

Executive Summary

Academic freedom is crucial to the success of our universities. It enables academics and students to explore ideas, develop their personalities, and exercise their autonomy without fear of reprisals from those more powerful than them. It underpins high-quality teaching and research by allowing ideas to be contested and improved. Academic freedom is a subset of the freedom of expression protected in the New Zealand Bill of Rights. It is also protected in the Education and Training Act, where it is defined as including the freedom ‘to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions.’

New Zealand has a proud history as a country that protects academic freedom. Karl Popper wrote his famous book *The Open Society and its Enemies* in Christchurch during the Second World War, free from the Nazi regime that had taken over his native Austria. Jim Flynn did world-renowned work on intelligence and other topics at Otago after facing prejudice for his social democratic views in McCarthy-era US.

General conclusions

Academic freedom is under threat in New Zealand as it is in the rest of the English-speaking world. Surveys suggest that between 20% and 40% of students, and between 20% and 50% of academics, feel uncomfortable or unfree discussing controversial topics such as the Treaty of Waitangi, gender, and sexual orientation (depending on the topic). Between 45% and 53% feel uncomfortable or unfree questioning received wisdom, raising differing perspectives, or stating controversial or unpopular opinions (depending on the action they are asked about).

Surveys also suggest that a majority of academics feel free to express their views, a fact which a few of our testimonies reflected. This may, however, be because within academia they hold majority opinions on controversial topics. It is no justification for the fact that substantial minorities of academics continue to feel inhibited.

Eric Kaufmann’s ‘iceberg model’ applies here. A small number of outright violations of academic freedom represents the tip of the iceberg, and substantial minorities of students and academics who feel inhibited make up the less visible body of the iceberg.

Surveys suggest that academics and students feel uncomfortable discussing the Treaty of Waitangi and gender, as well as politics, religion, and sexual orientation. Testimonies reinforce this impression, and also provide a rich picture of academics’ fears of getting into trouble with students and administrators because of their views or the words they have used. A number of academic freedom incidents that have occurred over the past few years provide further evidence of taboos to do with colonialism and gender, and of administrative heavy-handedness. They also point to concerns about CCP interference.

Groups that reported more discomfort discussing controversial issues included right-of-centre students and straight students. While female students reported more discomfort discussing politics and religion, male students reported more discomfort discussing gender and sexuality. Students' perceptions of which groups would feel uncomfortable discussing controversial topics did not always match what those groups told us themselves. More students thought that non-straight students would be more uncomfortable discussing controversial topics than that straight students would be, for example. The converse was, in fact, the case.

As in the US, the number of academic freedom incidents in New Zealand seems to have increased since 2017. As in the US, numbers went down in 2020 and 2021, when COVID measures were in place, but then rose again in the years following. This pattern seems to run counter to assertions that academic freedom has always been under threat at our universities, and that the problem is no worse now than in the past.

A variety of academic freedom incidents have occurred at our universities in recent years, including deplatformings, academics being investigated or questioned by universities, calls for universities to sack or discipline academics, flyers being covered or removed, academics having their talks interfered with, publishers renegeing on publishing deals, and academics being harassed.

Some of the views that have been constrained at New Zealand universities in recent years do seem to reflect extreme perspectives – those behind the white supremacist posters that were put up at the University of Auckland in 2019, for example. Most of our academic freedom incidents, though, involved topics that are clearly of widespread public concern – the nature of sex or gender, for example, which would have been discussed at the Feminism 2020 conference that was cancelled by Massey University.

New Zealand's small size may exacerbate the effects of social ostracism and institutional repudiation on individual academics, leaving them with 'nowhere to turn.' The denunciation of the authors of the Listener letter on science in swift succession by the University of Auckland, the Royal Society, 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, provides a vivid example of this danger.

Despite declining trust in the news media in New Zealand and elsewhere, almost all of the academic freedom incidents we wrote up did receive coverage in the mainstream press. The few incidents that we included on our list that were not covered by the media were related to us by academics who chose not to inform the press. Non-disclosure agreements limited our ability to discuss a few incidents that we heard about, and this likely applies to the press as well.

Progressive radicalism

In other English-speaking countries, calls for academics to be investigated, disciplined, sacked, or deplatformed are more likely to come from the left than the right. Right-of-centre academics and students in English-speaking countries are also more likely to feel uncomfortable sharing their views, to worry about them becoming known, or to report a hostile climate. New Zealand students are part

of this pattern, with right-wing students reporting more discomfort discussing controversial ideas, and right-of-centre academics feeling less free to express unpopular opinions or challenge consensus.

Academics in the English-speaking world are substantially more likely to be left-wing than right-wing, and this skew has grown over the past two or three decades. Together with our well-known propensity to distrust outsiders, this goes some way towards explaining why right-of-centre academics are more likely to feel inhibited, and why substantial minorities of academics in the Anglosphere say that they would be less likely to publish papers, support grants, or hire candidates from the right.

Surveys suggest that the Treaty of Waitangi is the topic that academics feel most uncomfortable discussing. The idea of universities as ‘Te Tiriti-led’ played a role in several academic freedom incidents over the past few years, with Massey University’s statement about the deplatforming of Don Brash, for example, referring to ‘the values of a Te Tiriti o Waitangi-led organisation.’

Sex and gender is another issue that is difficult to discuss openly at New Zealand universities. Just under half of academics who responded, and over a quarter of students, said they felt uncomfortable discussing gender in surveys conducted in 2022 and 2023. Progressive taboos on certain positions on this topic have resulted in two deplatformings so far, with Massey University cancelling a Speak Up for Women event in November 2019 and AUT cancelling a talk by Daphna Whitmore in April 2022.

Post-modernism, which has a strong presence in Education and in the Humanities at our universities, also presents challenges to academic freedom. Post-modernism tends to view speech or discourse as a way of exercising power and emphasises the harms that can be caused by speech and by ideas. Both of these tendencies run counter to liberal democratic norms about open debate and discussion.

An exaggerated concern for safety (including emotional and intellectual ‘safety’) above all else, was implicated in many of the academic freedom incidents on our list, including the deplatforming of Don Brash and Daphna Whitmore.

China and the CCP

Universities across the English-speaking world have long sought to forge links with Chinese universities and to attract Chinese students. While many of these programmes are purely academic, others appear to have connections to the Chinese state and even the Chinese military. Australia’s university sector is the most exposed to China, and recent years have seen the Chinese state persecuting students for speech, debates about deplatformings and online censorship, and anti-CCP protests and counter-protests on campuses.

New Zealand universities are also heavily dependent on China. New Zealand has the second highest number of international students per capita in the world, 36% of whom are Chinese. International students made up 11% of all university revenue in 2023. In addition, an estimated 12% of New Zealand research is currently co-authored with Chinese scholars. Both the Strategic Research Alliance and the New Zealand-China Tripartite Partnership Fund (TPF) help coordinate research collaborations between Chinese and New Zealand academics.

New Zealand universities have engaged with several programmes that UK and Australian researchers have linked to the CCP. These include the Thousand Talents Plan, Confucius Institutes, Chinese Scholarship Council scholarships, and possibly Chinese Students and Scholars Associations.

Several incidents that took place between 2018 and 2020 showcased three ways in which academic freedom in New Zealand has been undermined by connections to China:

1. The Chinese state (probably) directly intimidated University of Canterbury professor Anne-Marie Brady for her work on CCP infiltration of New Zealand, and some mainland Chinese men sought to intimidate Hong Kong student Serena Lee at the University of Auckland;
2. A Chinese diplomat successfully pressured AUT to cancel an event commemorating the Tiananmen Square massacre;
3. New Zealand universities' connections to China may make them hyper-sensitive to criticism on this front, something that was suggested by the complaints VUW and the University of Auckland lodged against Anne-Marie Brady, and her own University of Canterbury putting her under investigation.

Managerialism and the 'neo-liberal' university

University reform was part of the market-oriented reforms of the fourth Labour government. Between 1989 and 1991, New Zealand universities became independent, were allowed to set and levy fees, and began to receive funding based on student numbers.

In the testimonies we received from academics, prominent themes included fear of students complaining about something they had said; disagreement with senior administrators exposing them to career repercussions (including redundancy); and universities caring more about protecting their brands (including by clamping down on criticism) than about educational quality.

Increased competition between universities may have led administrators to be more conciliatory to student activists and more protective of their brands. Relatively precarious academic positions (compared to US-style 'tenure') and strongly hierarchical management structures also seem to have increased academics' fear of being punished for speech. Even so, we found no evidence of our 'neo-liberal' universities clamping down on critique in order to placate private donors.

Senior administrators have been directly involved in cancelling events such as Don Brash's talk at Massey and Ji Ruan's Tiananmen Square commemoration at AUT. More junior administrators, including an Inclusion Manager and a Communications Director, also feature in our academic freedom incidents. But university administrators did not always take action against academics when they were pressured to, and occasionally they explicitly defended free speech (as David Capie did, for example, when Bonnie Jenkins was shouted down at VUW earlier this year).

Recommendations

New Zealand's proud legacy as a country that upholds academic freedom is now under threat. By enacting some energetic reforms, though, New Zealand has an opportunity to make itself a beacon of academic freedom in the English-speaking world, giving it an edge in the highly competitive market for top-calibre academics.

Parliament should enact legislation that makes it more difficult for universities or academics to discipline or sack academics, to cancel events (including student-run events), or to deplatform speakers for political reasons. What form such legislation could and should take is part of the remit of a separate, forthcoming report by the Free Speech Union.

There should be an annual academic freedom audit of New Zealand universities, including surveys of both students (including post-graduates) and academics, in order to help ensure that universities' duties to academic freedom are being upheld.

Though staff and students should obviously be physically safe, university leaders should make clear that an over-emphasis on the 'harm' that ideas can cause is in direct conflict with universities' legislated obligations to free speech.

New Zealand universities should continue to engage with China, to market themselves to Chinese students, and to collaborate with Chinese researchers. At the same time, they could lower their exposure to China's state security apparatus by pulling out of partnerships with military-linked universities and exercising more caution around schemes such as the Thousand Talents Plan, the Chinese Scholarship Council scholarships, Confucius Institutes, and Chinese Students and Scholars Associations.

Senior university administrators play a crucial role in protecting or undermining academic freedom, since they have the power to take action against academics, students, and visiting speakers, or to refuse to do so. Senior administrators should receive training about universities' legislated duties around academic freedom and how to uphold them.

Many university administrators appear to believe that their university brands will suffer if they stand up to student activists or allow public criticism of the university by academics. And yet the positions pushed by student activists are probably held by only a tiny minority of Kiwis of student age, and universities' reputations are likely being harmed more than they are being enhanced by their ongoing struggles on the academic freedom front. The academic training that administrators receive might explore this issue.

Of course, there would be less riding on administrators' understanding of academic freedom if the administrators were less powerful. We would also suggest, then, that universities and government should look at ways of restoring more internal democracy to universities, lessening the powers of administrators vis-à-vis academics.