

# Freedom of academic speech in Aotearoa-New Zealand

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As academics in Aotearoa-New Zealand we work and live in one of the safest, most liberal social contexts to be found anywhere in 2019. The national role of universities is defined in the Education Act and includes being the ‘critic and conscience’ of society (New Zealand Government, 1989, Part 14 section 162). Although university systems have been reformed using corporate models, the old value of academic freedom is still enshrined in this role. This editorial is a timely opportunity to revisit the notion of academic freedom, its relevance to the university’s role as critic and conscience in a democratic society, and the significance of these ideas in Aotearoa-New Zealand in 2019, with reference to recent examples.

Our traditions of egalitarianism and giving a person ‘a fair go’ align with our reputation for the ‘best race relations in the world’ in reference to the relatively peaceful accommodation between the descendants of the two founding peoples, Māori and Pākehā, who signed the Treaty of Waitangi. Our education system has long held aspirations of providing a level playing field of equal opportunities for all children. Kiwi self-reliance is associated with the ‘number 8 wire mentality’ of generations of tough farmers who transformed our natural landscapes into the engine of a primary industry-based modern economy. The other side of this self-reliance is a self-deprecating assessment of our status as merely a ‘pimple on the bum’ of the world: without influence in global politics, hence unlikely to attract attention. Underwriting these self-ideas is our comfortable position as a member of the First World, the British Commonwealth and English-speaking Christian world, with the rights to military protection and the products of science such memberships afford.

Yet globalisation and the Internet bring us ever closer to the rest of the world, with all that entails. As capitalism reaches the natural limits of expansion and complete collapse of the planet’s systems seems closer than ever before imaginable, Trump and Brexit are like warning signs that breakdown has begun of the public space and social fabric of democracy in our protector-friend nations, concomitant with the global rise of ‘alt-right’ attitudes and ultra-conservative politics. The sovereignty of our national economy and even our political autonomy as a country is clearly delimited by our obligations under various international agreements. Besides these less obvious alliances, cultural invasion via television and commodities means hardening social attitudes overseas are bound to be reflected in how people think about difference in Aotearoa-New Zealand. The Windrush scandal (Wikipedia, 2019) in the United Kingdom and the ongoing harassment of law-abiding African-Americans by police and White citizens in the United States of America are deeply troubling examples of the re-emergence of old racist discourses and new forms of political right extremism.

How is free speech faring in the public sphere and academy of Aotearoa-New Zealand? We turn to three recent events to assess the status quo. The first is the targeting of a University of Canterbury academic, Professor Anne-Marie Brady, over her research into the influence of China in Aotearoa-New Zealand. Brady has endured break-ins at home and work, theft of laptops and other equipment, and sabotage of her car, and calls our government “naïve at best” to think we can balance our relationships with both China and the United States of America (Huffadine, 2018; Matthews, 2017; Stuff, 2018b). The crimes against Brady are heinous regardless of perpetrator, but even more frightening if, as seems likely, they were at the behest of the Chinese government. In her offending report, Brady explicitly refers to the “legally-supported critic and conscience role of the academic” calling it a ‘magic weapon’ of democracy (Brady, 2017). Life-threatening attack by a foreign government on citizens carrying out lawful activities in Aotearoa-New Zealand calls to mind the infamous Rainbow Warrior affair, and it cuts close to the bone for researchers to witness such personal endangerment of a fellow academic.

In the second example, the overseas influence of extreme right-wing politics was resisted by the public of Auckland when two Canadian speakers proved unable to book a venue in Auckland for their planned visit in July 2018, which was eventually cancelled a week prior (Niall, 2018). As part of a group that considered taking legal action in protest over this outcome, former economist and politician Don Brash told Todd Niall from Radio New Zealand that he was defending not their views, but their right to express them, as guaranteed under our Bill of Rights Act (Stuff, 2018a). When told one of them was reported to have said some races are more intelligent than others, Brash agreed those views were racist. “I’m not defending those views. I’m defending the right of free speech. That’s the important issue.”

Our third example also features Brash, when he was prevented by Vice Chancellor, Jan Thomas, from speaking at Massey University in August 2018, then later invited back to speak in October (Radio New Zealand, 2018). A review of Thomas’s actions cleared her of wrongdoing, despite calls for her resignation when it emerged she was not comfortable about Brash’s leadership of the lobby group Hobson’s Pledge, describing the views it promotes as “dangerously close to hate speech” (Heagney, 2018; Parahi, 2018). These examples illustrate the tension between free speech and democracy: everyone has a democratic right to express an opinion, but some opinions are considered harmful, and therefore shut down, which is undemocratic. Those defending the democratic right to voice opinions are ranged against those who find some opinions harmful to the rights of some, and therefore undemocratic. Meanwhile the former group see the actions of the latter group as undemocratic.

To accuse someone of racism is taken as a serious insult in Aotearoa-New Zealand, given our reputation for fairness and ‘best race relations’. Commentators such as Brash are protected from the anger they arouse by the very tolerance of difference that they claim is under threat. But democracy has shown itself to be fairly defenseless in the light of outright, unscrupulous lies. Only a robust education system, which encourages debate and criticism, can develop in students and citizens the ability to see through the pretensions of the shameless, whether they be academics, politicians or governments. Whether such an educational environment is helped

or hindered by the presence of the unscrupulous is hard to say, and probably a judgement call that should be made case by case. On the one hand, we want people to learn to refute them, but on the other hand it is clearly not sensible to give them a platform from which to broadcast.

Academic freedom is a special form of free speech for a select group, namely academics, enshrined in our Education Act. The law offers this select group protection of free speech on the understanding that this is healthy for knowledge production and thus for society as a whole. Being a critic and conscience of society means challenging the status quo, and reminding everyone of what should and could be. Should universities be expected to be neutral; to not take sides when called on to host speakers or views that some might find reprehensible? Is neutrality even feasible for a university? When academic freedom is used to protect the expression of views that uphold the status quo, or that are designed to obfuscate or confuse, then it can no longer be considered academic freedom. Although it may *look* like a case of the democratic right of free speech, such views in fact curtail the freedom of all. So, in an era of fake news, unevidenced opinion advanced on social media, and a state-sponsored ideology of self-interest, apparently undemocratic efforts to silence or at least challenge political extremism should be supported in defence of democracy. By the same token, even the most respected institutions of our society should be kept under scrutiny, for the good of all. It's our job as education researchers to maintain an unwavering, critical gaze on those very institutions where our professional activities are based.

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