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FREE SPEECH UNION

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David Isaac CBE
Worcester College
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27th September 2021

Dear Mr Isaac,

I am writing to you in my capacity as General Secretary of the Free Speech Union, a non-partisan, mass membership public interest body that stands up for the speech rights of its members and campaigns for free speech more widely.

I congratulate you on your appointment as Provost of Worcester College. I very much hope that your expertise in, and long commitment to, human rights and equality law will lead to a thriving culture of liberalism and tolerance at Worcester.

Your recent decision to apologise to students after Worcester hosted Christian Concern's Wilberforce Academy during the summer suggests that, unfortunately, things are off to a poor start. I very much hope you will take urgent steps to remedy the damage this decision has done.

I hesitate to point out to you Worcester's obligations under the Equality Act 2010 – you are better versed in this area than almost anyone. However, Worcester's response to student distaste at the Wilberforce Academy seems to amount, quite openly, to a policy of discrimination:

We deeply regret the distress caused to students, staff and other members of the college community by the presence of the Wilberforce Academy conference.

The college was not aware of the speaker list or programme content in advance. The booking was taken in good faith, but it is clear that our procedures did not work as they should. We have begun an urgent review to ensure that this does not happen again....

We acknowledge that this was a serious failure that has caused significant distress, and we apologise unreservedly to all those who have been affected.

Under section 29(1) of the Equality Act, Worcester must not discriminate against a body requiring its conference-hosting service by not providing the body with that service on the basis of religious or philosophical belief. In the above statement, the College commits to withholding its conference-hosting service to any organisation with similar beliefs to the Wilberforce Academy, i.e. orthodox Christian beliefs, if student activists object to those beliefs.

If Christian Concern applies to hold the Wilberforce Academy at Worcester next summer, will the College refuse and open itself to a potential claim under the Equality Act? That would seem a high price to pay for appeasing student activists.

I ask also if you have considered the effect of your decision on Christian students at Worcester. It is of course likely that an institution whose objects are 'the advancement of education, religion, learning and research' will attract Christian students, and some of them may indeed hold beliefs about abortion and homosexuality that you (and indeed many others) may find distasteful.

The College's 'deep regret' at hosting a Christian conference is likely to make those students feel unwelcome. Setting aside the fact that this is, by basic standards of decency, rude and intolerant, it may also be inconsistent with the College's duty under section 149 of the Equality Act to:

have due regard to the need to... foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Public Sector Equality Duty is a duty of process, not outcome. I struggle to see, however, how your decision could possibly have been informed by a wish to foster good relations between Christian and other students. It is, on the face of it, wholly one-sided in favour of those who've chosen to take offence. It shows no evidence of consideration of your Christian students, or the importance to them of their belief and their freedom to hold and manifest it.

Your decision is particularly disappointing in light of the excellent work done by the EHRC under your leadership to promote robust, fair liberalism in higher education. The guidance in *Freedom of expression: a guide for higher education providers and students' unions in England and Wales* states:

if the subject matter of a talk is clear from material promoting an event, then people who attend are unlikely to succeed in a claim for harassment arising from views expressed by the speaker...

Views expressed in teaching, debate or discussion on matters of public interest, including political or academic communication, are therefore unlikely to be seen as harassment, even if they are deeply offensive to some of the people who are listening, as Article 10 will protect them.

It is striking that, despite your evident expertise in striking the balance between free speech and other rights, the decision to denounce the Wilberforce Academy was predicated on a vague notion of 'distress', as if some students and academics discomfort at hearing views they disagree with trumped the right to freedom of expression. And it trumped it, even though the activists in question were claiming to be distressed by an event that took place at a university during the vacation and in their absence.

It is fanciful to hold that mere knowledge that the event took place could cause harm or distress to the sensible, intelligent students and staff of Worcester College. I am, moreover, perplexed as to why the College would risk liability under equality legislation, and jeopardise its reputation as a liberal educational establishment, in order to avert a fanciful, will-o'-the-wisp notion of harm.

Knowledge that the event took place could, of course, give rise to reasonable disagreement about whether it *should* have taken place. But open debate about the vexed questions of reproductive rights and sexual morality should have no home more fitting than an Oxford college. Your response, however, suggests that you believe otherwise.

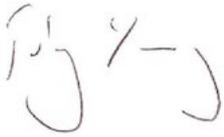
As you will be aware, Worcester College, as a constituent institution of the University of Oxford, is not obliged by section 43 of the Education (No 2) Act 1986 to take reasonably practicable steps to secure freedom of speech for visiting speakers. This oversight will almost certainly be rectified by the Higher

Education (Freedom of Speech) Bill which, as amended, will impose on the colleges of Oxford and Cambridge duties to secure the freedom of speech of visiting speakers and to promote freedom of speech. The Wilberforce Academy decision suggests that Worcester has much work to do if it wishes to avoid liability under the Bill in the future.

But we do not always need the law to tell us the difference between right and wrong. This was a shocking declaration of intolerance, unworthy of an educational institution in the 21st century. As John Stuart Mill noted, the well-spring of our modern personal liberty is above all religious freedom, 'which placed the direction of men's consciences in other hands than those which controlled their worldly affairs'. Religious freedom at Oxford is particularly hard-won. Securing it took some six hundred years and the repeal of the Test Act in 1828. I ask you to reflect carefully before taking a step backwards.

The Free Speech Union stands alongside Christian Concern in this matter. We will provide whatever legal and financial assistance we can if you stand by your decision to withhold conference facilities to the Wilberforce Academy in future.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Toby Young'.

Toby Young
General Secretary
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Cc: Ms Louise Richardson, Vice-Chancellor, Oxford University
Rt Hon Michelle Donelan, Universities Minister
Lord Wharton, Chair, Office for Students
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