a vote’ at a meeting ‘attended by about 150 RSNZ fellows, staff and office-holders.’<sup>146</sup> Gaven Martin was quoted as saying that this was because there was ‘no mechanism’ for a vote. ‘Our council can make rules and regulations about itself,’ he continued, ‘but there is no requirement for the council to consult with fellows or members on anything it does.’ Royal Society ‘Office-holders’ were reported as having ‘disputed claims about governance shortcomings.’

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145 Jerry Coyne, “Fellows of New Zealand’s Royal Society demand apology and full review of the Society after poor treatment of two members,” *Why Evolution is True* blog (2 April 2022).

146 John Ross, “New Zealand Royal Society leaders ‘a law unto themselves,’” *Times Higher Education* (18 April 2022).

In May, however, ‘fellows forced a vote of no-confidence against Shaun Hendy in his capacity as Convener of the society’s physical, earth and mathematical sciences (PEMS) domain.’<sup>147</sup> A 20 May email from Dr Marc Rands, Academy Executive Officer at the Royal Society informed members that of the 103 members in that domain, ‘47 did not respond, 24 opposed the motion, 29 supported the motion, and 3 abstained.’ ‘The Academy Executive Committee (AEC) is not convinced that 29 out of a total electoral college of 103 (28%) represents sufficient mandate to take the very serious step of unseating the convenor,’ the email concluded.

On 5 April, there was a discussion on Wikipedia’s Administrators Noticeboard about user Stuartyeates. Editor Levivich and others said that Yeates had tweeted ‘looks like I’m on a roll editing @wikipedia biographies of kiwi villains’ and ‘some of those folks will be getting their own stub wikipedia biographies, just so that I can include the fact that they’re this racist.’ He was also accused of creating Wikipedia articles on at least five of the *Listener* letter authors around the same time.

## **Daphna Whitmore deplatformed at Auckland University of Technology (April 2022)**

Following their formation in 2021, early in 2022, the Free Speech Union (FSU) began organising

to hold union meetings at universities across the country, to promote our work, and meet with our members and to recruit new members...This is the core function of unionism, that is why we registered as a union under the employment relations act, in order to be able to organise with employees to ensure that they are aware of their rights as it comes to free speech, and that they are able to organise in such a way that forces employers to respect those rights.<sup>148</sup>

The first of these meetings was scheduled to take place on 26 April 2022 at Auckland University of Technology (AUT) under the heading, ‘Feminism, advocacy, and free speech: University lecture with Daphna Whitmore.’<sup>149</sup> Daphna Whitmore, a Free Speech Union member, intended to speak about her experiences with Speak Up for Women, including the difficulties the organisation had had in attempting to host public discussions, often being cancelled and having bookings pulled at the last minute.<sup>150</sup>

In March 2022, approximately one month before the event was scheduled to take place, the FSU published the results of a poll on academic freedom in New Zealand universities. The findings revealed that many academic staff did not feel free to express their views on a range of issues, including gender and sex issues.<sup>151</sup> Among the universities surveyed in the FSU poll, staff who responded from AUT felt the least free overall to discuss the issues the poll asked about.<sup>152</sup>

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147 James Kierstead and Michael Johnston, “Rift exposes why science body needs serious reform,” *The Australian* (25 August 2022).

148 Dane Giraud, Jonathan Ayling, & Daphna Whitmore, “Special Report: AUT Cancel a Free Speech Union Meeting,” *Free Speech Union’s Podcast* (23 April 2022).

149 [www.debatemag.com/single-post/free-speech-union-event-a-bust](http://www.debatemag.com/single-post/free-speech-union-event-a-bust).

150 <https://freespeech.buzzsprout.com/370355/10486710>.

151 Curia Market Research, “Academic Freedom Poll: March 2022,” shared with us by Curia CEO David Farrar.

152 Curia Market Research. “Academic Freedom Poll,” *op. cit.*

The meeting room where the event was to be held was booked two months in advance, without issue.<sup>153</sup> However, after the event was advertised on the FSU's Facebook page, opposition to the event started to grow.<sup>154</sup> A number of individuals commented that they planned to speak with management to have the event shut down.<sup>155</sup> Lexie Matheson, a transgender lecturer at AUT, commented: 'Free Speech Union You think it's OK to debate my right to exist even in my own workplace? I don't.'<sup>156</sup>

The meeting was subsequently cancelled by campus management, specifically by Inclusion Officer Jessie Lewthwaite, with only two days' notice. The official explanation given to the FSU by AUT was that they 'weren't following the proper protocol for a union on a worksite',<sup>157</sup> and that "it had been advertised as "open to the public".<sup>158</sup> Vice-Chancellor Derek McCormack defended the cancellation: 'We examined the nature of the booking and felt it was not suitable. It was not actually a union meeting, but being pitched as a lecture.'<sup>159</sup>

Following the cancellation, the FSU advised members that the event would continue but for AUT employees only.<sup>160</sup> Under these conditions, the university was required by employment law to allow the FSU to hold the meeting.<sup>161</sup> A communication to FSU members stated that:

We have insisted that AUT staff cannot be stopped from meeting with union representatives in their workplace, so we will defy their attempt to cancel this event and represent our membership, as is our right under the Employment Relations Act 2000. All AUT staff are invited to this union meeting, though at the moment we can't let in any of our other members or supporters.<sup>162</sup>

Jonathan Ayling (then spokesperson and now Chief Executive of the FSU) maintained that the event met a number of the conditions for a union meeting specified in Section 20 of the Employment Relations Act, including meeting and recruiting new members and displaying the value of their work. AUT, however, did not accept that the event was a union meeting according to the purposes outlined in the Act.<sup>163</sup>

Following the event's cancellation, Rainbow NZ Charitable Trust posted the following to their Facebook page:

AUT – Auckland University of Technology is a key alliance partner and a true friend to the Trust & wider LGBT+ community. We commend them for leading the way on equality & respect, and calling out homophobia & transphobia when it raises its ugly head. Free Speech Union had planned a TERF [trans-exclusionary radical feminist] event on campus but AUT have made the right decision to ban the event.

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153 Daphna Whitmore, "AUT cancels 'cancel culture' union meeting," *Redline* (28 April 2022).

154 Daphna Whitmore, "AUT cancels," *op. cit.*

155 See note 150.

156 Lesbian Action for Visibility Aotearoa, "Should we be worried? NZ universities' descend into echo chambers for 'correct and approved opinions'," *We Are Lava*.

157 See note 150.

158 Daphna Whitmore, "AUT cancels," *op. cit.*

159 See note 149.

160 Daphna Whitmore, "AUT cancels," *op. cit.*

161 See note 149.

162 See note 156.

163 See note 150.

AUT spokesperson & [Rainbow NZ Charitable] Trust board member Jessie Lewthwaite said “AUT will not allow hate speech masquerading as free speech to be platformed on any of our campuses. The rights of trans people are not up for debate & whether trans women should be allowed to exist should never even be a topic for discussion. To allow this hate speech & bigotry to take place somewhere we have all worked so hard to make safe & supportive for our rainbow communities is unacceptable. AUT will not allow TERF groups or gender-critical types to use any of our resources to further their anti-trans propaganda.”

AUT we salute you – for this decision, and for your genuine long-term support of rainbow rights and human rights. The Trust is proud of your reputation & values around rainbow support, which is strong & well known within our wider community.<sup>164</sup>

The event was held on 26 April 2022 with AUT staff members who were already members of the FSU. It had a modest attendance. The attendees and speakers faced no significant disruption.

On 5 May, less than a fortnight later, Rainbow NZ Charitable Trust successfully hosted their own event on the AUT campus, without interference, and posted the following on their Facebook page about the event:

It was another stand-out Rainbow Auckland Mixer event last night, hosted & catered by long-time Trust supporter AUT – Auckland University of Technology. There were prizes, pending events & other news updates aplenty AND a wonderful surprise announcement from AUT! A new rainbow-focused initiative will provide FREE accommodation for Semester 2 for up to 30 LGBT+ students, over three dedicated floors of the on-campus apartment building!

AUT has always been at the forefront of support for the LGBT+ community including the Trust partnership that provides two co-sponsored Tertiary Scholarships every year. AUT was also the first university to achieve Rainbow Tick accreditation & is the only Uni to have a dedicated Diversity & Inclusion Manager on staff. Last night’s event was well attended by Rainbow Auckland members, AUT staff, faculty & students including OUT@AUT and Student Council leaders. It was a fabulous opportunity for business & social networking. If you know a deserving AUT rainbow student that would benefit from the free accommodation offer please let us know so we can put you in touch with AUT’s Diversity & Inclusion Manager Jessie Lewthwaite.<sup>165</sup>

## **MetService employee forwards Auckland professor Tony Hickey’s email to Universities NZ (February 2023)**

On 11 March, MetService put out a series of tweets about the incoming Cyclone Gabrielle, in which, as well as warning of ‘extreme winds,’ ‘big waves,’ and ‘heavy rainfall,’ they also referred to Tāwhirimātea (the Māori god of the wind) and Tangaroa (the god of the sea), and assured people that ‘Tāwhirimātea and all our Atua Māori are just doing their thing!’<sup>166</sup>

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<sup>164</sup> See note 156.

<sup>165</sup> <https://www.facebook.com/share/p/fiYjh1nw6UabR1oL/?mibextid=WC7FNe>.

<sup>166</sup> <https://twitter.com/MetService/status/1624251186798002176>.

Two days later Tony Hickey, Professor of Biological Sciences at the University of Auckland, sent an email to MetService. Hickey, whose research interests include the effects of climate change on organisms and ecologies, described the tweets as ‘patronising’ in that they implied ‘that Māori need science explained to them not in the mechanical terms of physics, but in folklore.’ He also pointed out that scientists had in the past been persecuted by ‘those mishandling religion,’ and advised MetService to ‘stick to the science.’

About half an hour after Hickey sent his email, public meteorologist and communications officer Alwyn Bakker forwarded it to Francene Wineti, then Pou Ārahi (Māori adviser) at MetService, saying simply ‘I think this is something for you.’ Wineti then forwarded Hickey’s email on to Fiona Johnson-Bell, Senior Manager, Māori and Equity at Universities New Zealand, asking her if she would ‘mind please’ passing the email on ‘to the Māori Pro-vice Chancellor’s Office at Auckland University,’ since ‘they may want to be aware of some of the views from Auckland University’s Assoc. Professors in their Biological Sciences dept.’ Johnson-Bell responded the next day, saying that she would ‘forward this onto the Pro Vice-Chancellor Māori and the University of Auckland, Dr Te Kawehau Hoskins.’

On the same day, 14 March, Wineti also forwarded Hickey’s email to Puawai Cairns, Director of Audience and Insight at Te Papa, adding that she had ‘received plenty of these messages! They are the minority, that it was ‘weird he’s not pākeha [*sic*] but for some reason seems to be able [*sic*] to think for us,’ and suggesting that she was troubled by what she called ‘the scary undertow of the racists’ which was ‘scarier when they are in teaching positions.’

On 7 November, Hickey received a letter from MetService in which they apologised ‘for what has occurred and any distress this may have caused’ and added that they were ‘looking to improve our processes and raising awareness to avoid the likelihood of future incidents.’ They also forwarded the full email correspondence described above and a letter from Wineti, in which she admitted that she ‘requested’ that Hickey’s email ‘be followed up by the Māori Vice Pro-Vice Chancellor at Auckland University’ as she thought ‘they were best placed to discuss with you the way we were engaging with Māori during an emergency, and why this is consistent with both MetService and Auckland University’s Te Tiriti obligations.’ She also stated that she ‘acted with good intentions, to inform and educate but acknowledged that Hickey ‘may not have expected your email would be shared with anyone else’ and apologised ‘for sharing your email in this way and for any distress this may cause you.’

It is not clear whether Johnson-Bell ever forwarded Hickey’s email to the Pro-VC Māori at Auckland as she said she would. No action was taken against Hickey by the university.

### **Siouxsie Wiles’ Employment Court case (November 2023–July 2024)**

On 28 November 2023, the Employment Court hearing between Dr Siouxsie Wiles, a microbiologist, University of Auckland Associate Professor, and prominent Covid-19 commentator, and the University of Auckland concluded after a three-week session.<sup>167</sup> The case centred on Wiles’ allegation that the

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<sup>167</sup> Stewart Sowman-Lund, “A ‘witch hunt’ or a misconception? The Siouxsie Wiles case, explained,” *The Spinoff* (20 November 2023).



university failed to adequately uphold her academic freedom by insufficiently protecting her from harassment and threats stemming from her public role during the COVID-19 pandemic.<sup>168</sup>

Wiles first raised concerns about her safety to the university in April 2020, a month shy of COVID-19 reaching New Zealand. Alleging the university had failed to address those concerns, personal grievances were filed in July 2021. Five months later, the Employment Relations Authority determined the claims should be heard in the Employment Court.<sup>169</sup>

“During that time [her period as a public spokesperson] Dr Wiles was doxed [i.e. her home address was broadcast online] multiple times and harassed and livestreamed at a hotel,”<sup>170</sup> alleged her Lawyer, Catherine Stewart. “They knew that she was being called a paedophile, an evil narcissist, a Nazi, a Satanist, a Lucifer and a psychopath. They knew that she was being threatened with hanging, being lined up before a firing squad and shot, being run over by a lorry, with rape and sexual violation, with death by execution, with citizen’s arrest.”<sup>171</sup>

Wiles testified that she felt threatened and stressed by repeated threats from online extremists. She described the university’s response as “worse” than the threats themselves, saying she felt as though she was in a “constant war zone.”<sup>172</sup> Wiles also accused the university of “victim-blaming” by suggesting she become less visible to mitigate threats.<sup>173</sup>

Wiles had initially sought support from the university over a period of several months after becoming a public figure due to her public-facing role in the pandemic.<sup>174</sup> The university implemented several measures in response to Wiles’ concerns, including establishing a liaison between university security and Wiles, creating a dedicated and monitored email inbox, installing security at her home, and conducting social media monitoring.<sup>175</sup> Additionally, in August 2021, the vice-chancellor sent Wiles a letter asking her to minimise public commentary until the completion of a risk review.<sup>176</sup>

A key aspect of Wiles’ argument during the case was that the university’s inaction impinged on her academic freedom, and her responsibility as an academic to act as a “critic and conscience” of society, as established in section 268 of the Education and Training Act.<sup>177</sup> Wiles contended that asking academics to step back from these roles to avoid risk seemed to acknowledge that a threat derives from them doing their work, and so the university should be responsible for protecting its employees as they carry out the role they were hired to fulfil.<sup>178</sup>

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168 Melanie Earley, “Decision in Dr Siouxsie Wiles employment case against Auckland Uni reserved after three week hearing,” *Stuff* (28 November 2023).

169 Sasha Borissenko, “Siouxsie’s Saga,” *North & South* (January 2023).

170 Melanie Earley, “Decision in Dr Siouxsie Wiles employment case,” *op. cit.*

171 Stewart Sowman-Lund, “A ‘witch hunt’ or a misconception?” *op. cit.*

172 *Ibid.*

173 Lucy Xia, “Siouxsie Wiles takes University of Auckland to Employment Court in wake of Covid-19 lockdown-era threats,” *RNZ* (7 November 2023).

174 Sasha Borissenko, “Siouxsie’s Saga,” *op. cit.*

175 Stewart Sowman-Lund, “A ‘witch hunt’ or a misconception?” *op. cit.*

176 Lucy Xia, “Siouxsie Wiles takes University of Auckland to Employment Court,” *op. cit.*

177 Education and Training Act 2020, Section 268(E).

178 Jack Heinemann, “What does ‘academic freedom’ mean in practice? Why the Siouxsie Wiles and Shaun Hendy employment case matters,” *RNZ* (14 January 2022).

The University of Auckland acknowledged that Wiles faced harassment but maintained that her stress was not caused by the institution's behaviour. They argued that they met their employment obligations through the safety provisions they made. The university's lawyer told the court that the institution was not the enemy and should only be liable for what was within its control.<sup>179</sup>

On 8 July 2024, Judge Joanna Holden found that the University of Auckland breached its contractual obligations to protect Dr Wiles' health and safety.<sup>180</sup> Wiles was awarded \$20,000 in general damages, to be paid by the university. The court also ruled that the university failed to meet its contractual duties to protect Wiles' wellbeing, as well as its legal obligations to act in good faith and be a fair employer.<sup>181</sup>

However, Judge Holden did not find that the University breached Wiles' academic freedom. 'While it was suggested that academic freedom was key to this case, I do not agree,' she concluded.

The University was not attempting to suppress new ideas, or controversial or unpopular opinions; the opinions Associate Professor Wiles and her colleagues were expressing were mainstream at the time they were being given, and it was not suggested those opinions should or could be kept from public view. Associate Professor Wiles's commentary was consistent with the advice being provided by the Government and many other sources.

In response physicist and modeller professor Shaun Hendy, who was initially a co-complainant with Wiles to the Employment Relations Authority in 2021, said the judgment should be a 'wake-up call' for New Zealand's Universities.<sup>182</sup>

Wiles' courageous stance, in taking on New Zealand's largest university, has left academic freedom in a much stronger position. By finding that public commentary falls within Wiles' scope of employment, something that the university at times disputed, the judgment substantially strengthens the freedom of academics to act as the 'critic and conscience of society'.

### **Writer tags Mohan Dutta's university and implies he should be sacked (October 2023)**

'I'll be honest. I messed up,' Free Speech Union council member Dane Giraud began a post that appeared on the FSU's blog on 12 October.<sup>183</sup> In Giraud's account, shortly after the 7 October massacre in Israel, 'Massey University's Mohan Dutta endorsed the idea that Hamas had every right to "retake the land."<sup>184</sup> The tweet struck Giraud, who is Jewish, 'as particularly callous as events were still unfolding,' so he reposted the tweet, he wrote, 'voicing my disapproval.' Dutta responded with a blog post in which (according to Giraud), Dutta called Giraud's tweet 'racist' and added that he was

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179 Melanie Earley, "Decision in Dr Siouxsie Wiles employment case," *op. cit.*

180 "Dr Siouxsie Wiles awarded \$20,000 in general damages following employment case," *Stuff* (8 July 2024).

181 *Ibid.*

182 Plummer, Benjamin and Isaac Davison, "Siouxsie Wiles: Auckland University ordered to pay \$20,000 in Employment Court decision," *The New Zealand Herald* (8 July 2024).

183 Dane Giraud, "Don't push hatred underground; expose it," Free Speech Union blog (12 October 2023).

184 We have not been able to find the tweets mentioned in this entry; they may have been subsequently taken down.

‘not surprised to wake up today in the backdrop of what would be described as a powerful exemplar of decolonising resistance and my expression of solidarity to it to angry and racist tweets by Giraud.’<sup>185</sup>

Giraud continued:

Enraged, I took to Twitter and tagged his employer, Massey University, asking them how it could possibly be that such an individual could be working for them and why we – the taxpayers – were paying for him. I was clearly trying to cancel this man. When some Tweeters called out the hypocrisy of my having been a free speech activist who was now trying to cancel a man for speech I didn’t like, I denied this, and even managed to cook up a fair defense of my position. But it was all phony baloney.

Cancelling this man was exactly what I was trying to do – and I was wrong.

Pretty soon, I was feeling ashamed and mad at myself that this man had made me compromise my values. A phone call with a friend and Council Member of the Free Speech Union helped me reflect on this even more: My instinct to cancel Dutta had been natural. This is why hate speech laws and censorship make sense to many people. This man hurt me deeply by expressing joy at the brutal mass murder of my people, and my instinct was to hurt him back, to punish him, to take something off him.

If you think back hard enough, you may have felt this instinct too. I would say we all have. But, after cooling down, I understood that silencing Dutta wouldn’t make the Jewish people safer. It wouldn’t be protecting us...

An analogy came to me: whenever we take a child to a doctor, we say to them, “Remember to tell the doctor exactly where you feel sick!”. Why? Because medical professional or not, these people aren’t mind-readers, so can’t always see, say, an ache in your arm. If they don’t know about it, they can’t fix it. Free speech exists to fulfil a similar function in our society...

How would we ever know [about Dutta’s views] if we silence such academics and make them share their thoughts at a whisper level; spoken only in sealed-off ideological bubbles? How could people develop powerful counterarguments to his and other views without exposure to them, fortified by debate and direct engagement?

What I needed to do was amplify his claims, not try to silence them, so that we can collectively wrestle with the totality of his worldview, to fully understand them, and to produce counterarguments that can be readily available to any of the young learners Dutta may be seeking to influence...

After feeling the very human impulse to cancel someone and working through it, I would defend Mohan Dutta’s right to free speech; indeed, it is vital, because sunlight will always be the best disinfectant for troubling ideas, while bacteria grows in society’s moist, dark corners.

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185 The link to Dutta’s blogpost in Giraud’s post is no longer live.

## US Diplomat Bonnie Jenkins Deplatformed at Victoria University of Wellington (March 2024)

On 8 March, US diplomat Bonnie Jenkins stood up in a lecture theatre at Victoria University of Wellington to deliver a lecture with the title, ‘Meeting 21st-century security challenges together.’ Under-Secretary of State for Arms Control and International Security, Jenkins had ‘been appointed by Secretary of State Antony Blinken as the senior official to lead the State Department’s work on AUKUS implementation,’ and she was appearing at VUW as a guest of the Centre for Strategic Studies.<sup>186</sup>

Before she was allowed to begin, though, ‘a member of the audience jumped up and asked members of the audience to bow their heads in a moment’s silence to “think about all the Palestinians who have died from US-funded weapons in the last few months.”’<sup>187</sup>

*Stuff* reporter Audrey Young describes what ensued:

He then would not leave the front of the lecture theatre and began talking about genocide and international rights and said Jenkins was not welcome in New Zealand. Despite pleadings from the audience, he would not budge.

Jenkins was taken into an adjoining room by plain-clothes police officers until the protestor was escorted out by security guards.

Jenkins re-emerged and had just begun her speech when another member of the audience stood up, said a few words in Māori, and said Jenkins was an embarrassment and “had no place in this country.” The protestor unfolded a Palestinian flag.

Jenkins was escorted out again and police officers entered the theatre and took away the protestor.

With Jenkins still absent, Mike Smith, veteran anti-nuclear activist and the former Labour Party general secretary, addressed the audience about a presentation Jenkins had given recently to the Atlantic Council about AUKUS.

He said the person who had introduced her at the presentation had advocated that the United States be the first to use a nuclear weapon in any war with China over Taiwan. Smith then left but had to return when security would not let him out of the building.

While the audience continued to wait for Jenkins to return, a member of the International Socialist Organisation of Aotearoa commandeered the university equipment and put on an anti-Aukus video.

Eventually, it was announced the speech would not go ahead, at which point about a dozen protesters in the audience started changing in celebration: “From the river to the sea, Palestine will be free.”<sup>188</sup>

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<sup>186</sup> Audrey Young, “US AUKUS official Bonnie Jenkins abandons speech amid protests at Victoria University” (8 March 2024).

<sup>187</sup> Audrey Young, “US AUKUS official Bonnie Jenkins abandons speech,” *op. cit.*

<sup>188</sup> Audrey Young, “US AUKUS official Bonnie Jenkins abandons speech,” *op. cit.*

Professor David Capie, the Director of the Centre for Strategic Studies, said that while ‘Everyone has the right to protest,’ it was ‘a sad day when students and the public are denied an opportunity to listen to a speaker, to ask questions, and decide for themselves.’ Foreign Minister Winston Peters said that the disruption ‘showed contempt’ for those ‘wishing to hear from the Under-Secretary’ and that it reflected poorly ‘on New Zealand.’ ‘People have a right to their views,’ he added, ‘but expressing them in that way doesn’t lead to good outcomes.’<sup>189</sup>

The text of Jenkins’ speech appeared on the *Stuff* website soon after the event.<sup>190</sup>

## Unexplained cancellation and rescheduling of Nick Matzke’s Talk on structural phylogenetics (March 2024)

Dr Nick Matzke is Senior Lecturer in the School of Biological Sciences at the University of Auckland, where his research focusses on phylogenetics, the study of the ancestral relatedness of organisms. On 7 March, he was due to give a talk on structural phylogenetics at the University of Canterbury.

Matzke told us that his host at Canterbury and his head of department received an email the night before his talk requesting that Matzke be disinvited. Matzke suggested this was due to a couple of posts he had made the night before on X describing the contents of a report on the World Professional Association for Transgender Health (WPATH) as ‘damning’ and ‘a medical scandal,’ posts which received critical responses from his SBS colleague Dr Siouxsie Wiles, who described Matzke as ‘having fallen down the transphobia rabbit hole’.<sup>191</sup>

At 9:37 am, Elissa Cameron, the Head of School of Biological Sciences at Canterbury sent an email out to the school mailing list announcing that there had been ‘a change of format for the seminar today,’ and that there would be ‘no SBS seminar today’; instead, Matzke’s host ‘would be hosting a networking event with Nick Matzke.’ Shortly after 11, SBS administrator Nikki Judsons re-sent Cameron’s email to the list with a note of her own apologising for ‘the confusion’ but reiterating that Matzke’s talk on structural phylogenetics was ‘**definitely cancelled**’ (her emphasis), and advising people ‘to check out the below text [i.e. Cameron’s email] if you would like to catch up with Nick.’

Matzke told us that he did give his talk in the end, though in a different room at Canterbury than had been advertised due to his host’s fears that there might be protests. Matzke says that the talk was given to around eight people, all academics with some interests in the highly specialised sub-field of structural phylogenetics, and that it was ‘well-received.’ He also met with three Canterbury SBC colleagues, but also had one other Canterbury biologist cancel a one-on-one meeting that had been arranged.

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189 Audrey Young, “US AUKUS official Bonnie Jenkins abandons speech,” *op. cit.*

190 Audrey Young, “US AUKUS official Bonnie Jenkins abandons speech,” *op. cit.*

191 <https://twitter.com/NickJMatzke/status/1764900916111757751>

## **University of Auckland professor asked to make changes to his abstract and talk on science and traditional culture in Japan (March 2024)**

Prof. Anthony Poole is a professor in the School of Biological Sciences at the University of Auckland, where he researches molecular evolution, particularly in the earliest life-forms, in early genomes, and in the eukaryote cell. Poole has Japanese heritage and has spent several periods in Japan collaborating with scientists there.

On 27 March, Poole was scheduled to give a lecture with the title ‘Navigating the relationships between science and traditional knowledge systems: lessons from Japan’ at the invitation of the Royal Society Te Apārangi Wellington Branch. The venue for the lecture was the Royal Society Te Apārangi – a national organisation that is constitutionally separate from the Wellington Branch – in accordance with a longstanding agreement allowing the branch to use the building for lectures.

After sending in an abstract (Abstract 1) and a short bio, Poole told us that he received a call from his liaison at the Wellington Branch in which he was asked to change the text of his abstract. This request, Poole said, came as a consequence of a 90-minute call between his Wellington Branch liaison and a member of the RSTA executive in which the latter demanded that all references to ‘the Listener letter’ be removed both from the abstract and the lecture. If this change was not made, the WB liaison was told, the talk could not go ahead, because the mention of the letter ‘reopened old wounds.’

Poole wrote to the RSTA executive asking for clarification. No explanation was given in writing, but an in-person meeting was scheduled for 11 March in order to clear up any ‘misunderstanding.’ In that meeting, Poole told us, the executive member categorically denied making any request to alter the abstract or the lecture. As the meeting was ending, however, Poole told us that the executive member again asked him to change the wording of his abstract. Poole again declined to do so, and the meeting concluded with an agreement that the talk could proceed without any alterations to the abstract, though the Royal Society noted that they might produce their own marketing for the talk, and that their marketing didn’t usually include abstracts.

On 14 March, the RSTA executive member sent Poole a new abstract (Abstract 2) created by RSTA staff. This both introduced substantial inaccuracies and suggested the content of the talk would be quite different. When Poole questioned this, he was told that ‘the Society never publishes speaker’s blurbs word-for-word in our Newsletter etc because we have space constraints’ and that it ‘would also look very strange since it’s phrased in the first person!’

Poole then re-wrote his original abstract so that it was shorter and in the third person (Abstract 3). Poole’s abstract was not included in the publicity for his talk in the RSTA newsletter, mailed out to its membership on 21 March; all the other advertised talks did include an abstract. All that was stated below the title of Poole’s lecture was that ‘Professor Anthony Poole from the School of Biological Sciences, University of Auckland is giving a talk for the Wellington Branch of Royal Society Te Apārangi.’

On 21 March, Poole delivered his lecture at the Royal Society Te Apārangi, where he mentioned the debate over the Listener letter as a prelude to his thoughts on science and traditional culture in Japan. He was introduced by the national organisation’s Chief Executive and following the talk took

questions from a number of attendees, including the member of the Royal Society executive that he had previously met with.

#### **Abstract #1:**

In 2021, the publication of a letter in the Listener ignited a debate on the relationship between science and Mātauranga Māori. This debate is important for New Zealand, but it may be surprising to learn that this debate has been had before. Like the debate that is happening today in our country, Japan grappled with how to reconcile traditions and traditional knowledge with scientific ideas. There are some striking similarities between Japanese and Māori culture, which is perhaps not entirely surprising given that both trace their origins to the same island arc in the North Pacific. In this talk, I will recount some key episodes in Japan's journey from 'Sakoku' (closed country) to modern scientific nation. I will provide examples of how traditional knowledge in Japan has inspired scientific research, as well as some of the challenges that emerge when science and culture interact. I will share some thoughts on what lessons New Zealand might draw from Japan's path to becoming a global science powerhouse.

#### **Abstract #2:**

Professor Anthony Masamu Poole, University of Auckland, will present his views on the relationship between indigenous knowledge and scientific enquiry and knowledge, with reference to Japanese traditional knowledge. He will describe similarities between Japanese and Māori culture and recount some key episodes in Japan's journey from 'Sakoku' (closed country) to modern scientific nation. He will provide examples of how traditional knowledge in Japan has inspired scientific research, and share some thoughts on what lessons New Zealand might draw from Japan's path to becoming a global science powerhouse.

#### **Abstract #3:**

In 2021, the publication of a letter in the Listener ignited a debate on the relationship between science and Mātauranga Māori. This debate is important for New Zealand, but it may be surprising to learn that such debates have been had before. In this talk, Professor Anthony Poole will examine how Japan grappled with reconciling traditional knowledge with science. He will explore how traditional knowledge in Japan has inspired scientific research, and consider the challenges that emerge when science and culture interact. He will conclude with some thoughts on the lessons New Zealand might draw from Japan's path from 'Sakoku' (closed country) to modern scientific nation.

## **PART II**

# **The Main Threats to Academic Freedom**

In Part I, we laid out the evidence that New Zealand universities have a problem when it comes to academic freedom. In Part II, we will draw on that evidence to discuss what we see as the three main threats to academic freedom in New Zealand at the moment. The first is the threat from the progressive left within universities; the second is from the Chinese Communist Party; and the third is from the managerial or 'neo-liberal' nature of the contemporary New Zealand university.

Though we obviously view the claims we make below as likely, it should go without saying that we view them as separable from the evidence presented in Part I. Others may come to different conclusions based on the same evidence, and that is entirely healthy.

In Part II, though we make several observations about the nature of these three threats to academic freedom in New Zealand, we generally stop short of making recommendations; these can be found in our Conclusion.



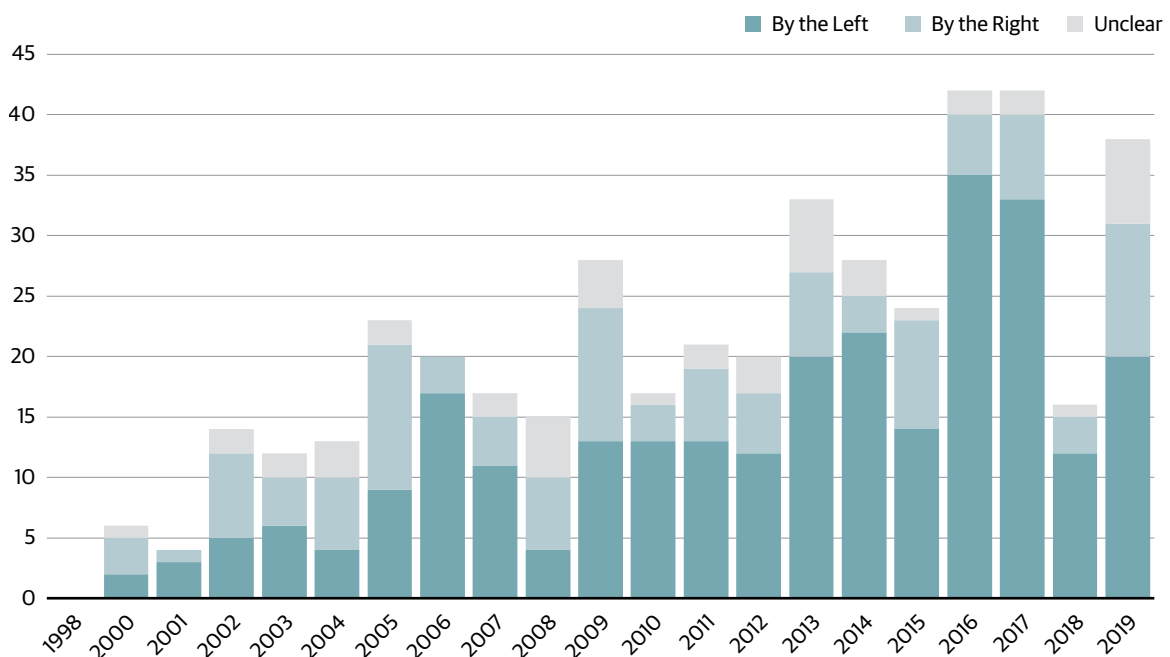
## CHAPTER 4

# The Progressive Left

### The Pattern

Figure 17, which uses data from FIRE’s Campus Deplatforming Database, shows total deplatforming attempts at US colleges over time. In most years, there were more attempts from the left than the right, and sometimes far more.

**Figure 17: Deplatforming attempts at US universities with a breakdown by political motivation, 1998-2019**



Source: Kaufmann, ‘Academic Freedom’ (see note 8).

It would seem that right-wing academics in the US are also more likely to be fired for speech. In 2018, the political scientist Jeffrey Sachs published an analysis of his own compendium of academics who had been dismissed or demoted for political speech at US colleges between 2015 and 2017.<sup>192</sup> Sachs found that ‘more than half (26)’ of the sanctions occurred in 2017’ with ‘the clear majority (19)’ targeting left-wing speech. In a subsequent *Vox* piece, the journalist Zach Beauchamp declared that Sachs’ work showed ‘left-wing professors are *more* likely to be dismissed for their speech than conservative ones.’<sup>193</sup>

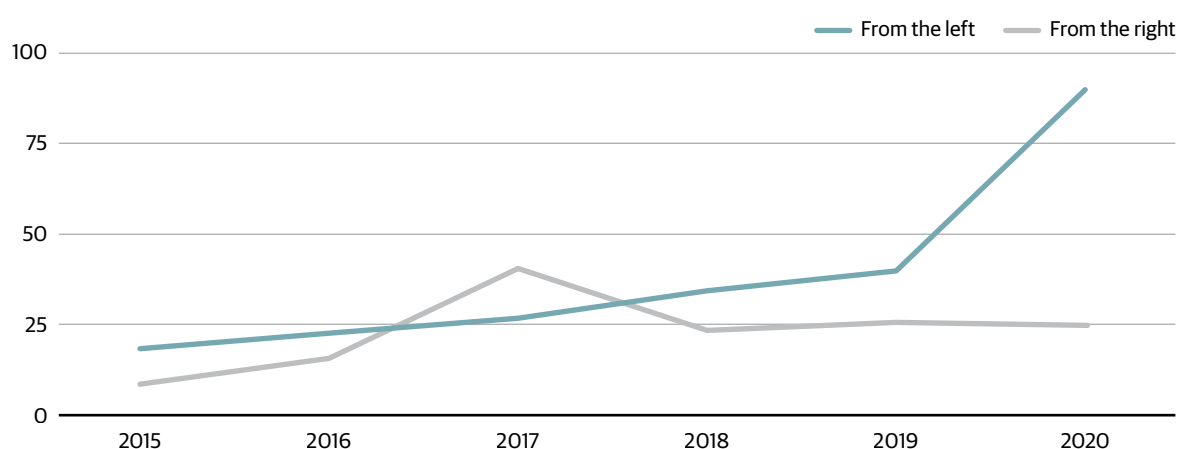
<sup>192</sup> Jeffrey Sachs, “The campus ‘free speech crisis,’” *op. cit.*

<sup>193</sup> Zach Beauchamp, “The myth of a campus free speech crisis,” *op. cit.*

But this doesn't, in fact, follow from Sachs' analysis. As Sachs himself had pointed out, 'the professoriate leans significantly to the left...so we should expect left-leaning speech to make up the bulk of terminations.' In other words, since the vast majority of US academics are left-wing, it is virtually inevitable that the bulk of political-motivated dismissals will be too. According to the sociologist Musa al-Gharbi, if we do take the political skew in US academia into account, what Sachs' figures actually show is that right-wing academics are more than twice as likely to be fired for political speech as left-wing ones.<sup>194</sup>

Attempts to have universities 'investigate, penalise, or otherwise professionally sanction' scholars are also more common from the left, according to FIRE's Scholars Under Fire database.<sup>195</sup> Figure 18 shows the number of 'targetings' of this sort from the left and from the right between 2015 and 2020.

**Figure 18: Attempts to have universities investigate, penalise, or otherwise professionally sanction scholars from the left and the right at US colleges, 2015-2020**



Source: FIRE, 'Scholars Under Fire: 2021 Year in Review' see note 4).

Surveys tell a similar story, with right-leaning students reporting more inhibitions around speech than left-leaning ones. In the US, Heterodox Academy reports that in each of the three years that it conducted its Campus Free Expression survey, political affiliation 'played the largest role in whether students were reluctant to discuss controversial topics,' with Democrats substantially less likely than Republican, Independents, and Libertarians to be reluctant to discuss politics, race, gender and sexual orientation (Figure 19).<sup>196</sup>

In the UK, a survey conducted by King's College London's Policy Institute in 2022 found that fully half of undergraduates thought that students with conservative views were reluctant to express them at university, a number that rose to 68% among students who said they'd vote Conservative. At the same time, substantially smaller numbers of students (36%) and Labour-voting students (46%) thought that their left-wing peers were reluctant to express their views on campus.<sup>197</sup>

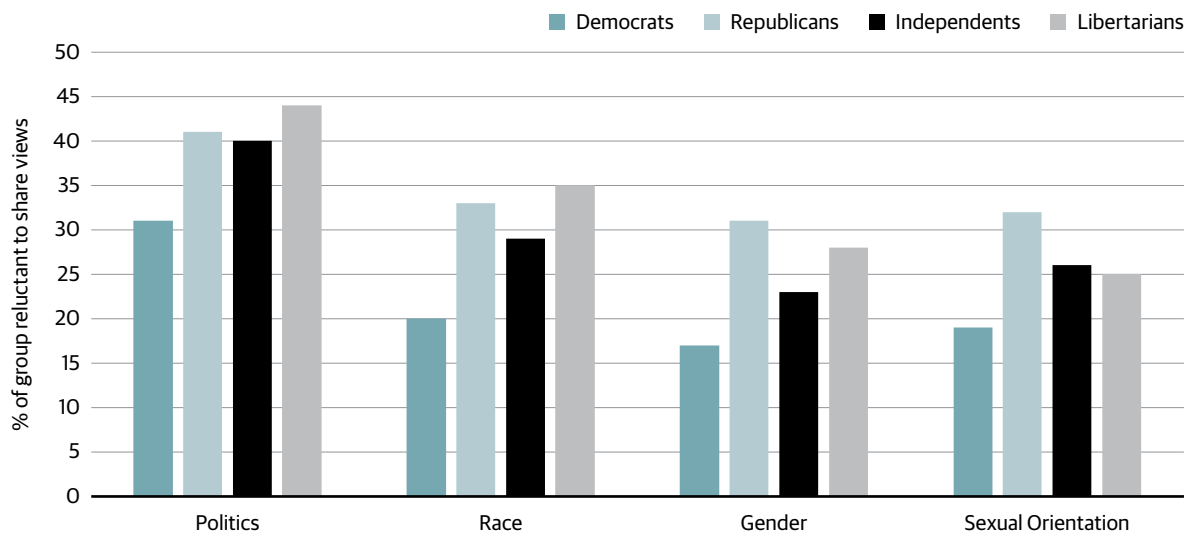
<sup>194</sup> Musa al-Gharbi, "Vox's consistent errors on campus speech, explained," Heterodox Academy blog (17 August 2018).

<sup>195</sup> "Scholars Under Fire: 2021 Year in Review" (Philadelphia: Foundation for Individual Rights and Free Expression, 2021).

<sup>196</sup> Shelly Zhou and Steven Zhou, "Understanding the Campus Expression Climate: Three-Year Report" (New York: Heterodox Academy, 2022).

<sup>197</sup> Finlay Malcolm and Bobby Duffy, "The State of Free Speech in UK Universities: What Students and the Public Think" (London: The Policy Institute, 2022).

**Figure 19: Percentage of US students of different political affiliations who were reluctant to share their views on four controversial topics in the classroom, 2019–2021**



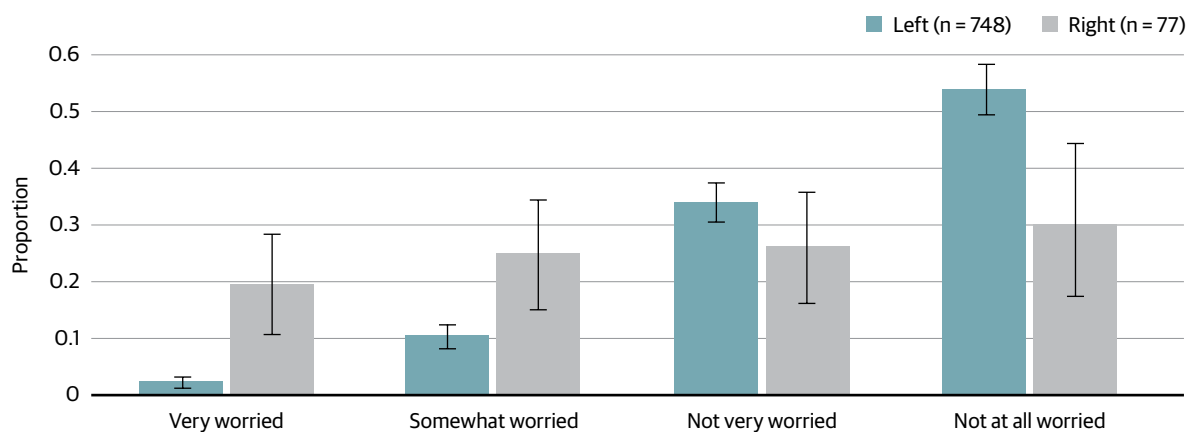
For ease of interpretation, the graph on this page shows average percentages across each of the three years.

(Statistical tests were conducted on each year separately).

Source: Reproduced from Zhou and Zhou 2022 (see note 4).

A report conducted the same year in Canada painted a similar picture. It found that right-of-centre academics were more likely to say that there was ‘a hostile climate’ towards people with their beliefs in their departments, and more likely to fear repercussions if their political views became known (Figure 20 below). Right-wingers were also more likely to report fears of negative repercussions if their specific views on DEI, gender, and social justice became known. In all these categories, the further right academics were, the more fearful they were (and the more hostility they detected).<sup>198</sup>

**Figure 20: Proportion of Canadian academics who would be worried about negative repercussions if their political views became known, 2022**

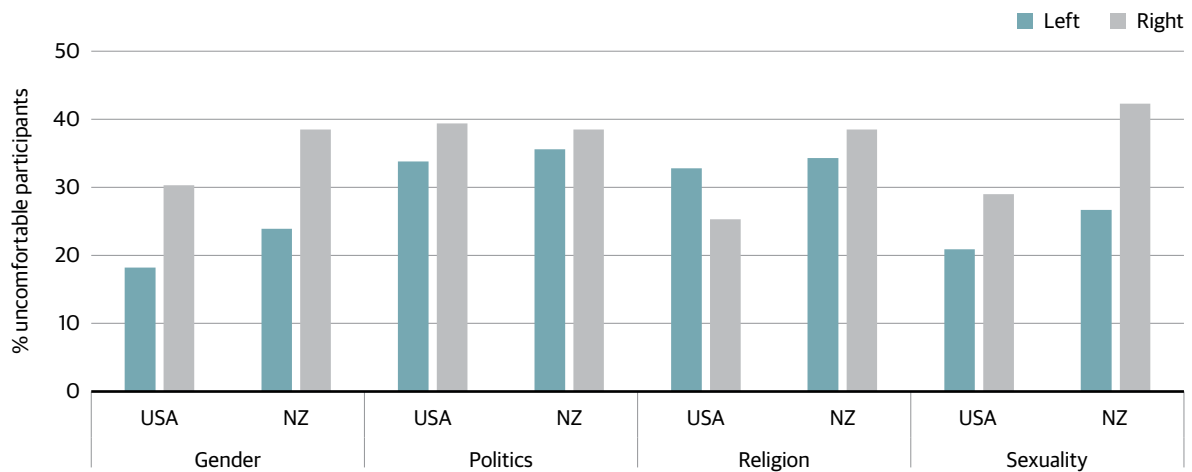


Source: Dummitt and Patterson, *Viewpoint Diversity* (see note 198), 27.

198 Michael Dummitt and Zachary Patterson, “The Viewpoint Diversity Crisis at Canadian Universities” (Ottawa: MacDonald-Laurier Institute, 2022).

In New Zealand, the Heterodox New Zealand survey that we were involved in found that students on the right were consistently less comfortable discussing the topics we asked about than their peers on the left – even more consistently than in the US, where left-wing students felt less comfortable discussing religion (perhaps because of America’s more influential religious right). Figure 21 shows that the largest gaps in levels of comfort between right-leaning and left-leaning students in this country were for discussions of gender and sexuality.<sup>199</sup>

**Figure 21: Percentage of US and NZ students who were uncomfortable sharing their views on four topics in the classroom**



Source: Reproduced from Halberstadt *et. al* 2022 (see note 6).

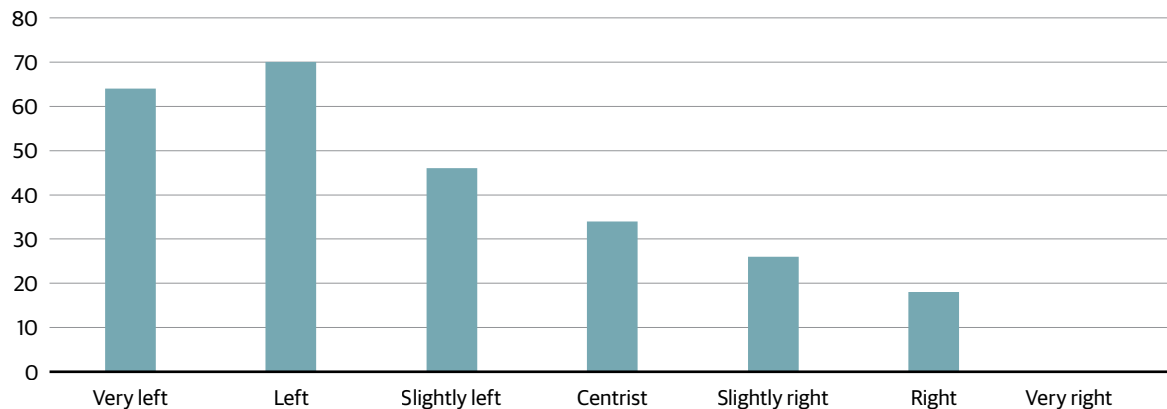
The New Zealand Free Speech Union’s 2023 Academic Freedom Survey also found that academics on the right were less likely to say that they felt free to question and test received ideas, to put forward new ideas, and to state controversial or unpopular opinions at their institution.<sup>200</sup> What’s more, as Figure 22 shows, aside from the far left, the further right academics identified as being, the less likely they were to feel free to express themselves in those ways.

The same survey also found that in broad terms the further left they were the freer academics felt to raise differing perspectives and argue against the consensus at their institution, as Figure 23 shows.

199 Jamin Halberstadt *et al.* “Perceived Freedom of Expression,” *op. cit.*

200 “Academic Freedom Survey 2023” (Wellington: Free Speech Union), 16.

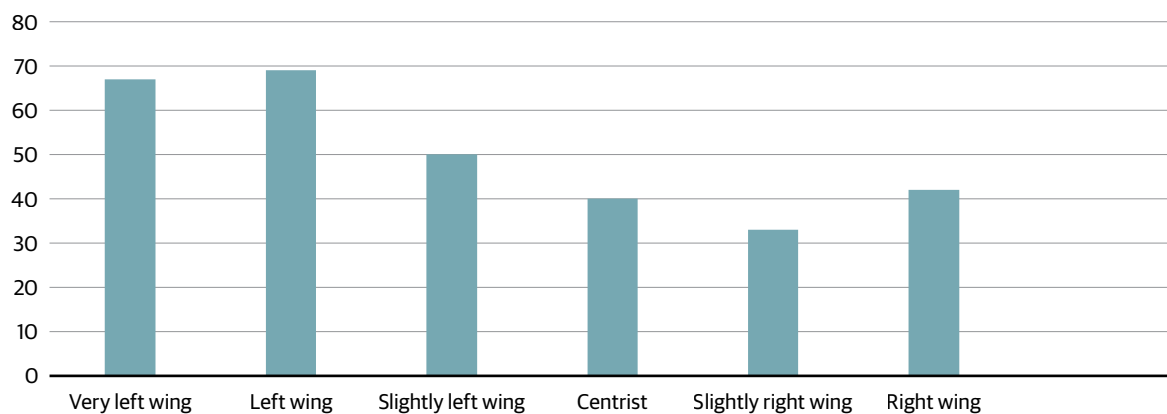
**Figure 22: Percentage of NZ academics who agreed with the statement, 'At my institution I feel free to question and test received ideas, to put forward new ideas, and to state controversial or unpopular opinions,' 2023**



N.B. Two respondents identified as 'very right wing.' Both disagreed with the statement.

Source: Data from Free Speech Union, *Academic Freedom Survey*, 15 (see note 200).

**Figure 23: Percentage of NZ academics who agreed with the statement, 'At my institution I am free to raise differing perspectives and argue against the consensus among my colleagues'**



N.B. Two respondents identified as 'very right wing.' Both disagreed with the statement.

Source: Data from Free Speech Union, *Academic Freedom Survey*, 22 (see note 200).

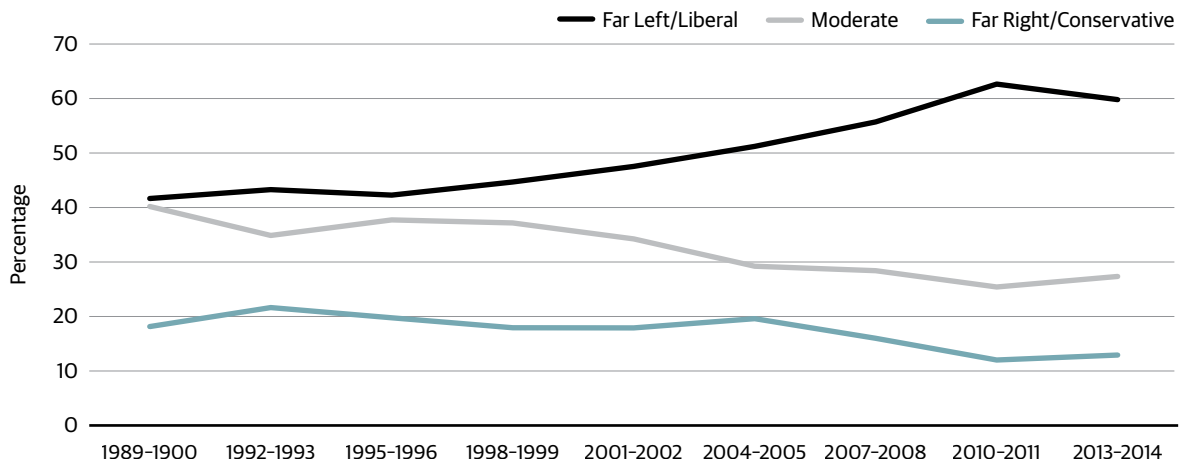
## The Skew

A clear pattern emerges from the data we presented in the first section of this chapter. At universities across the English-speaking world, right-of-centre students and academics feel much more inhibited with regard to their speech than their left-of-centre peers. What might explain this pattern?

One factor that might help explain it is the large left-right imbalance at universities. Figure 24 shows the political identification of US academics over time from 1989 to 2014:<sup>201</sup>

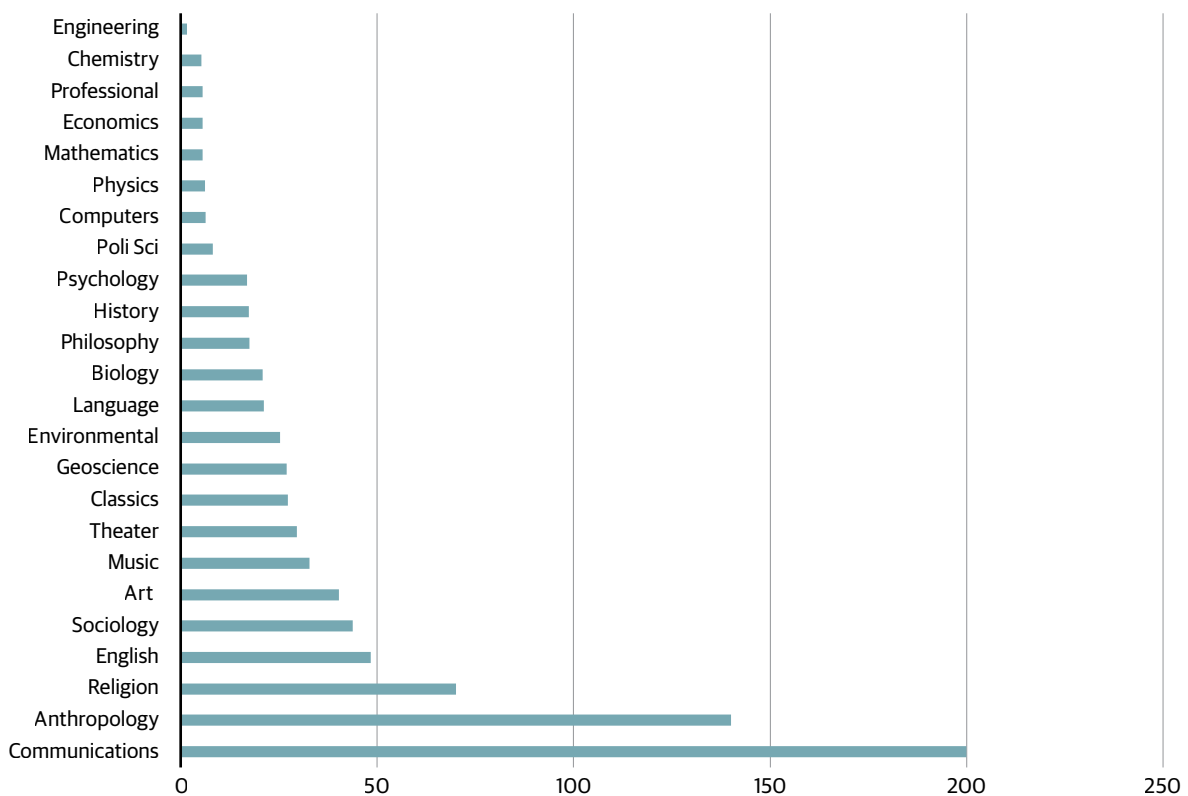
<sup>201</sup> Sam Abrams, "Professors Moved Left Since 1990s, Rest of Country Did Not," *Heterodox Academy* blog (10 January 2016).

**Figure 24: Political identification of US academics over time, 1989–2014**



A 2018 study of a sample of US academics found the ratios of registered Democrats to registered Republicans in various fields displayed in Figure 25 below.<sup>202</sup>

**Figure 25: Number of registered Democrats for every registered Republican among academic staff in selected disciplines**



Source: Langbert, Quain and Klein, “Faculty Voter Registration” (see note 201).

Sample size = 5,116 and significance level <.0001 for the chi-square test of association.

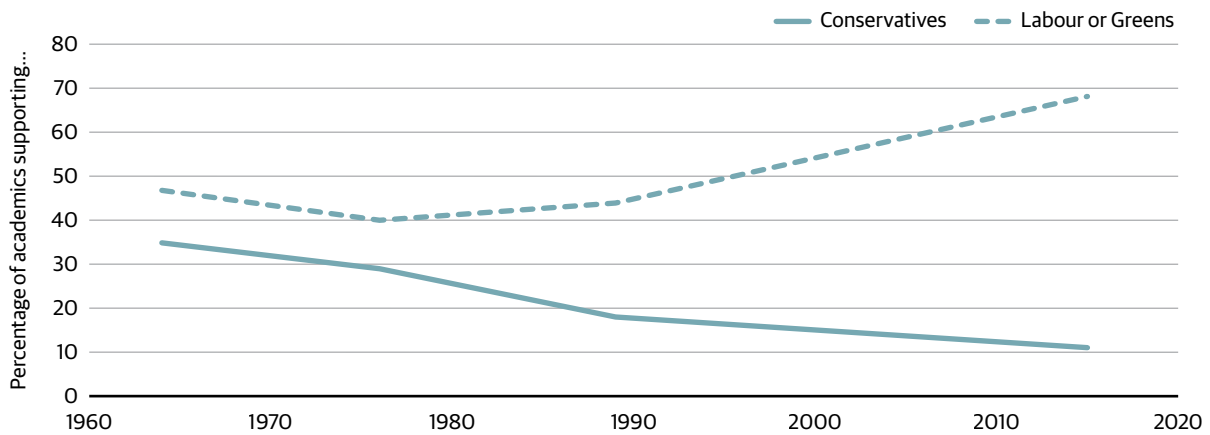
N.B. Of the 56 respondents from Anthropology and the 108 from Communications, none were registered Republicans.

<sup>202</sup> Mitchell Langbert, Anthony Quain, and Daniel Klein, “Faculty Voter Registration in Economics, History, Journalism, Law, and Psychology,” *Character Issues* 13:3 (2018), 422–451.

It is worth noting that the ratios at the top of the graph of five to six Democrats per Republican are already quite substantial – corresponding to a Democratic majority of 83% to 86% in those fields – even if they are dwarfed by the ratios in English and Religion (not to mention Anthropology and Communications, where the researchers found no Republican academics at all in their sample).

UK academia has a similar skew. Figure 26 shows the percentage of UK academics who voted Conservative or Labour/Green from 1964–2016:<sup>203</sup>

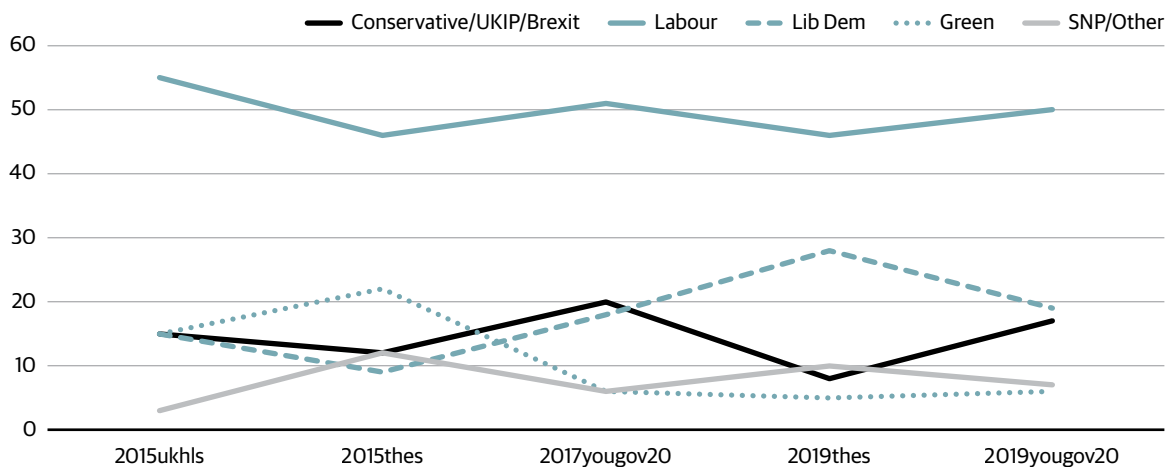
**Figure 26: Percentage of UK academics who voted Conservative or Labour/Green, 1964–2016**



Source: Noah Carl, *Lackademia* (see note 203).

Figure 27 shows data from a compilation of surveys in a 2021 report suggesting that the left have continued to dominate UK academia in more recent years, with Labour voters alone accounting for about half of academics, and voters for all the significant right-of-centre parties together never accounting for more than a fifth.<sup>204</sup>

**Figure 27: Percentage of UK academics who voted for five political parties, 2015–2019**



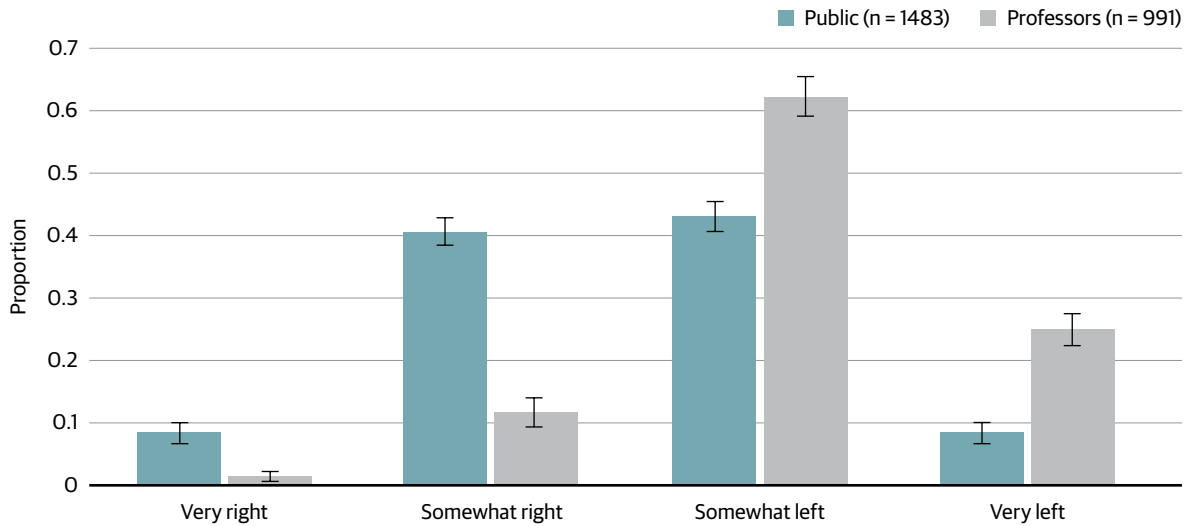
Source: Kaufmann, 'Academic Freedom' (see note 8).

<sup>203</sup> Noah Carl, *Lackademia: Why Do Academics Lean Left?* (London: Adam Smith Institute), 6.

<sup>204</sup> Eric Kaufmann, 'Academic Freedom,' *op. cit.*, 69.

Canadian academics are also more left-wing than the general public, as Figure 28 below, from a 2022 report, makes clear.<sup>205</sup>

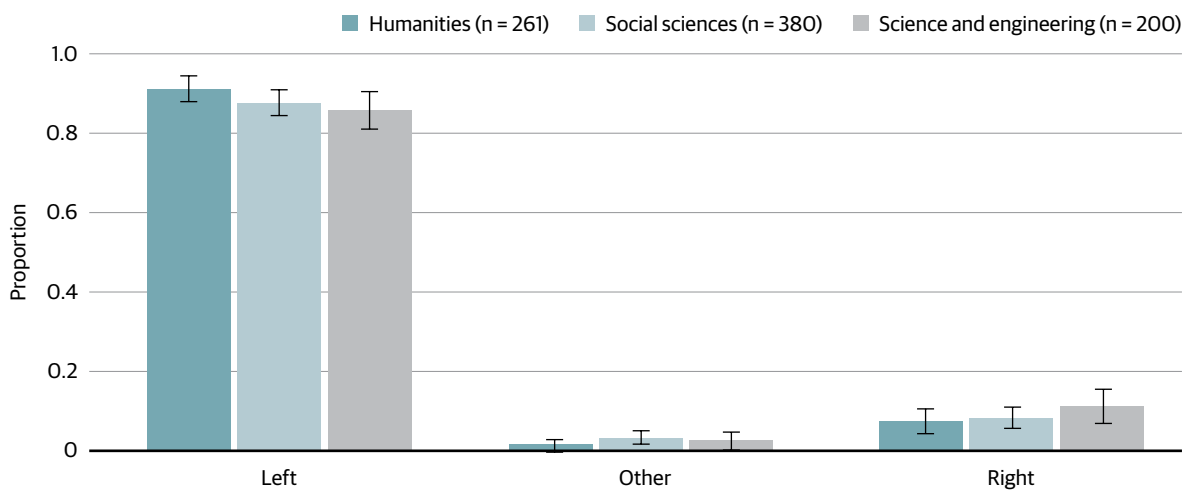
**Figure 28: Proportion of academics and members of the public in Canada who identify with four political categories, 2022. Error bars denote standard errors.**



Source: Dummitt and Patterson, *Viewpoint Diversity* (see note 198).

In fact, the vast majority of Canadian academics are left-wing, as Figure 29 shows.

**Figure 29: Proportion of Canadian academics in the humanities, social sciences, and science and engineering who identify as left, right, or other, 2022. Error bars denote standard errors.**



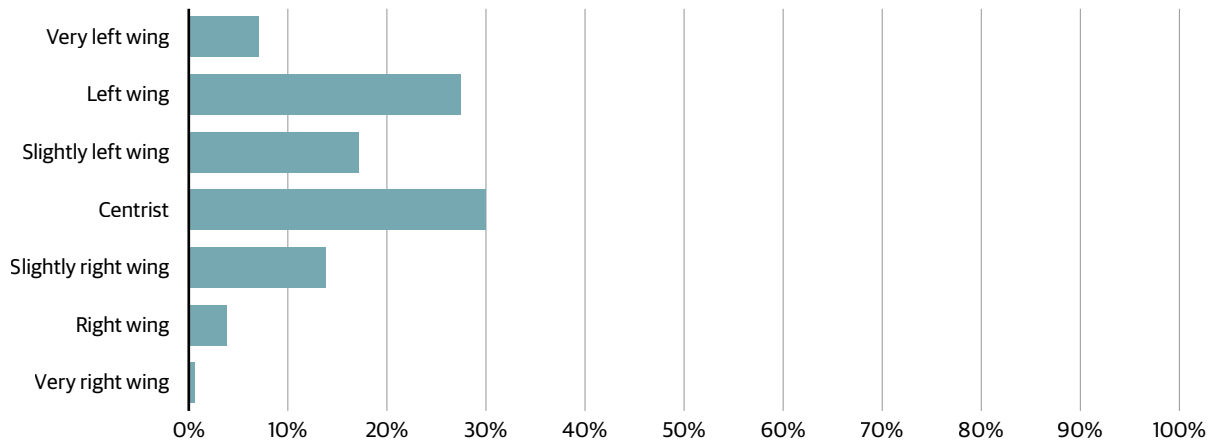
Source: Dummitt and Patterson, *Viewpoint Diversity* (see note 198).

<sup>205</sup> Dummitt and Patterson, *op. cit.*, 21.



New Zealand academics also appear to lean left, and possibly even more so than in Figure 30 below, which tabulates the political identifications of 432 academics who answered the Free Speech Union’s 2023 survey (and who may thus be less left-wing than average).

**Figure 30: NZ academics’ responses to the question ‘Where would you place yourself on the political spectrum?’ 2023**



Source: Academic Freedom Survey 2023 data, shared with us by the Free Speech Union.

New Zealand students also seem to lean left, with only 6.6% of the students who filled in the 2021 Heterodox New Zealand survey identifying as right-wing.<sup>206</sup>

How might this leftward skew in terms of personnel help explain the pattern of inhibited expression on the part of rightward academics and students that we looked at in the first section of this chapter?

In an ideal world, the fact that most academics and students are left-wing wouldn’t inhibit right-wingers’ ability to share their views and openly discuss controversial topics. Left-wing academics and students would allow their right-wing peers to express themselves openly, respond to their arguments with flawless politeness, and defend their right to hold meetings and invite guests of their choice.

If it wasn’t obvious already, it should be obvious to anyone who’s looked through the evidence in the first part of this report that we don’t live in an ideal world. Our world isn’t populated by angels with immaculate manners and an unbreakable dedication to democratic deliberation. It’s populated by human beings, who (as decades of psychological research has confirmed) tend to treat members of their in-group well and members of out-groups less well.<sup>207</sup> This tendency may be exacerbated when one tribe has a crushing numerical preponderance.

It would hardly be surprising, then, if we found evidence of prejudice, ostracism, and various other forms of social sanctioning occurring at our universities, in which the left-wing tribe hugely outnumbers the right-wing tribe. It would, in fact, be more surprising if we *didn’t* find any evidence of this.

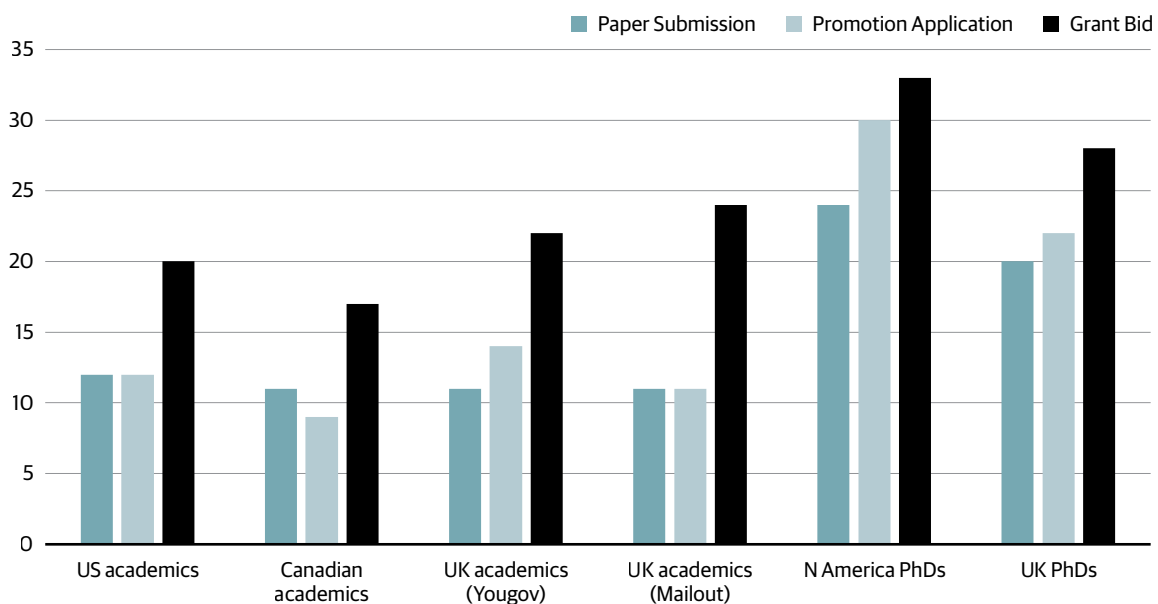
206 Halberstadt *et al.*, “Perceived Freedom of Expression,” *op. cit.*, 5.

207 A good part of this research came in the wake of the pioneering work of the Polish psychologist Henri Tajfel. See e.g. Henri Tajfel, “Social Identity and Intergroup Behaviour,” *Social Science Information* 13 (1974), 65-93.

Still, we can't simply assume that discrimination against right-wing academics and students is a reality. Is there any more direct evidence for this kind of discrimination than the evidence we presented at the start of this chapter? This mostly consisted of surveys showing that right-wing academics and students were more likely to *feel* uncomfortable sharing their views. But feelings don't necessarily reflect reality. Is there any more direct evidence that right-of-centre members of university communities are being discriminated against?

There is. A succinct yet thorough survey of the evidence for discrimination against right-wing academics at universities in the US, UK, and Canada is available in Eric Kaufmann's report on academic freedom for the Center for the Study of Partisanship and Ideology.<sup>208</sup> This includes openly admitted bias, with substantial numbers of academics saying in surveys that they would be less likely to publish papers, support grants, or hire candidates from the right. Figure 31 compiles the figures for open discrimination of this sort from a number of different studies.

**Figure 31: Percentage of academics who said they would discriminate against right-leaning papers, grant applications, and job candidates**



Source: Kaufmann, "Academic Freedom" (see note 8), 154.

What about New Zealand, though? Is there any evidence of this sort of political discrimination at our universities?

We don't know of any surveys of the sort cited above, in which Kiwi academics openly admit to discriminating against right-of-centre peers. If we draw on the testimonials and episodes presented in this report, though, they suggest that most of the violations of academic freedom that take place in this country have a connection with left-wing ideology in particular (and more precisely with extreme progressive 'woke' ideology). Looking at a couple of concrete examples will also help us explain how far-left thinking has contributed to the erosion of norms of academic freedom in the New Zealand academy.

<sup>208</sup> Eric Kaufmann, "Academic Freedom," *op. cit.*, Section IIc: Political Discrimination, 136-169.

## Led by Te Tiriti

The Treaty of Waitangi is an agreement, signed on 6 February 1840, between the British crown and a number of Māori tribes. For much of the rest of the 19th century, the treaty was ignored, with a court in 1877 declaring it a ‘simple nullity,’ but from the 1950s on a growing movement appealed to the treaty in order to argue for greater entitlements for Māori and for a reassessment of past appropriations of land by the crown. In 1975 Parliament established the Waitangi Tribunal, which since 1985 has had the power of investigating past grievances against the crown and awarding compensation to iwi on that basis.

The Treaty of Waitangi is the single most studied event in New Zealand history, and its adoption into New Zealand law has also spawned a sub-industry of legal scholarship on the text and its implications.<sup>209</sup>

We don’t need to delve into that extensive literature here. What we do want to note is the emergence of the treaty, or of a particular interpretation of the treaty, as an issue identified more strongly with the left than with the right.

This arguably began in the 1970s with the ‘Māori Renaissance’ and the establishment of the Waitangi Tribunal under Kirk and Rowling’s third Labour government. It continued with the fourth Labour government’s promulgation of its Principles for Crown Action on the Treaty of Waitangi in 1989. And it is still a feature of political life today, with the right-wing ACT party seeking a referendum on recalling those treaty principles, and Labour and the Greens opposing them.

Despite this (or perhaps, given the pronounced left-wing skew of university staff, because of it), our public universities have in recent years increasingly aligned themselves with the treaty and with particularly radical interpretations of it. In 2019, Victoria University of Wellington adopted a Tiriti o Waitangi Statute, and in more recent times Auckland, Otago, and Massey universities have declared themselves ‘Te Tiriti-led.’

Hypothetically, it would be possible for universities to commit themselves to what they see as the principles of the Treaty of Waitangi without that having an impact on academic freedom. Universities could, for example, commit themselves to the idea that the treaty entitles Māori to special treatment (in the form of race-based scholarships and so on), while also allowing academics who have doubts about their policies or their interpretation of the treaty to air those views.

As the surveys we reviewed in Part One of this report made clear, though, this isn’t what has happened. Instead, the Treaty of Waitangi was the topic that respondents felt least free and comfortable discussing in both the 2022 and 2023 surveys conducted by the Free Speech Union. In both years, the finding that academics worried more about those topics than several other things was also statically reliable.<sup>210</sup>

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209 For a recent overview of treaty historiography, see Ned Fletcher, *A Praiseworthy and Amusing Device for Pacifying Savages? What the Framers Meant by the English text of the Treaty of Waitangi* (Unpublished thesis, University of Auckland, 2014), 37-137. For the treaty and the law see e.g. Matthew Palmer, *The Treaty of Waitangi in New Zealand’s Law and Constitution* (Wellington: Victoria University Press, 2008).

210 See again Figures 11 and 14.

In the two vignettes contributed to our testimonials by an academic of Māori descent, they report being told she had to include ‘a statement of how a course integrates Treaty principles’ before they were allowed to teach it. When they pointed out that Treaty principles weren’t relevant to the course they had in mind, they told us ‘the discussion was closed down.’

Several of the episodes listed in Part One also illustrate how the idea of universities being treaty-led has been used to shut down speech. Francene Wineti, for example, justified her passing on a letter from Prof. Tony Hickey to his institution’s Vice-Chancellor (Māori) by appealing to ‘both MetService and Auckland University’s Te Tiriti obligations.’

Most glaringly, Massey’s status as a treaty-led university came up several times in its cancellation of Don Brash’s lecture, with the university statement about the cancellation referring to ‘the values of a Te Tiriti o Waitangi-led organisation,’ and quoting Vice-Chancellor Thomas’ judgment that the views of the Hobson’s Pledge advocacy group were ‘certainly not conducive with the University’ strategy of recognising the values of a Tiriti o Waitangi-led organisation.’

The Treaty of Waitangi is an important document that will always have a place in New Zealand’s history. It has, though, become a totemic issue for the New Zealand left. This in itself would not be problematic if it wasn’t being used to violate the speech rights of academics and students at our universities. Unfortunately, the evidence we have collected suggests that it is.

## Gender Trouble

This, however, is not the only progressive issue that has effectively been declared off-limits for non-progressives. Another is sex, gender, and how transvestites, ‘transsexuals,’ and other people who identify as neither sex (or both) should be treated in different contexts (for example, in female sports competitions).

Our view is that biological sex is binary, but that adults in a liberal society are free to make claims about their own identity and to dress and comport themselves however they wish, as long as this remains within the law. There are a number of issues involving access of people who identify as men or women (or neither or both) that we need to work through as a society so that we can find pragmatic solutions that are as satisfactory as possible to all parties. To do this, we need to be able to discuss these issues openly.

The most prominent split when it comes to the trans debate, especially as it has played out in universities, is between trans activists and so-called Trans-Exclusionary Radical Feminists (TERFs). The latter are sceptical of the replacement of a binary model of human sex with a broader spectrum of genders, and of claims that individuals can become another gender by simply identifying themselves as such.

The most spectacular deplatforming of a ‘TERF’ occurred on 24 March at Auckland’s Albert Park, when British activist Kellie-Jay Keen-Minshull (a.k.a. Posie Parker) was prevented from speaking, had a can of tomato juice poured on her, and was jostled by a large and vocal crowd.<sup>211</sup>

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211 James Kierstead and Michael Johnston, “Shameful legacy: NZ’s ‘open society’ takes well-deserved beating,” *The Australian* (28 March 2023)

Gender-sceptical feminists have also been deplatformed at universities, with Massey University cancelling a Speak Up for Women event in November 2019 and AUT cancelling a talk by Daphna Whitmore in April 2022.

Surveys suggest this is only the tip of the iceberg, with just under half of respondents to the Free Speech Union's 2022 and 2023 surveys of academics saying they felt uncomfortable discussing gender, and over a quarter of undergraduates telling Heterodox New Zealand's 2022 survey they felt uncomfortable discussing the topic.

Gender, sex, and trans people constitute another set of issues that people from all across the political spectrum could be discussing with nuance and in good faith in our universities. Again, the evidence suggests that at present this is not the case, with the issue being dominated instead by far-left trans activists who seek to deplatform anyone who is sceptical of contemporary gender ideology.

## University Life Post-Post-Modernism

We could continue to delve into sensitivities over race, for example, the third most taboo topic at our universities according to the Free Speech Union's 2023 survey. The academic freedom incidents and testimonies that we collected that are concerned with ethnicity are, however, almost all bound up with sensitivities over 'treaty obligations' to Māori (with some exceptions, like Testimony 10), so that we have effectively already covered these cases in our discussion of the Treaty of Waitangi above.

It is often asserted that the Treaty of Waitangi is part of New Zealand's constitution.<sup>212</sup> Besides becoming 'Treaty-led' or adopting a 'treaty statute,' universities often refer to the treaty, including as part of their academic freedom policies. Massey's Academic Freedom Policy, for instance, states that it 'is informed by our university's commitment to honouring Te Tiriti o Waitangi/the Treaty of Waitangi,' and that this means that 'the Te Tiriti principles of partnership, protection and participation guide our operating context and the exercise of academic freedom.'<sup>213</sup> And Massey's provost Giselle Byrnes recently argued that the treaty's constitutional status means that it is 'not a partisan political stance.'<sup>214</sup>

Could the taboo around the Treaty of Waitangi have developed from its place in New Zealand's constitutional order? This seems unlikely. We can and do discuss constitutional issues all the time, from our electoral system to whether we should have a monarchy. Academics should obviously be able to participate in these discussions as much as anybody else.

In any case, the taboos around other issues that we have discussed – sex/gender, for example – can't be explained with reference to any special constitutional status.

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212 See for example, "New Zealand's Constitution," on the Governor-General's website ([gg.govt.nz/office-governor-general/roles-and-functions-governor-general/constitutional-role/constitution/constitution](https://gg.govt.nz/office-governor-general/roles-and-functions-governor-general/constitutional-role/constitution/constitution)): "Increasingly, New Zealand's constitution reflects the Treaty of Waitangi as a founding document of government in New Zealand."

213 This policy was obtained by an Official Information Request submitted by the Free Speech Union and shared with us by their Senior Counsel Hannah Clow.

214 Giselle Byrnes, "Why Te Tiriti and not Gaza?" Massey University website: <https://www.massey.ac.nz/about/news/opinion-why-Te-Tiriti-and-not-gaza/>

We want to suggest, in this final section of this chapter, that there is another factor beyond the left-right skew at our universities that has led to the current chilled climate for discussion and speech. This factor is post-modernism, the philosophy out of which much of the current academic discourse on these controversial topics emerged.

Post-modernism is difficult to define, but Helen Pluckrose and James Lindsay suggest the approach centres around two principles.<sup>215</sup> The two principles are the post-modern knowledge principle (radical scepticism about objective knowledge) and the post-modern political principle (that society and even knowledge are shaped by hierarchies and systems of power).

If (as the post-modern knowledge principle implies) there is probably no such thing as objective knowledge, then the views people express can't be seen simply as hypotheses about how the world works that can be disputed or tested against empirical data. Instead (and here the post-modern political principle is also relevant), these views represent the discourses that shape society and keep certain groups in power over others.

If that's the case, then it might make sense to try to disrupt these discourses by controlling what people say, and even by preventing them from saying certain things. Words can do 'harm,' in this way of looking at things, by contributing to larger structures of oppression that the speaker may not even be aware of. That means that speech may be harmful even if the speaker doesn't intend to do any harm or even to offend anyone.

Post-modernism has long thrived in the New Zealand academy. Linda Tuhiwai Smith's *Decolonizing Methodologies* (1999) had a major impact on post-colonial studies, and especially on the idea (now the orthodoxy in educational circles in Canada and Australia as well as New Zealand) that indigenous peoples have 'other ways of knowing' apart from science.<sup>216</sup>

Post-modernism is particularly strong in schools of education in this country, but its influence can also be found across the humanities and social sciences, and now even in the natural sciences.<sup>217</sup>

The influence of post-modernism is harder to trace than some of the other issues that we covered in this chapter. However, the idea that speech serves primarily to oppress rather than to put forward contestable ideas may lie behind Kendall Clements being removed from teaching on one of his courses following the publication of the Listener letter, for example (see 'Kendall's story' in Chapter 1).

The key post-modern idea of perspectivism (that the truth is different for different people) can also be detected behind Francene Wineti's complaint that it was 'weird' that Tony Hickey was 'not pākeha' (she apparently meant 'not Māori') and was nonetheless commenting on MetService's tweets on Māori mythology. (A liberal approach might be that Hickey, as a citizen, had a right to comment

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215 Helen Pluckrose and James Lindsay, *Cynical Theories: How Activist Scholarship Made Everything About Race, Gender, and Identity—and Why This Harms Everybody* (New York: Pitchstone, 2020).

216 Linda Tuhiwai Smith, *Decolonizing Methodologies: Research and Indigenous Peoples* (London: Zed Books, 1999).

217 For some illustrative examples, see e.g. Alison Jones and Kuni Jenkins, "Indigenous Discourse and 'the Material': A Post-interpretivist Argument," *International Review of Qualitative Research*, 1:2 (2008), 125-144; Georgina Tuari Stewart and Nesta Devine, "Nothing Outside of the Text in Aotearoa New Zealand," *International Journal of Qualitative Studies in Education* (2024), 1-8.

on MetService’s public posts; or that as a scientist he had a right to comment on the behaviour of a public scientific body.) Perspectivism is also clearly present in the testimony (one of ‘two vignettes by a NZ academic of Māori descent’) about a university requirement that ‘every course had to include a Maori perspective.’

## **Summary**

In New Zealand, as in the rest of the English-speaking world, threats to academic freedom are more likely to come from the right than the left. Right-of-centre students and scholars feel more afraid of saying what they think than their left-of-centre peers. To a certain extent, this may be an inevitable result of the overwhelming preponderance of left-wingers in academia and a natural human tendency for majority groups to marginalize weaker ones.

In New Zealand, we can trace discrimination more directly by looking at how a couple of totemic issues for left – the Treaty of Waitangi/colonialism and sex/gender – have effectively become no-go areas for discussion at our institutes of higher learning. The particular focus on managing and repressing language, and in shutting down those whose ideas are judged to be ‘harmful,’ may also reflect the strength of post-modernist ideas in the contemporary academy, in New Zealand as elsewhere in the English-speaking world.

## CHAPTER 5

# The CCP Threat

### The CCP threat to Anglosphere universities

In October 2022, Robert Clark published a report for the London-based think tank Civitas in which he revealed that at least 60 Chinese nationals from ‘high-risk’ institutions with military links were employed at UK universities, with two of these individuals actually directly employed by the People’s Liberation Army (PLA) at the same time.<sup>218</sup>

In a separate report Clark found that UK universities were heavily dependent on China financially, with UK higher education institutions receiving between £122 and £156 million at least from Chinese research funding, collaborations, and donations between 2017 and 2023 – a figure which excludes the £2.2 billion that Chinese students pay in international student fees each year.<sup>219</sup>

Up to 20% of this funding came from Chinese sources that were subject to US sanctions, and up to a third came from sources with some links to the Chinese military. Moreover, ‘40 per cent of all declared Chinese funding to Confucius Institutes hosted at UK universities derives from Chinese entities involved in Beijing’s military industrial complex’ according to Clark.<sup>220</sup>

One of the channels for Chinese interference with student free speech that Clark looked at was the Chinese Scholarship Council (CSC) scholarship. Set up in the mid-90s, the scholarships support mainland Chinese students studying overseas, with China paying students a stipend and British universities waiving tuition fees.

The Chinese money comes with strings attached, though. The selection guidelines for the scholarship state that successful candidates are expected to ‘thoroughly implement Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, serve the national strategy, face national needs,’ and ‘provide talent support for the comprehensive construction of a modern socialist country.’<sup>221</sup>

Nor is this only the expectation for successful applicants after they have returned to China. Another expectation is that students who win a scholarship will ‘build a community with a shared future for mankind’ (构建人类命运共同体), a phrase commonly used by CCP officials (including Xi Jinping) for spreading a pro-communist, Sinocentric agenda abroad.

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218 Robert Clark, “Inadvertently Arming China? One Year On: The Chinese Military Complex and its Exploitation of Scientific Research at UK Universities” (London: Civitas, 2022).

219 Robert Clark, “The Strategic Dependence of UK Universities on China – and Where Should they Turn Next?” (London: Civitas, 2023), 88-90.

220 *Ibid.* Executive Summary.

221 China Scholarship Fund Sponsorship Study Abroad Selection Guidelines, as cited in Clark, *op. cit.*, Article 1.



In order to ensure that scholarship-holders will indeed spread that agenda (or at least not question or contradict it), the guidelines instruct selectors to ‘review the applicant’s political ideology’ and to ‘keep abreast of their ideological trends.’<sup>222</sup> The threat to the free speech of these Chinese students abroad, at least, should be obvious.

Clark also flagged branches of the Chinese Students and Scholars Association (CSSA), as possible threats to Chinese students and scholars’ free speech rights at foreign universities.<sup>223</sup> The ostensible purpose of the CSSA, managed by local Chinese embassies, is to provide assistance to Chinese students and academics abroad, but they are widely suspected of keeping tabs on what Chinese citizens are saying while studying, teaching, or researching abroad, with the House of Commons’ Foreign Affairs Select committee branding the CSSA an ‘instrument of political interference’ in 2019.<sup>224</sup>

In 2018, Anastasya Lloyd-Damnjanovic published a report for the Wilson Center which drew attention to Chinese interference in US universities. Lloyd-Damnjanovic found that Chinese diplomats and students could put pressure on US scholars to avoid sensitive topics in their research and teaching in various ways, including heckling at public talks, complaints, and by pulling back in lucrative research collaborations.<sup>225</sup> After the Dalai Lama visited the University of California at San Diego in 2017, for example, the China Scholarship Council withdrew funding it had awarded to a number of Chinese scholars who had plans to study at UCSD.<sup>226</sup>

Concern about Chinese influence on US universities has now reached the highest levels of federal politics. On 23 October last year Representative Mike Gallagher, gave a speech to 70 university presidents in which he urged them to be alert by the threat posed by China. Among other things, Gallagher drew attention to the 150 or so CSSA chapters across the U.S., saying that though these groups ‘ostensibly exist to support the unique needs and communities of Chinese students studying abroad,’ in practice ‘they often double as a mechanism for the Party to restrain the free speech and liberty of the same students they are supposed to serve.’<sup>227</sup>

In Canada too, there are concerns about CCP infiltration of Canadian universities, especially through a strategy known as ‘picking flowers in foreign lands to make honey in China’ (异国采花,中华酿蜜), which involves sending researchers from universities with military links overseas in order to gain access to technology with military applications.<sup>228</sup> A 2023 report by Strider, a US strategy firm, found that academics at ten leading Canadian universities had in the previous five years collaborated on more than 240 research papers with scientists from PLA-linked universities, some of them with expertise in ballistics, robotics, and surveillance technologies.<sup>229</sup>

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222 *Ibid.* Articles 19 and 30.

223 Robert Clark, “The Strategic Dependence of UK Universities on China,” *op. cit.*, 96-97.

224 House of Commons Foreign Affairs Committee, “A cautious embrace: defending democracy in an age of autocracies” (London: House of Commons, 2019), 6.

225 Anastasya Lloyd-Damnjanovic, “A Preliminary Study of PRC Political Influence and Interference Activities in American Higher Education” (Washington: Wilson Center, 2018).

226 Anastasya Lloyd-Damnjanovic, “A Preliminary Study,” *op. cit.*, 60.

227 Brooke Singman, “GOP Rep Gallagher warns university presidents of CCP’s ‘coercive influence’ on campuses,” *Fox News* (23 October 2023).

228 Jonathan Manthorpe, “Canada’s Universities Are a Pipeline for Chinese Military Technology,” *The Walrus* (4 June 2024). See also Alex Joske, *Picking Flowers, Making Honey: The Chinese Military’s Collaboration with Foreign Universities* (Canberra: Australian Strategic Policy Institute, 2018).

229 Robert Fife and Steven Chase, “Canadian universities conducting joint research with Chinese military scientists,” *The Globe and Mail* (30 January 2023).

The influence of Huawei is also a concern, with the communications technology giant investing some \$60 in Canadian universities in 2019. Although Confucius Institutes have been a major concern in the past, the focus now is more research collaborations, with the money and prestige that these can generate for Canadian universities making them a much thornier issue. In February 2023, the University of Waterloo issued guidelines to graduate researchers in case they were approached by Canadian Security Intelligence Services, reminding them of ‘their rights’ and that they have no legal obligation to speak to CSIS agents.<sup>230</sup>

In 2021, Sophie McNeill published a report for Human Rights Watch, which found a number of violations of the speech rights of Chinese students who were studying at Australian universities. One student was threatened with prison after posting pro-democracy messages on Twitter. In three cases, the Chinese police contacted students’ families in China to talk about their activities in Australia.<sup>231</sup>

Australian universities have also proven vulnerable to Chinese pressure. In 2013 the University of Sydney moved an event with the Dalai Lama off campus, warned organizers not to use any university branding, and then (after a public backlash) moved the event back on to campus, but to a venue that was closed to the public.<sup>232</sup> In 2020, the University of New South Wales deleted an article about Hong Kong’s national security law from its website before another public backlash forced it to put it back up, though only on the law faculty page.<sup>233</sup>

2019 also saw a series of protests across Australian campuses against China’s attempt to introduce a new law that would allow it to extradite Hong Kong citizens. Some of the largest were at the University of Queensland, where fighting broke out between Hong Kong and mainland Chinese students.<sup>234</sup> One of the organizers of the protests at UQ, an Australian student called Drew Pavlou, was later suspended from the university for misconduct.<sup>235</sup> Several Hong Kong students said that local chapters of the CSSA had played a role in mobilising counter-protests by mainland Chinese students.<sup>236</sup>

A committee of the Australian Parliament published a report on Chinese interference in 2022, raising concerns about the 13 Confucius Institutes hosted at Australian universities, the Thousand Talents Plan (千人计划) which funds elite researchers to work in China, and about research collaborations between Chinese and Australian universities more generally.<sup>237</sup>

All of this comes against the backdrop of Australian universities’ heavy dependence on China. In 2021, Australian universities disclosed more than 6000 agreements and accords with Chinese

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230 Jonathan Manthorpe, “Canadian universities,” *op. cit.*

231 Sophie McNeill, “‘They Don’t Understand the Fear We Have’: How China’s Long Reach of Repression Undermines Academic Freedom at Australia’s Universities” (Sydney: Human Rights Watch, 2021), 46-48 (prison), 82-83 (families).

232 Sophie McNeill, “‘They Don’t Understand the Fear,’” *op. cit.*, 14.

233 Sophie McNeill, “‘They Don’t Understand the Fear,’” *op. cit.*, 34-35.

234 Sophie McNeill, “‘They Don’t Understand the Fear,’” *op. cit.*, 25-37.

235 Australian Associated Press, “University of Queensland student suspended for two years after speaking out on China ties,” *The Guardian* (29 May 2020).

236 Sophie McNeill, “‘They Don’t Understand the Fear,’” *op. cit.*, 81.

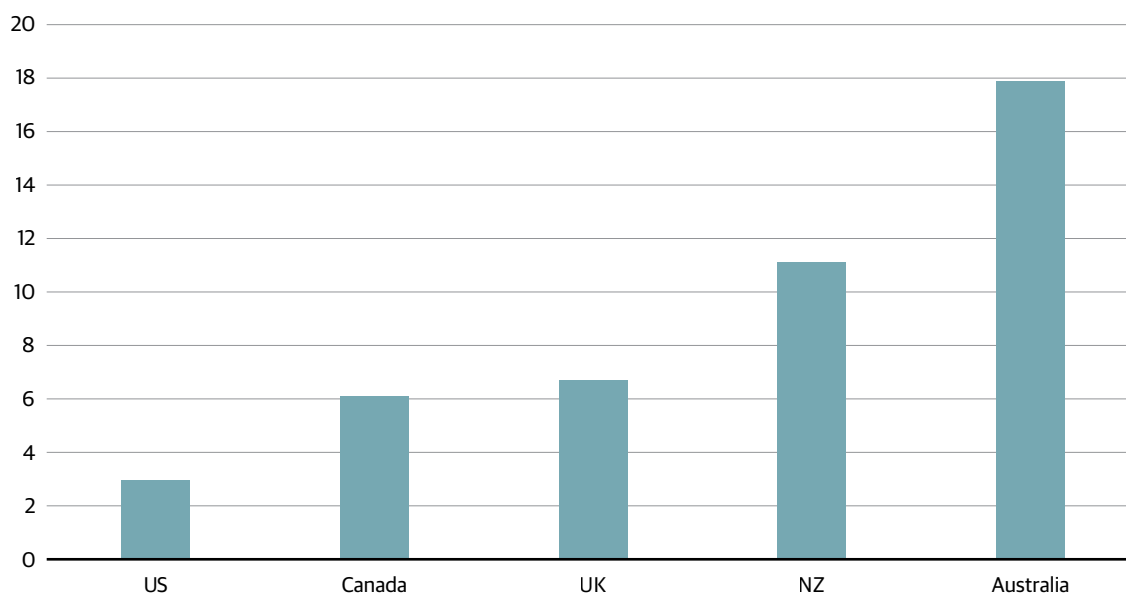
237 Tory Shepherd, “University students and staff face increasing threats, foreign interference inquiry finds,” *The Guardian* (25 March 2022); Parliamentary Joint Committee on Intelligence and Security, “Inquiry into National Security Risks Affecting the Australian Higher Education and Research Sector” (Canberra: Parliament of Australia, 2022).

institutions, with more than 4000 of these being disclosed by elite Group of Eight universities.<sup>238</sup> Research collaborations with China also account for more than a quarter of Australia’s ‘highly-cited’ research publications (an important category in world university rankings) in most fields, and more than half of those highly-cited publications in seven fields, including mathematics (81%), materials science (78%), and chemistry (76%).<sup>239</sup> Australia also leads the world in the number of international students per capita, with international student fees accounting for as much as a quarter of revenues at some universities; and Chinese students are the single biggest category of international students (38% in 2020).<sup>240</sup> Finally, Australia has the second highest concentration of university-based Confucius Institutes in the world.<sup>241</sup>

## The CCP threat to New Zealand universities

The New Zealand university sector is arguably behind only Australia in its dependence on China. As Figure 32 shows, New Zealand has the second highest number of international students per capita in the world, and though it lags behind Australia on that metric, it is also far ahead of its other rivals in the Anglosphere. As in Australia, Chinese students make up the largest category of international students, accounting for some 36% of international students in 2024.<sup>242</sup> International students made up 11% of all university revenue in 2023.<sup>243</sup>

**Figure 32: Number of international students per 1000 residents in five English-speaking countries (2018)**



Source: Salvatore Babones, *Australia’s Universities* (see note 21), 67.

238 Salvatore Babones, *Australia’s Universities: Can They Reform?* (Brisbane: Ocean Reeve, 2021), 95.

239 Salvatore Babones, *Australia’s Universities*, *op. cit.*, 122.

240 Salvatore Babones, *Australia’s Universities*, *op. cit.*, 67, 76, 114.

241 Salvatore Babones, *Australia’s Universities*, *op. cit.*, 120.

242 Think New, “International student enrolments top 59,000 for the first eight months of 2023,” Education NZ website: <https://www.educationnz.govt.nz/news-and-research/ed-news/international-student-enrolments-top-59000-for-the-first-eight-months-of-2023>

243 Dave Heatley, “We expect too much from universities,” Asymmetric Information blog (28 May 2024).

China is also by some measures New Zealand's leading research partner, with around 12% of New Zealand research being co-authored with Chinese scholars.<sup>244</sup> Several funding bodies support collaborative research between the two countries, including the Strategic Research Alliance, which China and New Zealand jointly fund to the tune of 2.3 million dollars a year, and The New Zealand-China Tripartite Partnership Fund (TPF), which links up New Zealand universities to two Chinese universities each (a 'tripartite' arrangement).<sup>245</sup>

With China still controlled by an increasingly authoritarian Communist Party, it is not surprising that concerns have been raised about Chinese influence in New Zealand universities. University of Canterbury professor Anne-Marie Brady's 2020 report on the Chinese military's infiltration of New Zealand revealed that most of New Zealand's universities have partnerships with PLA-linked universities in China, that New Zealand academics serve as advisers to students at these institutions, and that some New Zealand academics even have joint appointments at them. The report also documented links between New Zealand universities and Chinese firms with connections to the military.<sup>246</sup>

Many of the links that China has established with universities in the rest of the English-speaking world, then, can also be found in the New Zealand university sector. This includes specific programmes such as the Thousand Talents Plan, which has supported two New Zealand academics (at Massey and VUW) and offered funding to a third (at Canterbury).<sup>247</sup>

New Zealand also hosts three Confucius Institutes (at VUW, Auckland, and Canterbury), giving it the highest concentration of university-based Confucius Institutes anywhere in the world (partly, of course, because New Zealand only has eight universities).<sup>248</sup> As elsewhere, their presence has caused controversy.

A 2018 report in *Stuff* was headlined, "China's multi-million dollar funding for NZ universities compromises academic freedom, critics say." The article claimed that the three universities with Confucius Institutes had together received \$2.3 million from China over the previous three years, and quoted VUW adjunct teaching fellow Duncan Campbell's judgment that the scheme 'amounted to "outsourcing" our understanding of China to the Chinese Communist Party.' TEU President Sandra Grey told *Stuff*:

The Confucius Institutes sit within, and the gain the legitimacy, of our institutions, so they need to run according to New Zealand legislation, which says that academic freedom exists and our institutions are supposed to be society's critic and conscience.

Commentator and economist Michael Reddell also raised concerns about "overly close connections between the Confucius Institutes, the foreign policy establishment and other university work,"

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244 Peter Graczer and Peter Griffin, "Collaborative Horizons: Exploring Science and Research Partnerships Between New Zealand and China" (Auckland: New Zealand China Research Council, 2023), 4.

245 Peter Graczer and Peter Griffin, "Collaborative Horizons," *op. cit.*, 12.

246 Anne-Marie Brady, "Holding a Pen in One Hand, Gripping a Gun in the Other: China's Exploitation of Civilian Channels for Military Purposes in New Zealand" (Washington: The Wilson Center, 2020), 4-5. For the University of Canterbury's investigation of Brady in response to complaints about this report, see our list of academic freedom incidents.

247 Anne-Marie Brady, "Holding a Pen," *op. cit.*, 17, 22, 24.

248 Salvatore Babones, *Australia's Universities*, *op. cit.*, 120.

and about the chair of VUW's Confucius Institute, Tony Browne, who was also the chair of that university's New Zealand Contemporary China Research Centre (CCRC).<sup>249</sup>

All New Zealand universities also appear to offer scholarships through the Chinese Scholarship Council, successful candidates to which are expected to 'serve the national strategy' and 'thoroughly implement Xi Jinping Thought.'<sup>250</sup>

On the other hand, Chinese Students and Scholars Associations seem to have garnered less attention in New Zealand than elsewhere, though two groups with that name do seem to be registered in Invercargill and in Wellington.<sup>251</sup> Other Chinese student societies also exist, though we have seen no evidence that they are linked with the Chinese diplomatic service or the Chinese state.<sup>252</sup>

The extent to which that we have mentioned so far constitutes a threat to academic freedom in New Zealand may be debated. New Zealand universities and scholars collaborating with military-linked institutions, for example, may be inappropriate and help contribute to the PLA as a threat to the liberal world order, but it is not a threat to academics' speech *per se*.

Having said that, to the extent that the Chinese state, and especially parts of the Chinese state concerned with security, have a foothold in New Zealand academia, this may help channel some of the more authoritarian tendencies of the CCP and its supporters. CCP zealots are likely a small minority among Chinese students and scholars that engage with New Zealand universities.

At the same time, CCP zealots may make an outsized contribution to a chilled atmosphere for speech about China in New Zealand. In other countries, as we have seen, concerns have been raised about the Chinese Scholarship Council. And, as we have seen, concerns have been raised about Confucius Institutes in New Zealand as well as abroad.

And some students with Chinese Scholarship Council funding may be ideologically-driven, as may some individuals associated with New Zealand's three Confucius Institutes.

We also have some evidence, in any case, of the expressive rights of Kiwi students and academics being undermined in more direct ways.

One form this has taken is direct intimidation of students and scholars with viewpoints that the CCP and its supporters do not like. One example of this is the Hong Kong student who had her flyers covered over and was aggressively approached by enthusiastic supporters of the CCP, and who later ended up on the ground. Another, and much more serious case involves Anne-Marie Brady, who may have been the target of a campaign of systematic harassment and intimidation on the part of the CCP.<sup>253</sup>

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249 Harrison Christian, "China's multi-million dollar funding for NZ universities compromises academic freedom, critics say," *Stuff* (13 October 2018).

250 See again the first section of this chapter.

251 <https://opencorporates.com/companies/nz/9429048856287>; <https://www.facebook.com/SitChineseAssociation/>.

252 E.g. the NZ Chinese Students Association (<https://www.nzcsa.com>), the University of Canterbury Chinese Students and Scholars Society ([www.linkedin.com/company/university-of-canterbury-chinese-student-scholars-society](http://www.linkedin.com/company/university-of-canterbury-chinese-student-scholars-society)), and the Massey University Auckland Chinese Student Association ([www.tetiraahupae.ac.nz/find-a-club/muacsa-massey-university-auckland-chinese-student-association](http://www.tetiraahupae.ac.nz/find-a-club/muacsa-massey-university-auckland-chinese-student-association)).

253 Both of these episodes are described more fully in our list of academic freedom incidents.

Another way that CCP agents and supporters have affected New Zealand students' and academics' expressive rights is by successfully putting pressure on New Zealand universities to cancel events that might involve or provoke criticism of the Chinese government. The best-documented example of this is AUT's cancellation of an event commemorating the Tiananmen Square massacre, though the University of Auckland's earlier cancelling of a screening of a documentary critical of the CCP may also belong in this category.

That last cancellation, though, may also belong in our third category. This involves New Zealand university administrators themselves limiting students' or academics' rights to share and discuss ideas – actions which some might suggest stem from a fear of displeasing China and thereby, perhaps, putting lucrative funding deals at risk. This seems to have been the case with VUW and Auckland's complaints about Anne-Marie Brady's report on Chinese influence, as well as Canterbury's investigation of Brady for the report.

New Zealand universities gain hugely from interaction with China, one of the world's largest countries and economies as well as one of the world's oldest continuous cultures. The vast majority of Chinese students and scholars are neither agents of the CCP nor particularly zealous supporters of it – indeed, as the Hong Kong protests reminded us, many Chinese students come to Western countries like New Zealand precisely because they are attracted by the greater freedom they afford. Together with the risk of not being alert enough to the CCP threat, there are also risks of being too wary and treating benign interaction as suspicious, or lurching into xenophobia.

Nonetheless, we should be under no illusions about the Chinese regime under the rule of a dictatorial Xi Jinping or about the Chinese Communist Party, an organisation that was responsible for grave crimes in the past and which continues to deny its people essential freedoms. If the incidents we have collected are any guide, it would seem that academic freedom incidents involving China peaked in 2019 and have been much less frequent, and perhaps entirely absent, since then. Some practical steps have also been taken to deal with the CCP threat to academic freedom since 2019, such as the Trusted Research – Protective Security Requirements issued by Universities New Zealand in 2021.<sup>254</sup>

In our conclusion we will put forward our own proposals as to how New Zealand academia can reap the benefits of collaboration with China while also remaining alert to the very real threat that the CCP poses to our freedoms, including academic freedom and the freedom of speech.

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<sup>254</sup> Universities New Zealand, "Trusted Research – Protective Security Requirements: A Guide for Senior University Leaders in Aotearoa New Zealand" (Wellington: Universities New Zealand, 2021).

## CHAPTER 6

# Managerialism and the 'Neo-Liberal' University

University of Auckland Professor Emerita Jane Kelsey, in a blog post for Academic Freedom Aotearoa, an alliance of left-leaning academics, has provided a helpful summary of the threats academics like her think that the 'neo-liberal' university presents to academic freedom in this country:

Transformations of institutional structures, governance and funding under the market model of neoliberalism have erected new barriers to the exercise of academic freedom. Those shifts include the introduction of competition between and within tertiary institutions; reliance on non-state funding from student customers, donors, research contracts and international students; managerialism and executive hierarchies that displaced collective forums for debate and governance; casualisation, precarious employment, and bullying. These and multiple other internal dysfunctions narrowed the space for academic freedom and increased the risks of its exercise.<sup>255</sup>

All of these are plausible threats to academic freedom. One key mechanism that underlies many of them is competition. The idea is that as universities increasingly compete for revenues, they will be tempted to silence students and professors who speak out in ways that might do damage to a university's 'brand' (at home and abroad) or to its relationships with important donors.

This is a threat that other New Zealand academics have also perceived, with University of Auckland researcher Sereana Neapi, for example, warning of managerial efforts 'to limit academic freedom in the name of "brand protection."<sup>256</sup>

Another threat highlighted by Kelsey is over-powerful managers that might plausibly chill the speech of academics who are afraid that they will get into trouble with the administrative hierarchy.

As we will see, many of the testimonies we have collected show that academics do worry about both of these threats – the universities' perceived need to defend their 'brands' in a competitive environment, and over-weening university bureaucrats.

After a brief history of 'neo-liberalism' in the New Zealand university, we move on to examining these testimonies to see what they can tell us about the nature of these threats to academic freedom. At the end of the chapter, we will reassess the precise nature of the threat posed by managerialism and 'neo-liberalism,' and ask whether these threats can be dealt with without entirely doing away with competition and student choice.

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255 Jane Kelsey, "What academic freedom means in contemporary Aotearoa," Academic Freedom Aotearoa (TEU website), <https://teu.ac.nz/campaigns/academic-freedom-aotearoa/what-academic-freedom-means-in-contemporary-aotearoa>

256 Sereana Neapi, "Speaking back to university: academic freedom and critical university studies," abstract, Academic Freedom conference (TEU website): <https://teu.ac.nz/campaigns/academic-freedom-aotearoa/academic-freedom-conference-challenges-opportunities/>

## 'Neo-liberalism' and academic freedom: a brief history

University reform was part of the broader market-oriented reform agenda of the Fourth Labour Government. Under the 1990 Education Amendment Act, universities became independent entities with a chief executive (the Vice-Chancellor) and their own charters, to which they were accountable. The University Grants Committee was abolished, and the New Zealand Vice-Chancellors' Committee (renamed 'Universities New Zealand' in 2010) set up in its place, with funding allocated according to equivalent full-time students (EFTSs) enrolled and universities encouraged to compete against one another. Student allowances were means-tested from 1989, the same year that tuition fees began to be levied on all students. From 1991 universities were allowed to set their own fees, and the following year a student loan scheme was introduced.<sup>257</sup>

In 2014, National's Tertiary Education Minister Steven Joyce announced a series of reforms to university councils, the highest level of university governance below government. The reforms would decrease the number of members on university councils from 12–20 to 8–12, do away with the requirement for academic staff, student, and union representation on councils, and add new requirements for all members to have 'governance capability' and for there to be at least one Māori council member. With the Minister still appointing four members to the new, smaller councils, this would result in a greater proportion of government-appointed members on university councils. Joyce said that the intention was 'to create smaller, skills-based councils that can respond more quickly and strategically to the challenges of modern-day tertiary education.'<sup>258</sup>

Many academics saw the move as a threat to university autonomy and academic freedom, with Canterbury Ass. Prof. John Freeman-Moir writing that it was 'bound to have a weakening effect on the democratic foundations and culture of academic freedom and critical conscience' at New Zealand universities,<sup>259</sup> and TEU President Lesley Francey describing it as 'an attack on democracy and on academic freedom.'<sup>260</sup> A *New Zealand Herald* editorial noted that academics had concerns about university autonomy and academic freedom,' and argued that they 'were right to be worried.'<sup>261</sup>

In 2015, the National government amended the Education Act, enacting Joyce's reforms; Labour's attempt to repeal the reforms through a Restoration of Democracy to University Councils bill was defeated in December that same year.<sup>262</sup>

In 2017 Victoria University of Wellington put out a draft academic freedom policy for internal consultation. The document is no longer available on the VUW staff intranet, but in our recollection the document was met with a good deal of criticism from academics, many of whom saw it as being more concerned with protecting VUW's brand than in protecting academic freedom. The policy was eventually withdrawn.

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257 See e.g. "Tertiary Education," in *Tē Ara: The Encyclopaedia of New Zealand*; Glenys Patterson, "University 'Reform' in New Zealand 1984-1990: Policies and outcomes," *Access: Contemporary Issues in Education* 10 (1991), 56-70.

258 Vaughan Elder, "Govt's university council plan slammed," *Otago Daily Times*, 17 February 2024.

259 John Freeman-Moir, "100 years of academic freedom and critical conscience," Academic Freedom Aotearoa (TEU website), <https://teu.ac.nz/campaigns/academic-freedom-aotearoa/100-years-of-academic-freedom-and-critical-conscience/>

260 Lucy Townend, "University reforms 'an attack on democracy,'" *Stuff* (13 February 2014).

261 "Joyce unfair to force change on universities," *NZ Herald* (22 April 2014).

262 Education (Restoration of Democracy to University Councils) Amendment Bill, NZ Legislation website: <https://www.legislation.govt.nz/bill/member/2015/0074/latest/whole.html>



## Managerialism: the evidence of testimonies

The testimonials we have collected show that pressure from students, from senior administrators, and from a 'neo-liberal' culture do feature in academics' complaints about a poor culture for academic freedom.

Several academics spoke of their fear of student complaints about their speech. One felt like 'the students sit and judge us and are waiting for any slip up they like to "call it out"' (testimony 19). Another reported that students have 'become more likely to complain to management if your views do not align with their views' (47).

University administrators are also increasingly unwilling to risk displeasing students, many academics said. 'There is a willingness to prioritise students' expectations,' one wrote, 'without paying attention to what is good and necessary for them to learn' (28). 'We all know that the two highest priorities of universities,' another commented, 'are bringing in external research funding and making students happy' (18).

That focus on student satisfaction can spell trouble for academic freedom, with one academic noting that 'in my particular area our student numbers are low,' and adding that 'this means that my job is constantly at risk' which 'reinforces my unwillingness to say anything' (59). Or, as another put it:

The students are increasingly whiney and self-entitled, and the university bends over backwards to pander to them, rather than educate. So, we keep quiet to protect our jobs. (43)

A good number of academics gave the impression, though, that many senior administrators would probably not support their academic freedom even in the absence of student prompting.

A shocking number of academics stated or implied that speaking out could result in being dismissed from their posts. One asserted that an academic 'lost his position at Massey after he disagreed publicly with the VC about her cancelling of Don Brash's speech.' Others hinted that academics who disagreed with administrators were done away with during restructures:

We are currently in a state of fearing for our jobs, this means many feel it best to stay quiet. (51)

Individuals who voice opinions that are out of step with senior management are likely to find themselves restructured out of a job. (53)

I feel my job is at risk if I question the direction the university is taking. The last round of redundancies was definitely about getting rid of those who were not boot lickers. (54)

Outright dismissal was not the only risk that academics raised, however. Another was of not being promoted or of seeing one's career stagnate. 'The elite set the debate,' one academic wrote, 'and those who diverge from it can be bullied or suffer detriment, e.g. not being promoted' (24). Another said that he felt 'relatively free to air my views' as a senior academic 'with no need to apply for promotion,' but that 'junior staff' are 'far more constrained' (14).

Several raised debating Māori issues or the Treaty of Waitangi as particularly likely to negatively affect academic careers. One academic alleges he was replaced as ‘head of subject’ by a Māori colleague after asking the Dean ‘if he thought indigenous people experienced any benefits whatsoever from contact with Europeans’ (5). Another said that ‘research is unlikely to be funded unless it is endorsed by a Māori representative,’ but that ‘questioning this,’ or the use of the Māori language at meetings, ‘is not an option if I want to progress in my career’ (39). As another academic, put it, more starkly, ‘questioning anything about the radical current interpretation of the Treaty of Waitangi is likely to be career ending’ (25).

Several academics raised research funding as a constraint on their academic freedom. For some this applied simply to the lines of research that academics were incentivised to pursue, with one academic referring to ‘the university leadership’s sad efforts to force us to publish in certain ways so their rankings go up’ (38). For others funding provided another mechanism that could be used against outspoken academics: ‘if you want to be promoted or funded you have to be careful and wise with what you say’ (29). One scholar asserted that a research ethics board had been used ‘to censor projects (and cut off funding) based on ideology’ (8).

Academics also mentioned more direct ways that their speech was constrained. One says they were ‘to remove Facebook posts that I perceived were of direct interest to our student...because the content was not in line with what the University wanted to promote.’ When they resisted, they were simply ‘ordered by my manager to comply’ (50). One source alleges that when a female academic raised the issue of students self-censoring, the ‘meeting organizers...openly mocked her and turned it into a joke and a put down’ (1). Another recounts that ‘in a meeting of two academics and a non-academic manager, the manager got so angry at a young female academic when she presented a view different from that of the manager that he began to yell at her’ (2).

Unsurprisingly, several academics pointed to a lack of enthusiasm for academic freedom, as well as a lack of understanding of the issue, among senior management. ‘Some of our managers in recent years (including a VC) have become fond of downplaying our legislative right to academic freedom with “yes, but” statements,’ one wrote (20). ‘There are themes decided at the university’s senior team level’ another academic claimed, ‘that are not for discussion’ (30). For another, ‘there seems to be a lessening of room to question directions coming from the top’ (32). According to one scholar, ‘attempts to debate what is meant by free speech have been shut down by the institution’s administrators’ (34).

Several academics also complained about universities and other academic institutions taking up official positions on controversial issues, which they perceived as inhibiting their ability to contribute to open discussions of those topics. ‘When the TEU takes clear sides regarding politically contested topics, that sends a very strong signal to the community,’ said one academic (12). Another reported that ‘the atmosphere at the university is chilling when it comes to the expression of social and political views that do not align with those expressed by the university’s senior management,’ perhaps (we might infer) precisely for that reason (13). One scholar complained of the Royal Society and the TEU, as well as the university, adopting what they called ‘non-logical policies’ (16).

Two academics complained about particular issues pushed by university management, apparently without any option of dissent:

Bi-culturalism is pushed very hard, leaving no room for debate around multi-culturalism given our very diverse student body. This cannot be questioned. Radical sexual orientation is also pushed very hard by senior management. (31)

Massey is a Te-Tiriti led institution and as such there is no opportunity to debate whether it shouldn't be Te-Tiriti led. (37)

For some academics, the pressure on free speech from administrators was partly or even mainly a product of 'outside structures and requirements' such as 'qualification requirements' and 'funding priorities' (58). One saw 'freedom to research in areas of my choice' as 'more constrained by PBRF [the now-moribund Performance Based Research Fund] requirements than by academic freedom per se – and to that extent PBRF itself impacts on academic freedom' (52).

Many also saw administrative nervousness about free expression as reflecting a concern for the university's image or 'brand.' 'We have become a corporate body concerned about brand image in a content marketing world in a climate of cancel culture' said one academic (49). Another wrote that 'universities are now neoliberal corporate entities which are much more focused on branding, compliance to "values" and risk management' (57). And according to one scholar, 'the University of Auckland has consistently shown that it prioritises matters regarding image and external perception of the institute over actually wanting to provide the best educational service' (21).

One feature of this new corporate university is non-disclosure agreements, which limit academics' free expression even after they have left the university. 'I am leaving the university on a voluntary redundancy and I had to sign a non-disclosure agreement so I can't talk about the toxic environment in which I had to work,' said one academic, adding that 'these are currently common' (23). In our research for this report several other academics told us that they either knew of others who had signed non-disclosure agreements, had signed one themselves, or had a non-disclosure 'agreement' imposed on them by senior administrators, who threatened dire consequences if the academics in question spoke publicly about a particular matter.

We were also sent a response made by Massey in December 2020 to an Official Information Act request in which the university admits that one formal and two informal investigations were carried out in response to comments made by academics on social media (with only the formal complaint being upheld, and only in part). When we probed further, though, we were told by several Massey academics that non-disclosure agreements would prevent us from talking about the investigations, including who they were made against.

A number of academics, finally, saw limitations on their free speech as stemming ultimately from a broader national or even global culture of neo-liberalism. As one reported:

The limitations are not that university policies prevent me from speaking out directly to media or other forums. Limitations are more to do with the dominant Western, capitalist... structures... [These] power structures mean that it is not safe to speak out or challenge marginalising practices, despite organisational policies that claim otherwise. (46)

Another academic cited what they called

the overruling role of market forces. What we do is almost entirely determined by the choices of teenagers in a country that is extremely neoliberal in its approach to education. Any subject which is not perceived to lead directly to money/jobs and/or sporting achievement is vulnerable. So my ability to teach and pursue research – no matter how important it may be – depends entirely on these forces... This more than anything else compromises and threatens academic freedom in NZ and also the ability of NZ's universities to be the critic and conscience of society. (42)

Another echoed these sentiments, saying that 'the university, and the legal framework within which the university operates, does not try to constrain my ability to teach or research as I wish – the economic system within which university lecturers and researchers operate is a far larger restraint' (48).

We should note, in closing, that not all academics seemed to think that senior management posed a threat to their academic freedom. 'I feel well supported by the senior leadership,' one academic wrote, adding, 'less so by my colleagues in my department' (45). The testimonies we have drawn on here demonstrate, though, that a good number of academics do see managerialism (sometimes in combination with 'neo-liberalism') as a major threat to free speech at their institution – and there were many other testimonies along similar lines that we chose not to include for reasons of space.

## **Managerialism in academic freedom incidents**

Several of the academic freedom incidents shed further light on how senior university administrators have acted to subvert academic freedom rather than support it (as universities are required to do under the Education Act).

The first clear example of this in our list is the cancellation of the event commemorating the Tiananmen Square massacre at AUT in 2019. This seems to have been the decision of Vice-Chancellor Derek McCormack, who cancelled the event following a meeting with Chinese Vice-Consul-General Xiao Yewen, as the emails disclosed as a result of an Official Information Act make clear. At the same time, several other senior administrators helped to cancel the event, including Andrew Codling, Head of the Vice-Chancellor's Office. The fact that the event had been organised by an academic (Ji Ruan, Senior Lecturer in Computer Science) and was shut down following emails and discussion by senior administrators (also including a 'Director International Relations and Development' and a 'Pro Vice-Chancellor Research Enterprise and International') makes this a very clear case of managerialism undermining academic freedom.<sup>263</sup>

The deplatforming of Don Brash is another very clear case of this. In this case, too, the Vice-Chancellor seems to have made the decision to shut down the event, though Massey Vice-Chancellor Jan Thomas was particularly pro-active and explicit about her intentions from the beginning, calling Brash 'v. racist' and asking administrators 'what do we currently have re restrictions in this regard.'

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<sup>263</sup> See again <https://fyi.org.nz/request/10844-tiananmen-square-protests>.

One administrator did, in this case, push back against Thomas, arguing that there was ‘no criteria’ that would allow them to cancel the event, and that doing so ‘would present a very real risk of us being accused restricting free speech etc.’ This seems to be a pragmatic rather than a principled defence of academic freedom, though, and in any case this objection was soon over-ruled and the event cancelled.<sup>264</sup>

In the case of Massey’s deplatforming of Speak Up For Women’s Feminism 2020 conference, though she does seem to have been in ‘regular communication’ with Massey Students Against Transphobia in the week before it was announced, Acting Vice-Chancellor Giselle Byrnes was not the driving force behind the decision.<sup>265</sup> The groups that seem to have put the most pressure on her were Rainbow Tick (who threatened to withdraw their endorsement of Massey if the event went ahead), Gender Minorities Aotearoa, the Massey Students’ Association, and the National Council of Women.

Something similar could be said of the deplatforming of Daphna Whitmore at AUT, with the main group putting pressure on the vice-chancellor this time being the Rainbow NZ Charitable Trust. In this case, though, the person who notified the Free Speech Union (who organised Whitmore’s talk) of the cancellation, and who also happened to be on the board of the Rainbow NZ Charitable Trust, was AUT’s Inclusion Manager. This shows that non-academic administrators well below the level of the vice-chancellor can also play an important role in undermining academic freedom.

This also arguably took place during the controversy ensuing from University of Waikato lecturer Raymond Richards’ comment about Islam on a Facebook post (‘Who needs employees if they stop work five times per day to talk to an imaginary being?’) Only two days after he posted the comment, University of Waikato Communications Director Alice Clements was quoted in the press as saying that ‘the university was taking the matter seriously and would be investigating,’ and adding that ‘the University of Waikato does not condone language or actions that perpetuate hate, discrimination or harmful stereotypes’ and that the University of Waikato was ‘an institution that values diversity’ and has ‘clear expectations of staff conduct.’<sup>266</sup>

It was also a lower-level administrator (his Head of School) who called Raymond Richards to a meeting after he referred to ‘religious cranks’ in a lecture in early 2021. And it was Elissa Cameron, the Head of School of School of Biological Sciences at Canterbury, who first announced that Nick Matzke’s talk on structural phylogenetics had been called off (though the talk did take place in the end).

In a couple of cases, administrators at institutions outside of universities also played a role. It was a member of the Royal Society Te Apārangi executive that demanded that all references to the Listener letter be removed from Ant Poole’s lecture (as well as its abstract). And it was Francene Wineti, then Pou Ārahi (Māori adviser) at MetService, who tried to have Tony Hickey’s email about Māori mythology in weather reports forwarded to the Pro Vice-Chancellor Māori at the University of Auckland, Te Kawehau Hoskins.

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<sup>264</sup> [https://www.kiwiblog.co.nz/2018/09/massey\\_lying\\_over\\_cancellation\\_of\\_brash\\_speech.html](https://www.kiwiblog.co.nz/2018/09/massey_lying_over_cancellation_of_brash_speech.html).

<sup>265</sup> Jessica Long, “Massey University cancels controversial Feminism 2020 event due to ‘health, safety and wellbeing’ concerns,” *Stuff* (16 October 2019).

<sup>266</sup> Natalie Akoorie, “Waikato University lecturer under fire after prayer comment,” *NZ Herald* (3 September 2017).

That Hoskins apparently took no action against Hickey (assuming the email was forwarded to him) reminds us that administrators have sometimes defended academic freedom. Two such cases involved the same senior administrator, the former University of Auckland Vice-Chancellor, who made clear, both in the context of the appearance of white nationalist flyers and of protests about Hong Kong, that he ‘expected people to respect academic freedom and freedom of speech.’

It also seems that no action was taken against Rex Ahdar in the first item on our list of academic freedom incidence, which at least shows that nobody with any power decided to take up the cause of the online petition calling for his sacking. And when US diplomat Bonnie Jenkins was forced to abandon her speech at VUW earlier this year Professor David Capie, the Director of the Centre for Strategic Studies, did say that it was ‘a sad day when students and the public are denied an opportunity to listen to a speaker, to ask questions, and decide for themselves,’ even though he was not able to ensure that the lecture went ahead as planned.

## **Managerialism and other factors**

Let’s return now to the shifts that Jane Kelsey thought were key to the ‘neo-liberal’ transformation of New Zealand universities. These were

the introduction of competition between and within tertiary institutions; reliance on non-state funding from student customers, donors, research contracts and international students; managerialism and executive hierarchies that displaced collective forums for debate and governance; casualisation, precarious employment, and bullying.

To what extent have these manifested themselves as threats to academic freedom in the evidence that we have been able to gather?

The introduction of competition between universities might plausibly manifest itself in two ways: on a greater willingness of universities to placate students (to make sure they don’t go elsewhere), and on a greater protectiveness on the part of universities towards their ‘brands.’

As we saw above from our review of the testimonies that we collected, it is at least the perception of a good number of academics that universities have become more protective of their brands. Many academics also seem to think that universities now put students’ preferences above educational quality. Many also seem to live in fear of student complaints and seem to take for granted that their universities would not do much to defend them in such cases.

Several of the academic freedom incidents in our list involved student protestors. In response to Rex Ahdar’s remarks about gay marriage and the Speak Up For Women’s planned Feminism 2020 conference at Massey, students organised petitions which received a good number of signatures and comments from other students. Raymond Richards was called to a meeting about his reference to ‘religious cranks’ after a single student raised a concern. Students also seem to have been among those who made it impossible for Bonnie Jenkins to give her speech at Victoria.

Although we cannot expect administrators to explicitly announce that they are playing fast and loose with academic freedom in order to protect their university's brand, a few of the incidents may also hint at this. The speed with which University of Waikato Communications Director Alice Clements denounced Raymond Richard's Facebook comment about Islam certainly points to a university primed for reputational 'damage control' operations. And one of the reasons Jan Thomas gives in her emails for wanting to deplatform Don Brash is that Massey is a 'Tiriti-led' university, and that may also be read as concern about the university's 'social justice' credentials.

The next item on Kelsey's list is 'reliance on non-state funding from student customers, donors, research contracts and international students.' We have already seen that a perceived need to placate student who complain featured in several of our testimonies and a couple of our academic freedom incidents.

On the other hand, we did not find much evidence that a felt need to keep donors and international students on side and to maintain research contracts is undermining academic freedom, with one major exception: China. As we saw in the previous chapter, close ties between New Zealand universities and China probably do help explain why AUT, for example, seemed so happy to shut down an event commemorating the Tiananmen Square massacre by one of its own lecturers.

Kelsey also mentions 'casualisation, precarious employment, and bullying.' The first two of these are present in our testimonies, as we saw above, with several academics talking about how they feared for their jobs if they spoke out. It may well be that the ease with which New Zealand universities are able to cut academic roles puts academic freedom itself in a more precarious position that it is in the US, for example, with its stronger protections for tenured academics.

The final feature mentioned by Kelsey is 'managerialism and executive hierarchies.' We have been discussing this topic for most of this chapter. As we have seen, there is extensive evidence not only that academics think that this threatens their academic freedom (from the testimonies) but also that it often has played an important role in undermining academic freedom in reality (in many of the academic freedom incidents we have gathered).

In fact, our analysis may suggest that managerialism is the crucial factor in the current academic freedom crisis, simply because it is usually university administrators that make the decision to attribute corporate positions on controversial issues to the university, cancel events, or investigate or discipline academics. Students and other members of the public may complain, but their complaints would not necessarily go anywhere without action by administrators. On some occasions, moreover (as with Jan Thomas' deplatforming of Don Brash), administrators themselves have undermined academic freedom directly.

Something similar may be said about the interaction between managerialism and the threats to academic freedom we covered in the previous two chapters. Progressive ideology would not necessarily pose such a threat to academic freedom if university administrators could be trusted not to allow it to undermine academic freedom. And though the Chinese Communist Party might still find way to intimidate students (especially Chinese students) in New Zealand, the close relationship between our universities and China would be less of a worry if university administrators took more robust action to protect academic freedom than AUT senior management did in cancelling an anniversary event for the Tiananmen Square massacre.

Kelsey and other left-wing academics concerned about academic freedom are quite right, then, that rampant managerialism plays a key role – perhaps the key role – in undermining academic freedom. We are sympathetic to the idea (aired both by Kelsey and in some of the testimonies we collected) that the solution to this is more internal democracy in universities; but it is worth noting that there might be other solutions that fall short of this, for example more rigorous training for managers in free speech theory and in universities' obligations to uphold academic freedom. This is something we will return to in our conclusion.

In the meantime, it is worth raising two apparent assumptions that make the importance of administrative decisions even clearer. The first is that the concerns of one or a few vocal students reflect what students as a whole want. University administrators often act as if they are 'forced' to cancel events or punish (or at least investigate) academics if one or a few students complain vociferously enough.

In fact, administrators effectively take a decision not to stand up to students in these cases, and usually not even to question them. Of course, sometimes student complaints should be followed up on and upheld, and sometimes academics will face justifiable consequences for their behaviour.

But universities should not assume that they have any sort of mandate to investigate academics for speech without further thought. Quite apart from their legal obligations, the assumption that most other students or potential students will be impressed by universities taking action of this sort seems unwarranted. University administrators should not mistake students with large social media followings with the broader public they are supposed to be serving.

A second, related assumption university administrators seem to make is that shutting down speech, whether by academics or by outside speakers, will enhance rather than damage their brand. Jan Thomas, for example, may have believed that Don Brash speaking at Massey would have tarred the institution as 'racist.' But academics and academic administrators should remember that their own social environment, highly skewed politically as it is, can give them a poor sense of the views of the rest of the country, or even that portion of it that interacts with universities.

These administrators should also remember that universities gained much of the prestige they now hold by throwing off the more repressive elements of their medieval inheritance, introducing enlightenment values, and becoming beacons of free thought and free enquiry. New Zealand universities are literally defined in the Education Act as institutions which uphold and foster free speech. Against that background, university administrators should be helped to understand that unlike in some businesses, attempts to manage the conversation, or even their own image, are more likely to do harm than good to the reputation of their institutions.

These, too, are points that we will return to in our conclusion. For now, though, we will conclude by pointing out that the 'neo-liberalism' that many left-wing critics criticise in the current New Zealand university system is multi-faceted, and that it may be possible to retain some aspects of it while reforming others. This is especially true, if, as we have suggested, the power that university managers now wield could be used to defend academic freedom rather than undermine it.



It may be possible, for example, to retain some elements of competition (with all the positive effects it tends to have on performance) in the university system without caving into every complaint made by a student or a group of students about an academic's speech or about a guest speaker. And it may be possible for universities to take pride in their images and brands without that leading them to pull the plug on any event that some deem controversial. Universities could be healthily competitive and take pride in their work while also protecting academic freedom – as, besides, they are obliged to do in the law.

# Conclusions and Recommendations

In this report, we have presented three categories of evidence – testimonies from academics, surveys of students and academics, and academic freedom incidents. We have also examined three threats that academic freedom currently faces in New Zealand (progressive extremism, the CCP, and managerialism). We are now in a better position to answer the questions we posed in our introduction. We are also in a better position to make some recommendations, though we will not be making any about legislation, since this is the subject of a separate report by the Free Speech Union.

## Evidence-gathering

We can begin with the state of the evidence. We have been able to gather a good amount of evidence for this report, of a sort that has allowed us to investigate the nature of the academic freedom crisis in New Zealand – what topics students and academics are most unwilling to broach, for example, and why. Since academic freedom is so essential to a well-functioning university system, though, we would argue that there should be more regular data-collection on this topic.

Our first recommendation, then, is that there should be an annual audit of New Zealand universities' performance in upholding their obligations to academic freedom. This would ideally be performed by a Director of Free Speech and Academic Freedom (DFSAF), a role that we understand the Free Speech Union will be recommending be established in their report. If no director of this sort is appointed, the audit could be performed by the Tertiary Education Commission (TEC) or by the Minister for Tertiary Education.

The audit should include an academic freedom survey of both students and academics at New Zealand universities. This would look at both the populations covered by the Heterodox New Zealand and the Free Speech Union surveys, and should also include post-graduate students who (to our knowledge) have never been polled on this subject.

When conducting its 2023 survey, the Free Speech Union had trouble gaining access to university email lists (partly because of automated filters). Either a DFSAF, the TEC, or the Minister should request or require that universities disseminate the survey among staff and students, but should not compel anyone to take the survey. (That, in itself, would constitute a violation of free speech rights!)

The survey should also include opportunities for students and academics to say what they think about the atmosphere for open enquiry in their own words. We were only able to draw on the testimonies (plentiful though they were) in the 2023 Free Speech Union Academic Freedom Survey, plus a few additional testimonies that we collected ourselves. The totality of our evidence clearly shows that many academics feel stifled, so there should be more regular opportunities for them to have their say (if necessary, anonymously) without professional consequences.

Another way that the survey might improve on past efforts is to include more targeted questions about CCP interference and managerialism alongside the questions in previous surveys about hot-button topics for progressives (colonialism and the Treaty of Waitangi, sex and gender, and so on).

The audit should also include a report from the universities on any incidents touching on free speech or academic freedom that came up during the year. This should include any successful or attempted deplatformings or reschedulings because of a speaker's views; any books and articles by academics that have been censored or retracted; any significant public calls (public petitions, for example) for academics to be sacked for their views; any attempts to shut down or de-fund legitimate student groups; and any disciplinary proceedings against academics which have, or could be seen as having, a connection to views they have expressed. It should also include any other incidents which have, or could be seen as having, a connection to issues of academic freedom and the freedom of speech.

Finally, we would like to note how many academics or former academics have told us, in the course of our research for this report, that they cannot discuss these issues because of non-disclosure agreements with the universities. We hope that the extent of this practice at universities can be investigated fully at some later date, although the nature of non-disclosure agreements obviously poses a formidable challenge to any would-be investigator.

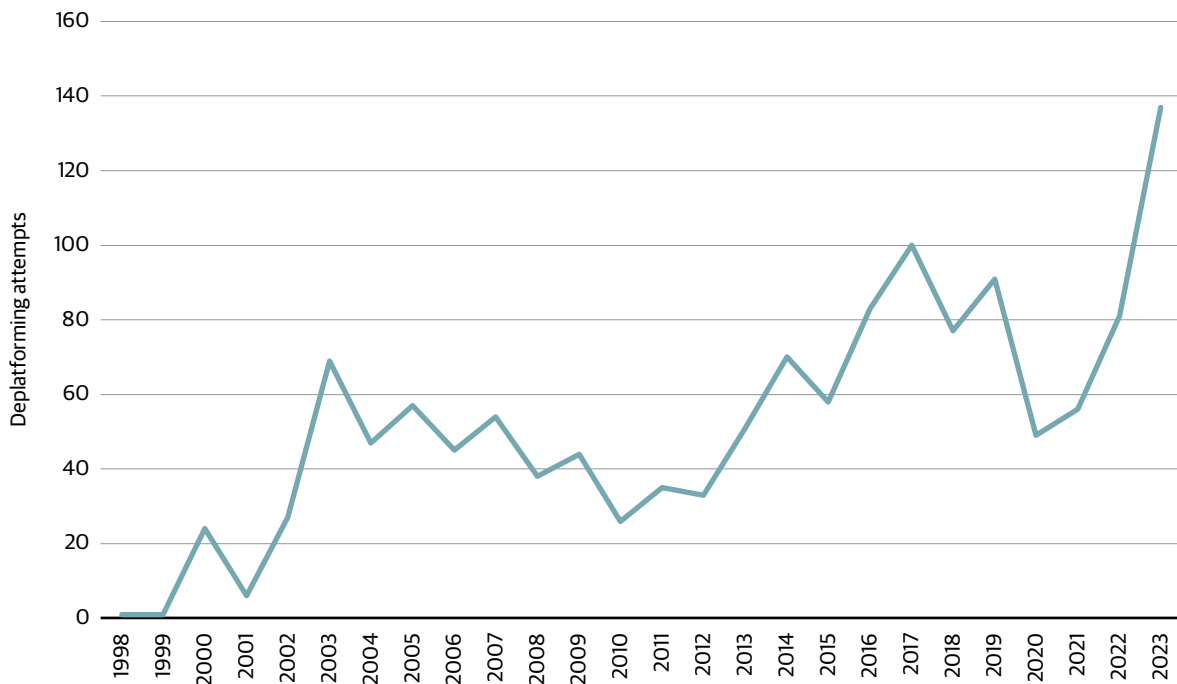
## **General conclusions**

We have already drawn a number of conclusions relating specifically to our three main threats to academic freedom in the previous part of this report. In addition to these, though, we can also draw some more general (if sometimes uncertain) conclusions from our evidence.

First of all, Eric Kaufmann's 'iceberg model' seems to apply in New Zealand as much as in other English-speaking countries. Though the number of serious violations of academic freedom (deplatformings and so on) is relatively small considering all of the conversations that do take place at universities every year, there does seem to be a perception that speech isn't entirely free at our universities, and this does seem to lead to inhibitions discussing certain topics (as the surveys in Chapter 2 showed).

Secondly, academic freedom seems to have entered choppy waters in New Zealand around the same time as in comparable university systems. We began this report by surveying the academic free speech crisis across the English-speaking world. The graphs we looked at (see Figures 1 and 2) showed a spike in anti-free speech incidents (deplatformings, sanctionings of academics, and so on) over the past decade, with an especially big spike in the past 5 years. Figure 1 (reproduced as Figure 33 below) also showed a slight gap in 2020 and 2021 (probably associated with Covid-19 measures) between two spikes.

Figure 33: Deplatforming attempts on US campuses, 1998–2023



Source: “Introducing FIRE’s Campus Deplatforming Database,” FIRE website<sup>267</sup>

Our list includes a greater variety of incidents, not all of which involve clear violations of academic freedom. Some run across two or more years. Even so, the pattern in New Zealand appears to be similar to the situation in the rest of the English-speaking world. After 2013, we have a big gap with no incidents in 2014, 2015, and 2016. Then we have our first big spike, with two incidents running across both 2017 and 2018, one other incident in 2017, and then no fewer than six incidents in 2019. Then there is a shallow trough, with only one incident in 2020, two in 2021, and only one again in 2022. We then have another spike, with three incidents in each of 2023 and 2024 (though there would have been five episodes in 2024 had we had time to include the two recent incidents we mention at the beginning of our catalogue).

Bearing in mind the caveats above, this seems consistent with a similar pattern to the US, with perhaps a slight delay. (Incidents are clearly on the rise again already in 2022, for example, whereas in our list the final wave only really gets going in 2023.) It also seems to indicate that the cluster of academic freedom incidents that have occurred since 2017 is not typical of previous periods.

Yes, there were some incidents of this sort before 2017, and we would likely find more if we continued our investigations into the past. But unless we have missed a whole handful of them, the period 2017–2024 would appear to have been an especially eventful period in terms of incidents involving academic freedom. (This may also be corroborated in the growing proportions of respondents reporting a problem with the climate for speech at their university in the surveys we covered in Chapter 2.)

<sup>267</sup> <https://www.thefire.org/news/introducing-fires-campus-deplatforming-database>

Those who dismiss concerns about free speech and academic freedom on the grounds that ‘free speech was never free at universities,’ then, are probably wrong, not only morally (since it would still be right to protect free speech even if it was never completely free) but also in empirical terms (because it looks like the past few years really have seen more threats to academic freedom).

As we indicated above, our list includes a greater variety of incidents than most of the catalogues that we drew on in our survey of the academic freedom crisis in other English-speaking countries. We do include a few classic deplatformings, both successful (Don Brash, Daphna Whitmore, the Feminism 2020 conference) and attempted (Nick Matzke’s talk, which was moved to a different room), as well as academics being investigated by universities (Anne-Marie Brady) or other scholarly associations (The Royal Society in the case of two of the *Listener* letter authors), or being called to meetings with managers (both the cases involved Raymond Richards). Calls for universities to sack, punish, or ‘be aware of’ academics, either from students and members of the public (Rex Ahdar, for example, and Mohan Dutta) or by employees at institutions outside the tertiary sector (Met Service in Tony Hickey’s case) also feature.

Our list also includes other types of incidents. These include a student group (the ‘Auckland University European Students Association’) disbanding itself, debates over flyers (white nationalist or anti-CCP) in public spaces on campus, social media posts (like Raymond Richards’ post about Muslim employees), and one academic (Ant Poole) being asked to change details of a public lecture.

We have also documented claims by academics that they are being harassed for their work, either by the CCP (in Anne-Marie Brady’s case), or by members of the public, including on social media (in Siouxsie Wiles’ case). Finally, we have cases in which scholarly institutions publicly repudiate or denounce views expressed by academics – both universities (as with Raymond Richards’ Facebook post, for example) and national-level institutions like the Royal Society (as with the *Listener* letter controversy).

It is worth noting here the repudiation of the *Listener* letter in short order by the Royal Society, the University of Auckland (the authors’ home institution), the Tertiary Education Union, the New Zealand Association of Scientists, and the New Zealand Psychological Society, as well as over 2,000 of the authors’ colleagues. The combined effect of these denunciations must have been to make the authors’ feel that they had nowhere to turn, an effect which is probably easier to produce in New Zealand than elsewhere, where national-level institutions are less likely to pick up on controversies of this sort.

Some of the incidents on our list constitute clearer violations of free speech than others. Stopping a student group from having an invited speaker speak (as Massey Vice-Chancellor Jan Thomas did), investigating a scholar for writing a report (as Victoria and Auckland did to Anne-Marie Brady, or even just a letter to a magazine (as with the *Listener* letter authors), for example, all represent clear threats to free speech at our universities.

Some other cases are not so clear. It is not clear to us, for example, that scholars who think their universities have not sufficiently defended them from harassment have had their academic freedom violated, except in cases where this harassment passes into drowning out, physical intimidation, or assault. This was the conclusion reached by Judge Holden in Siouxsie Wiles’ case.

Similar things might be said about cases where counter-speech is involved. So, for example, the academics who co-signed a counter-letter to the *Listener* letter on science were clearly exercising their speech rights in a legitimate fashion, even if we personally found the arguments advanced in that letter unimpressive.

This should be contrasted with the statements by the New Zealand Association of Scientists, the New Zealand Psychological Society, the Tertiary Education Union, and (above all) the statement and later actions of the Royal Society, all of which are institutions. Statements from institutions (some of which hold considerable power over academics' careers) can, we think, be viewed as intimidating and thus limiting academic speech, even if they do not constitute as clear a violation of free speech as deplatformings, for example.

We should also be clear that many of the investigations into academics that we documented were halted at quite an early stage. Raymond Richards was only called into meetings with managers, calls for Rex Ahdar and Mohan Dutta to be sacked were not followed up, and nor (apparently) did the Pro Vice-Chancellor Māori follow up Tony Hickey's email to MetService. Even the investigation into the *Listener* letter authors was only a preliminary hearing on whether they should be investigated more fully.

At the same time, Raymond Richards told us that the university took no further action in response to his Facebook post on Islam after he 'vigorously defended himself' at a meeting that was also attended by his lawyer, and it is impossible to say if the university would have gone further if he had not done this. And Robert Nola and Garth Cooper, who were the subject of the Royal Society's preliminary investigation, seem to have thought that process was onerous enough, and represented enough of a stain on their reputations, for them to resign their fellowships of the society.

We would also note again here that we have heard of a number of non-disclosure agreements with universities. This may reflect a higher level of pressure from universities on academics because of speech, but we are unable to verify this.

In any case, that not all of these incidents are equally serious and that some (such as the Siouxsie Wiles case) are eminently debatable is surely a contributor to another fact that we want to concede here: that not all academics and students think there is a problem with academic freedom at universities.

This emerges clearly from some of the testimonies we gathered (e.g. 66) and from the surveys, which tend to show that a majority of academics and students feel more comfortable than not discussing controversial issues. Of course, that may be because a majority (by definition) agree with the majority viewpoint and hold majority political leanings. Principles like free speech and academic freedom are of principal worth for defending *minority* viewpoints.

In addition, some commentators, though they agree that our universities have issues to do with academic freedom, disagree on the nature of this threat. Jane Kelsey, for example, during Victoria University's recent panel event on free speech, seemed to dismiss the idea that 'those who've been shut down' have been largely on the political right. Instead, she said, 'it's been because the donors could potentially be upset, or "We can't have the Uyghur woman speaking because the Chinese are going to be upset."<sup>268</sup>

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268 James Kierstead, "VUW free speech event shows why government intervention is now necessary," *Plain Sight* (15 June 2024).

Massey University Communications academic Mohan Dutta has argued that the findings of the Free Speech Union's surveys in particular are more reflective of what he sees as their own right-wing ideology than of any real problem with academic freedom in New Zealand.<sup>269</sup> With regard to the FSU's 2022 survey question about academics' perceived freedom to 'question and test received wisdom,' for example, Dutta comments that this 'seems to depend on what the operationalisation of "received wisdom" is.' But the fact that a substantial minority of New Zealand academics responding to this survey (45%) felt more unfree than free to question and test received wisdom is still interesting and informative, even if we had no idea what they meant by 'received wisdom.'

And, of course, we do have some idea of the kinds of 'received wisdom' many felt unable to question or test, because academics and students also told the Free Speech Union and Heterodox New Zealand that they felt uncomfortable discussing certain issues, especially the Treaty of Waitangi and colonialism, and sex and gender. As we detail in our chapter on the threat to free speech from the progressive left within universities, we also have testimonies from many academics in which they describe their fear of questioning or criticising a 'woke' or 'social justice' ideology that they saw as dominating their institutions.

For Dutta, 'the focus on these two areas seems random, unless read from the ideological agenda of the far-right here in Aotearoa.' We have already recommended that future surveys ask about a broader array of topics, but the choice of questions in the surveys that have been conducted can easily be explained by the fact that these are issues that have proven highly controversial on campuses across the English-speaking world for several years now. The Heterodox New Zealand survey was, besides, an adaptation of a US version. It seemed reasonable to assume that a substantial number of students and scholars would turn out to feel inhibited on these issues in this country too. And this assumption proved to be entirely justified.

This is the main problem with Dutta's critique, then: that there is now a considerable body of evidence that academics and students feel stifled on various topics, including on topics that are of particular importance to the progressive left. That evidence now exists whether or not the Free Speech Union's surveys are part of the 'ideological agenda of the far-right here in Aotearoa' (a claim which is, in any case, not backed up by any evidence). It seems clear, at any rate, that the idea that many students and academics feel stifled (even if not most) is not simply a fantasy of right-wingers, but reflects a real phenomenon.

It also seems clear that it is not simply genuinely extreme speech that is being stifled. Some of our incidents do involve views that we would agree are extreme. Though the Auckland University European Students Association which had a stall at orientation week in 2017 denied any racism, for example, their iconography and slogans did seem to have associations with the far right, something that could also be said about the groups posting flyers at Auckland University in 2019.

There are thorny philosophical and practical issues to do with where exactly the limits of free speech should be drawn when it comes to genuinely extreme speech of this nature.<sup>270</sup> For the most part, though,

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<sup>269</sup> Mohan Dutta, "The right-wing version of academic freedom and communicative inversions," *Massey News* (2 May 2022).

<sup>270</sup> See James Kierstead and Brian Boyd, "The Limits of Toleration: What did Karl Popper really think about tolerance and intolerance?" *Open Inquiry* (20 August 2022).

our evidence does not concern speech which is particularly extreme. The issue which academics seem to feel most stifled on, the Treaty of Waitangi, is one that many New Zealanders want to see debated, with a poll last year finding that 45% wanted a referendum on how the treaty should be interpreted.<sup>271</sup>

69% of respondents said in a poll in May this year that they opposed primary school children being taught that they can change their gender, which suggests that many New Zealanders disagree with gender ideology.<sup>272</sup> If that is the case, the evidence we have presented here that students and academics are afraid to talk about this issue cannot simply be dismissed on the grounds that gender-critical people represent an extremist fringe of society.

We should also recall that the Heterodox Academy survey also suggested that right-wingers, straight people, and men all feel uncomfortable discussing certain issues – something that might be overlooked considering the large progressive skew at our universities, and progressives’ tendency to be more attentive to the difficulties experienced by other demographics. The 2018 TEU survey did find that a substantial minority of Māori felt that academic freedom was not being upheld at their institution, though this proportion (27%) wasn’t much higher than the overall figure (25%).

We will close this section with one final point. A poll in April this year found that only 33% of Kiwis trust the news ‘most of the time,’ perhaps because of perception of media bias.<sup>273</sup> Even so, although there may well be academic freedom incidents that the press has not covered, we found that a vast majority of academic freedom incidents that we heard about received some coverage, and sometimes extensive coverage, in the press. The frequency with which we have been able to draw on press reports in our list of academic freedom incidents reflects this.

## Specific conclusions

Most of our specific conclusions were presented at the end of the three chapters in the previous section. But we do have a few more points to add here.

With respect to the threat to academic freedom posed by China, we suggested at the end of our chapter that New Zealand universities should ‘reap the benefits of collaboration with China while also remaining alert to the very real threat that the CCP poses to our freedoms.’

We would suggest that there is a reasonably obvious way of doing this which seems certain to mitigate our risk. This is to step back from engagements with well-documented links to the CCP and the People’s Liberation Army while continuing to engage with China in other areas of higher education and advanced research. This would certainly involve ceasing partnerships with military-linked universities and also being more cautious about schemes such as the Thousand Talents Plan, the Chinese Scholarship Council scholarships and about Confucius Institutes and Chinese Students and Scholars Associations.

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<sup>271</sup> Thomas Coughlan, “Majority would support Act’s Treaty referendum, although voters unsure if they want to vote on it,” *NZ Herald* (12 October 2023).

<sup>272</sup> <https://familyfirst.org.nz/wp-content/uploads/2024/04/Child-Gender-Dysphoria-Poll-Results-April-2024.pdf>

<sup>273</sup> Bryce Edwards, “What’s to blame for the public’s plummeting trust in the media?” *The Democracy Project* (9 April 2024).



Though this would be compatible with our overall engagement with Chinese higher education continuing to be substantial, it may in practice mean a slight diminution of our engagement with China, at least as long as it remains a communist autocracy. This, though, might be no disaster considering our universities' unusually heavy reliance on the Chinese market at present.

When it comes to the threat from the far-left, we are hopeful that sensible and robust legislation of the sort that the Free Speech Union will recommend in its report will reduce the more overt forms of suppression currently experienced by the dwindling number of right-of-centre academics. We are aware, though, that given the nature of human psychology, a risk of discrimination against out-groups will remain as long as there is such a pronounced political skew among academics.

This highlights that legislative attempts to protect academic freedom, while important, will not be sufficient to save it. If a majority of academics do not hold it as value, academic freedom will die, and the university as a venue for the production and testing of knowledge will thereby be greatly impoverished.

We noted in our chapter on the progressive left that post-modernism seems to have played some role in spreading an exaggerated sense of the harm that words and opinions can cause, an attitude that will obviously and necessarily tend to threaten liberal principles of free speech.

Might there be some way of both lessening the ideological skew on campus and the influence of post-modernism without violating the academic freedom of left-wingers or engaging in political discrimination in hiring? This is a thorny topic that deserves a report of its own, but we would suggest that there is a possible solution. This would involve not closing or cutting the more post-modern and far-left segments of today's universities, but establishing new programmes and research institutes of a sort that would probably not attract post-modernists or activists.

For example, a Research Centre for Quantitative Methods in Educational Research would likely stand as a beacon of empirical research and as a slight corrective to more overtly political (and radically progressive) parts of the university. A Centre for the Study of Tradition and Traditions might provide a base for conservatives, and a Centre for Human Freedoms for classical liberals. As we say, though, this idea would need to be developed more fully and carefully, and this is not the place for that.

Another theme that appears time and again in our academic freedom incidents is safetyism.<sup>274</sup> The idea that certain students needed to be defended or made safe from words and ideas was used against academic freedom in the deplatforming of Don Brash and the cancellation of the Feminism 2020 conference at Massey, the deplatforming of Daphna Whitmore at AUT, the recent postponement of the free speech event at Victoria University of Wellington, and in several other incidents. Administrators should be clear that treating words and ideas as dangerous in this hyperbolic way will continue to make it more difficult for universities to fulfil their legal obligations to academic freedom.

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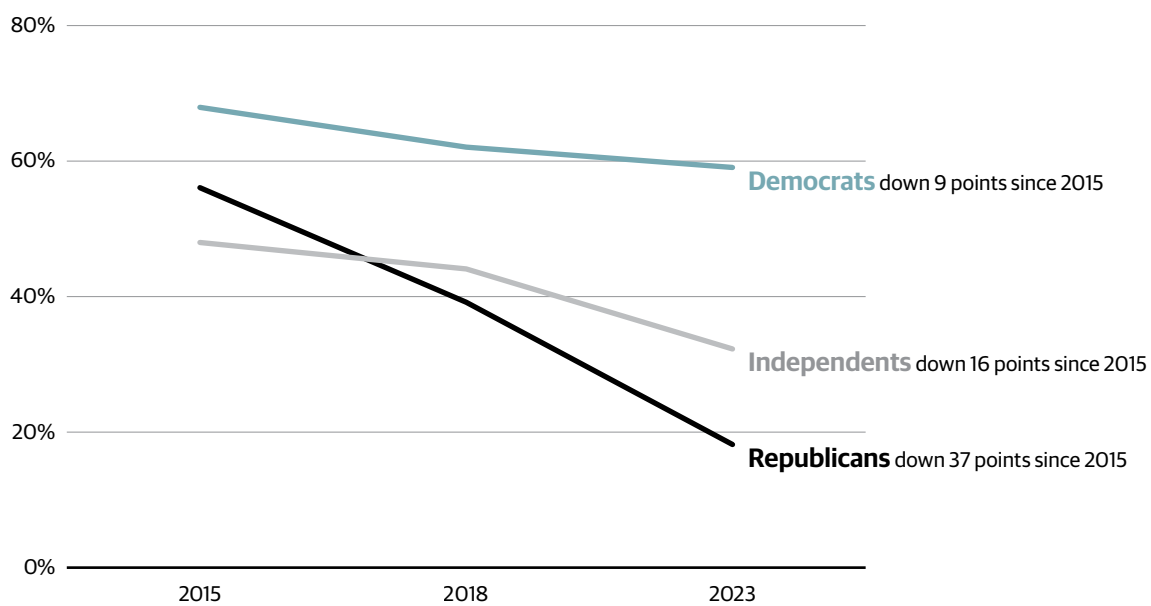
274 On safetyism see esp. Jonathan Haidt and Greg Lukianoff, *The Coddling of the American Mind* (New York: Penguin, 2018).

With regard to managerialism, at the end of our chapter on the topic we drew attention to two assumptions that many university administrators now seem to make: that universities will lose out if they ignore the demands of a small number of radical student activists, and that their brand will suffer if they allow academics to harshly criticise them.

Both of these assumptions strike us as wrong. A 2018 survey found that activists of both the right and the left are only a tiny minority of the general population, with most of the population making up an ‘exhausted majority’ of politically disinterested people.<sup>275</sup> Although there is probably more radicalism among students, this may be broadly true of the student population as well. If so, there may well be an exhausted minority of students at New Zealand universities who would welcome tougher action against a small minority of activists who appear to be reducing the quality of discussions on campus by contributing to the problem of chilled speech.

As to universities’ brands, we again lack good data on this topic from New Zealand, but the esteem in which American universities are held has dropped dramatically over the past few years (as Figure 34 shows), just as universities have been repeatedly disrupted by runaway polarisation and student radicalism. That this has been largely of the progressive variety explains the especially steep fall in Republicans’ confidence in higher education; but we should not overlook the fact that the confidence of independents and even Democrats has declined as well.

**Figure 34: Percentage of Americans with ‘a great deal’ or ‘quite a lot’ of confidence in higher education, 2023**



Source: Graph by Jonathan Haidt using data from Megan Brenan, “Americans’ Confidence in Higher Education Down Sharply” (Washington: Gallup).<sup>276</sup>

<sup>275</sup> Stephen Hawkins *et al.* (2018), “Hidden Tribes: A Study of America’s Polarized Landscape” (New York: More in Common).

<sup>276</sup> <https://twitter.com/JonHaidt/status/1732730500274340097>

If the New Zealand public are anything like the US public, we would expect that many Kiwis have been similarly discomfited by many of the academic freedom incidents we cover in this report, and that past students' confidence in, and affection for, the universities they attended has dropped substantially. For what it is worth, this has certainly been our impression from conversations with many New Zealanders, many of whom have had a life-long associations with the universities in question.

This suggests to us that New Zealand universities' brands would actually benefit from, rather than be tarnished by, more robust action on the part of administrators to defend and protect their institutions' core mission to provide a forum for open-minded teaching, research, and debate. Our sense is that most active academics see this, even if many long-term administrators do not.

This brings us to our final point on managerialism. In the course of writing our chapter on this topic, we realised that over-powerful managers were not simply a threat to academic freedom in the way that progressive extremists or the CCP were, but a nexus with the power to convert those threats into real action against dissident academics and students. This makes them, in some sense, the lynchpin of the stifling status quo.

Here there are two possible solutions that might have some effectiveness, especially in combination. The first takes the current administrative hierarchies as a given and targets the managers and administrators that, as our testimonies and incidents attest, have played such a key role in building and supporting the current system. Instead of and alongside of current workplace training (which can also include training on 'diversity, equity, and inclusion' and topics such as the Treaty of Waitangi), anyone entering into a position of significant administrative power in our universities should be required to attend training in the basics of free speech theory and in universities' legal obligations to academic freedom.

There is always a risk with compulsory training, of course, that individuals choose to ignore or even rebel against it. The second solution therefore seeks to weaken these administrative hierarchies themselves. Any organisation involves some forms of hierarchy. There is a widespread sense, though, that this tendency has proceeded for too long in New Zealand universities in an unchecked form. There should be an attempt to strengthen the elements of internal democracy that still exist in our universities (in the form of faculty senates, for example). That would make universities more responsive to the needs of active academics, many of whom have strong incentives to protect the openness and freedom that is an essential ingredient in the highest quality teaching and research.

## **Preserving Popper's paradise**

In our Introduction we told the story of Karl Popper's arrival in New Zealand as a philosopher of Jewish heritage from Nazi-occupied Vienna, and of the writing of Popper's most significant work of political philosophy, *The Open Society and its Enemies*, during his stay here. We ended the Introduction by wondering whether Popper would have found this country a paradise of academic freedom had he arrived here today rather than in the late 1930s.



*Popper and his wife Hennie on the Ball Hut route in Canterbury in 1945, the year *The Open Society and its Enemies* was published. Source: Popper-Prior.nz*

We have a hint about the answer to this question in one of our academic freedom incidents. This is the incident involving the unpublished of Otago psychologist and political scientist Jim Flynn's book on free speech and academic freedom. What we did not mention in our account of that incident is that Flynn was also a political exile from his native land, in his case the United States, where he had faced persecution for his social democratic views in the fervently anti-communist atmosphere of late 50s and early 60s America. That Flynn faced censorship twice in his lifetime is not a promising sign for today's intellectual climate. That he faced hurdles in having his book on free speech published is also an interesting turnaround from Popper's ability to write a book on the open society that did not face significant censorship.

But let us repeat the more specific questions we asked about Popper in our Introduction. Would Popper feel as free today to write an equally polemical book? It seems unlikely.

The withdrawal of Jim Flynn's book is one case that suggests he would have faced additional hurdles. And though Popper's treatment of Plato arguably created more controversy when *The Open Society* was published, it is his attack on Marx that would probably land him in trouble today.<sup>277</sup> Perhaps this would be unlikely to have constituted anything beyond social ostracism from his peers. But Popper might well have had more trouble had he decided to write dissenting work on the Treaty of Waitangi, say, or sex and gender. His likely stance on the Israel-Palestine question might also have prompted student protests.

Would Popper have felt as free as he apparently did, in this country that is 'the farthest place in the world...after the moon,' from the reach of the totalitarian state that he fled? Obviously, the Nazi state that Popper fled has long since been destroyed, but we might get a sense of how well he would have been defended by the letters that were exchanged by AUT senior administrators and the Chinese embassy before the event organised by Ji Ruan, a Chinese academic who wanted to commemorate the massacre perpetrated by the CCP in Tiananmen Square in 1989.

Finally, although Popper complained of university administrators who did not want him to spend his time on research, we might well ask how he would have fared against today's more ideological university bosses. Again, he probably would have survived despite his criticisms of Marx, though it would likely have earned him few follows on New Zealand academic Twitter.

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<sup>277</sup> On the reception of Popper's critique of Plato, see James Kierstead, "Karl Popper's *Open Society*," *op. cit.*

Had he waded into discussions of colonialism or sex and gender in his usual forthright manner, though, he might well have had a conference on the subject cancelled (as with the Feminism 2020 conference at Massey), and any visiting speakers he invited deplatformed (as with Don Brash at Massey and Daphna Whitmore at AUT). There might have been other repercussions too, though we may not have been able to discuss them, had a non-disclosure ‘agreement’ of the sort that is apparently now so common at New Zealand universities been imposed on him.

All of this is a great shame, of course, not only for our hypothetical time-travelling Popper, but for the real academics and students who have faced unreasonable consequences for expressing their views or who fear that consequences of an unreasonable sort might ensue if they speak their minds on contentious topics. We will trust that the reader understands the importance of free speech and academic freedom to any liberal democracy, and to any university, worthy of these names, so we will not repeat the arguments we made on that front in our Introduction.

What we will do in closing, instead, is to add to these principled arguments a less important one, but one, we hope, that is still worth mentioning.

As we documented in our introduction, universities across the English-speaking world are going through a profound and ongoing crisis with regard to academic freedom and the freedom of speech. Confidence in these institutions seems to be falling, in the US and elsewhere, probably for this and other, related reasons (such as polarisation and radicalisation).

At the same time, English is increasingly the language of science and learning worldwide, and the demand for a high-quality English-language education seems to be increasing too. Talented academics face an almost hopelessly competitive job market, one that makes relocating to the second farthest place in the world after the moon an option that they cannot afford to reject out of hand.

There is an opportunity here, in other words, for New Zealand’s universities to steal a march on the larger and better-resourced university systems it tends to compete within the US, UK, Canada and Australia. It can do this by leaping ahead of them in one of the only areas where this seems realistic: in its defence of true academic freedom and freedom of speech.

If we can get our house in order on this front while American universities are still melting down and as a new UK government looks sceptically at academic freedom legislation introduced by their predecessors, New Zealand could once again be a magnet for scholars of the stature of Jim Flynn and Karl Popper.

And students from around the world could flock to these distant shores because they have heard that here, more than anywhere else, is a place, and a university system, where students and scholars are free to question and test received wisdom, put forward new ideas, and state controversial or unpopular opinions.

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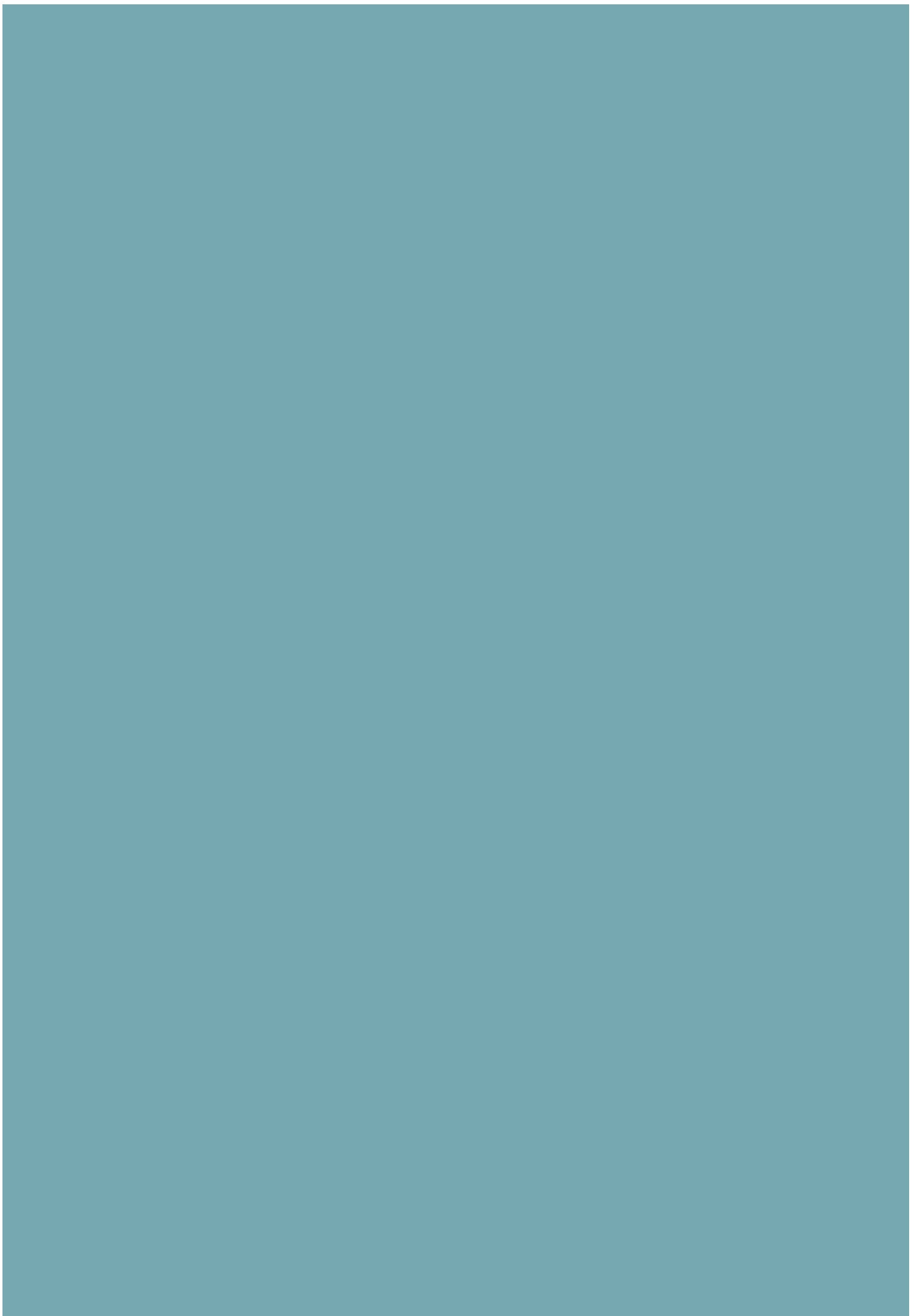
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Academic freedom is in peril, not only in autocracies like Russia, but in the democratic West as well. Though controversy has long raged about how threatened academic freedom actually is, we now have extensive evidence for a rise in deplatformings, sackings, and other acts of censorship at universities across the English-speaking world over the past few years.

Is New Zealand part of this trend? This survey presents the evidence that it is, drawing on testimonies, surveys, and a comprehensive catalogue of academic freedom incidents. It then uses this evidence to analyse the three main threats to academic freedom at our universities: progressive radicalism, interference by the Chinese state, and an over-emphasis on managerialism and branding.

This report does not present possible legislative solutions to the problems it documents; this is the task of a separate report by the Free Speech Union. Our report does, though, make a number of recommendations for how the climate for free speech at our universities can be improved, both in terms of making our universities more hospitable to political diversity and in combatting an unhealthy fear of unorthodox language and ideas.

More than 80 years after Sir Karl Popper came to New Zealand from Nazi Vienna, New Zealand once again has the chance to put itself back on the map as a place where, to quote the Education Act, scientists and thinkers are genuinely free 'to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions.'

\$25.00

ISSN

2624-0092 (print)

2624-0106 (online)



The New Zealand Initiative

PO Box 10147

Wellington 6143