

To members of Senate

We the undersigned, all members of the Committee of Enquiry but writing now as private individuals, wish to affirm our belief that it is in the best interests of the University that we stop trying to allot 'blame' for what happened on May 7th; that no further punitive action be taken against any person; that our concern should now be for the future and not the past; and that we look at May 7th and the events surrounding it only in order to discover what ails our University and how the ailment might be cured.

(signed)

K Trace
M Hewgill
A Calcraft
Janet Fairley
Geoffrey Fordham
John G Fauvel
Diane Solari
Brian Hathaway
Malcolm R Gray
P J Wexler
Michael S Allison
J A Reissland
Michael Freeman
John J Sparkes
Paul Thompson
J N Coulding

24 June 1968

Report on the bearing of the principle of freedom of speech
on the events of May 7th

Introduction

1. The Committee of Enquiry was asked to consider how the principle of the freedom of speech bears upon the events, mostly on 7th May, described in the Report of the Tribunal of Enquiry. We saw this task as consisting of two parts. Firstly to interpret, with somewhat greater precision than is given in the Senate document of May 16th, the right to freedom of speech as it applies to public meetings within a university, and this, we felt, involved trying to distil the essence of the idea of free speech as it was traditionally held in universities before that meeting. Secondly, to consider the events of 7th May in the light of this interpretation.
2. It soon became clear that both parts of this task were complex and that no distillation of the problem or its solution would carry conviction without some supporting argument and explanation. Thus although we are presenting this report in sections for reasons of clarity, we insist that the report should be considered as a whole and that, because the issues are so controversial, no part of it should be considered out of context.
3. Before proceeding with discussion, the Committee wishes to express its deep gratitude both to Robin Dixon and to members of his secretarial team, who have contributed so much to the smooth working of the Committee.

The Principle of Freedom of Speech as it applies to well advertised meetings,
to which all are invited, as traditionally held within a University

The Distillation

4. (a) In general every group or individual has the right to communicate his views and knowledge, however repugnant such views or undesirable such knowledge may seem to others, subject only to the limitations imposed by law, but not to coerce others to listen against their will.
- (b) Any individual or group in the University is free to arrange a meeting amongst themselves or with any speaker and to decide upon the subject of the meeting, and no other individuals or groups within the University have the right to prevent such a speaker, individual or group from communicating on the subject of their choice (except by way of action through the Courts) subject to the accepted conventions for meetings of different kinds which regulate the extent to which interruptions, questions and heckling are permitted.
- (c) It is important to distinguish between (i) a violation of the principle of freedom of speech stated above and (ii) an offence against a type of behaviour (often stated in rules) that a university which believes in free speech may require. To interrupt a meeting in such a way as to make it difficult to continue the meeting as planned must be regarded as a breach of discipline within the University, even though it may not be against the law of the land. Actions which violate the principle of free speech must always be regarded as a breach of University discipline, but in the light of extenuating circumstances (e.g. a sincerely held moral conviction) the penalty may be reduced.

Discussion

5. There remain in the above clauses certain ill-defined ideas and concepts. They have been left there quite deliberately since we believe that in issues

of this kind, especially where extenuating circumstances are involved, each issue must be decided on its merits. In other words, we deliberately place on the shoulders of the University (without stating how it should organise itself to carry it) the task of deciding such issues as "What are the accepted conventions which regulate meetings of different kinds and what kind of meeting was a particular meeting?". "Were there extenuating circumstances or moral principles which to some degree justified breaches of discipline?".

6. In the case of the meeting of 7th May, we believe it is our task to decide on this kind of issue. On the other hand, it is not our task to decide on individual culpability, if any, or the extent of penalty, if any. These remain tasks for the University.

7. We have restricted our observations on the principle of the freedom of speech to its application to a class of meetings in a university, partly because this is the extent of our brief, but also because we acknowledge the severe pitfalls surrounding any attempt to state generally the extent of the application of the principle outside this class. There are occasions, even within a university, when freedom of speech must be limited, as, for example, during war time, during lectures (even on politics), during examinations; even in discussion it is useless for everyone to speak at once. Thus we make no claim to have defined the principle of free speech. We do not even believe that one never has the right to require that others listen; to some extent a student or students can require this of their adviser. We hope, however, that by restricting the validity of our observations we have lent them more significance.

8. There are various kinds of public meeting that can be held within a university. At political meetings the accepted conventions indicate the appropriate range of conduct by the chairman on the one hand, by the audience on the other. At non-political meetings the corresponding conventions are different, and not normally in dispute. The difficulty here lies in deciding whether a public meeting on an academic or cultural matter has political overtones and is therefore of a much wider significance than was originally intended, for if it has we cannot always expect the audience to ignore this wider significance, and they may then expect to be allowed to behave as if the meeting were a political one. We believe there is no way of evading this issue and it must therefore become a decision for the University on the rare occasions when the situation arises. Unfortunately, there is no clear definition of what is political and what is not; the decisions must nevertheless be made.

9. On the question of moral justification and extenuating circumstances, we acknowledge that there are three possible interpretations of how they should be brought into the problem.

They can be regarded as irrelevant,

OR they can be regarded as providing an excuse for what would otherwise be a breach of discipline,

OR they can be regarded as circumstances which affect the penalty, but in no way diminish the breach of discipline that has occurred.

10. It can be further argued that it is the sincerity of a moral or other conviction which should be the issue considered, not the nature of the conviction. We accept that sincerity is essential but that it is not enough. Indeed, we believe that it should be taken for granted in the sense that if anyone is not sincere in his plea of moral justification he will certainly command no sympathy and will in any case be culpable on other grounds.

11. We have chosen to adopt the third alternative listed above because it offers clearer guidance both to the University and to those who contemplate some kind of breach of discipline. The status of their plea of extenuating

circumstances can be brought in separately, and will not be confused with the issue of culpability.

12. There are of course absurd extremes which could be taken to invalidate our point of view, such as that the danger of fire may prompt a student to bring a meeting to a close. In a sense it is absurd to suppose that such an act is a breach of discipline. But its very absurdity is our safeguard. We do not believe that a member of a university who sincerely believed that fire was imminent would be deterred by the threat of disciplinary action, for he would know that there would be no penalty.

13. Quite apart from moral principles, there are other attitudes of mind which we believe should be considered as extenuating circumstances. An important one brought to our attention is the following. Demonstrations at organised functions of any kind provide a form of communication with authorities to which people may be driven when they feel the normal freedom of communication does not exist. This is itself evidently an important aspect of freedom of speech because the right to speak is of no value if there is no chance of being heard. We believe that at the present time in universities the channels of communication throughout the university should be opened as wide as possible in order that this feeling of deprivation should not grow.

14. We hope by this discussion to have shown that the interpretation of the principle stated earlier is a considered position taken by the Committee of Enquiry for its present task. We wish to emphasize the number of contributions from members of the University and the length of discussions which have been necessary to reach a statement; and that no brief statement of this kind can fully cover such complex philosophical issues.

The meeting of 7th May

15. We hold the view that the meeting held by the Chemical Society, to hear Dr. Inch, was intended as an academic scientific meeting, but because Dr. Inch came from Porton Down which is associated with Chemical and Biological Warfare, we accept that the meeting also had political implications for some.

16. We conclude, therefore, that those members of the audience might expect to be allowed to behave to some degree in a manner more appropriate to a political meeting.

17. However, the degree adopted was excessive.

18. Nevertheless, we believe that the demonstrators had some valid moral justification for that excess, in that Chemical and Biological Warfare is abhorrent.

19. The excess was further exacerbated by the confusion attributable in part to lack of foresight by the demonstrators and in part to defects in the organisers' handling of the situation.

20. We believe that the demonstrators' action was symptomatic of a lack of confidence in, and communication with, authority in general.

21. It is in the best interests of the University to look forward to fuller democratic discussion of all these issues, and not backward to punishment.

Conclusions - A Minority View

We assent to the principles set out in paragraphs 4(a) and 4(b) and to paragraph 4(c), and also to much of the later Discussion in the document, with the particular exception of paragraphs 8, 13.

We feel that paragraph 13 is dangerously incomplete in that it does not suggest that people should ask themselves the question as to whether they ought to be driven to such demonstrations and we feel that they should first be satisfied that all legitimate methods of communication with the authorities have been exhausted. As to May 7th, no evidence of attempts to make the protest or discussion in any other way was presented to the Tribunal, indeed Archard (Oral evidence p.4) clearly states that there was none.

With the exception of paragraph 15, which we accept, we dissent from the views expressed about the meeting of May 7th (paragraphs 15-21). It is our view that the meeting arranged by the Chemical Society was, and was intended to be, an academic and scientific meeting. Because Dr. Inch came from Porton Down, some members of the University felt that the meeting was a political one and that they were therefore entitled to behave in the way they did. In our view they had no such entitlement. The prevention of the lecture was a most serious violation of the right of communication (as described in paragraph 4(b)) of Dr. Inch and the Chemical Society and should be regarded as a breach of University discipline.

After Dr. Inch's lecture was stopped he was held under duress, being surrounded by a cordon with linked arms, questioned in a hostile manner, and forced to listen against his will (see paragraph 4(b)). These violations of the principles in 4(a) and 4(b) should also be regarded as breaches of University discipline.

We feel that the implied criticism of the chairman (in paragraph 19) is quite unjustified. There is no reason why a member of the academic staff, well qualified to chair an academic meeting, should possess the ability to control a tough political meeting.

The report of the Tribunal of Enquiry brings to light various actions which, in our view, do not need to be assessed with reference to the principles of freedom of speech, but may well be breaches of the then-existing disciplinary code and such incidents should not be overlooked.

J. A. Reissland
I. T. Cook
M. Hewgill
Charles Broyden
P. Partington

24th June, 1968.