



**FSU**  
FREE SPEECH UNION

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Professor Peter Mathieson  
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By email to: [principal@ed.ac.uk](mailto:principal@ed.ac.uk)

21<sup>st</sup> January 2022

Dear Professor Mathieson,

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.

This letter concerns the University's failure to come to the defence of two beleaguered staff members – Professor Emeritus Sir Tom Devine and Jonathan Hearn, Professor of Historical Sociology.

As you will be aware, both staff members were recently denounced as members of a “racist gang” by Professor Sir Geoff Palmer, Chancellor of Heriot-Watt University and Chair of the Edinburgh Slavery and Colonialism Legacy Review Group.

Professor Palmer was appointed by the City of Edinburgh Council to review the slavery connections of statues and street names in the city. The review's remit explicitly requires academic representatives on its panel, and calls for broad civic participation in the debate about the legacy of slavery in Edinburgh.

Professors Devine and Hearn both publicly voiced their separate concerns about the review. In comments reported by *The Times* on 6 January 2022, Professor Devine expressed his concern that the Council's intention to hold an open and publicly accountable review was being undermined by the secrecy with which it was being conducted. On 9 January, Professor Hearn wrote an article in the *Spectator* which affirmed the need to record the legacy of slavery, while also questioning whether the review panel's political goals were leading it to gloss over historical nuances and complexities, particularly in relation to the statue of Henry Dundas in Melville Square.

Professor Palmer's response to these criticisms was intemperate. In a Twitter post of 15 January he denounced Professor Hearn as a member of “an academic racist gang”, describing his article as “prejudicial nonsense” that was “not freedom of speech or academic freedom” but “a racist insult to justice and education”.

In response to Professor Palmer's attack, Professor Devine – in comments reported by *The Times* on 15 January – noted the need for impartiality and consensus in carrying out the review, and called for Professor Palmer to stand down as Chair. Furious denunciations ensued. On 16 January, Professor Palmer tweeted:

Devine's biased, racist demand does not bother me. We are used to bias.

The next day, he tweeted:

This academic racist gang has used the press to peddle misinformation which supports the horrors of chattel slavery in an attempt to try and stop the people commenting on a topic which they believe they should control with elitist bias.

More followed the day after that:

Sir Tom Devine and his biased racist gang should stop using Dundas the abolitionist-slaver, Scottish Martyrs transporter, taker of the Navy's money and according to Judge Cockburn his relative, a despot and dictator for self-interest.

We take no position on the historical role of Henry Dundas, or the propriety of Professor Palmer's comments as an academic and public appointee, other than to note that the statements of Professors Devine and Hearn could never be accurately or fairly described as racist or prejudicial.

The concern of the Free Speech Union is that the University has failed to defend two colleagues who, far from being members of a "racist gang", have exercised their lawful academic freedom in an exemplary, public-minded manner. The University's statement on this matter of 16 January was, at best, equivocal:

We are committed to freedom of expression and academic freedom and stand by our published statement on protecting these freedoms.

We will continue to listen to views on our principled approach, including respecting the right of individuals to challenge our community if they think certain behaviour impinges on the environment of mutual respect.

At worst, this statement was a betrayal of two colleagues in desperate need of institutional backing, and a betrayal of the ethos of academic freedom.

The European Court of Human Rights has held that academics, like members of the press, play the role of "public watchdogs" (*Magyar Helsinki Bizottság v. Hungary*, App. no. 18030/11 (2016), [167] and [168]):

The manner in which public watchdogs carry out their activities may have a significant impact on the proper functioning of a democratic society. It is in the interest of democratic society to enable the press to exercise its vital role of "public watchdog" in imparting information on matters of public concern.

Professors Devine and Hearn have applied their expertise to a matter of public debate in order to broaden and enrich that debate with nuances that would otherwise be overlooked. They are examples of civically engaged academics acting in the public interest.

The threat to academic freedom here is, I am sure, obvious to you. Professors Devine and Hearn have been publicly denounced as racists – a career-destroying slur. The University must do what it can to ensure that its academics can contribute to public debate without enduring such damage to their reputations. The least it could do is to issue a sincere defence of their academic freedom in the face of unfair smears and intimidation. Failure to support academics of the seniority of Professors Devine and Hearn will almost certainly dissuade other academics from civic engagement with controversial issues.

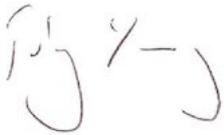
The University has specific obligations regarding academic freedom and freedom of speech. In its statement on 'Freedom of Expression in the University', the University commits to:

cultivating and **defending** freedom of expression within a framework of mutual respect, and in generating the knowledge and new thinking for which a strong, legally-backed culture of freedom of expression is a prerequisite [emphasis added].

Furthermore, under section 26 of the Further and Higher Education (Scotland) Act 2005 Scottish universities are obliged to uphold (so far as they consider it reasonable) the academic freedom of all staff engaged in research or teaching.

I would therefore be grateful if you would, by way of reply, set out how the University proposes to fulfil its obligations in relation to this matter.

Yours sincerely,

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

Toby Young  
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cc. Shirley-Anne Somerville, Scottish Education Secretary