

Professor Peter Ridd challenge goes to the heart of a free society

By Gideon Rozner, Institute of Public Affairs, The Australian, 29 July 2020

The Ridd case will mean the ‘difference between tertiary education as a rigorous intellectual pursuit that invites critical thinking, or as rigid dogma ...’

Peter Ridd has decided to fight last week’s decision in favour of James Cook University, and the case is of such public importance that the High Court simply must allow the appeal to be heard.

The Ridd case is much more than a mere workplace relations dispute between an academic and his employer. It is even bigger than a dispute about climate change.

It is about the free speech crisis at our universities, and goes to the heart of the “cancel culture” epidemic engulfing the Western world.

Ridd is a Townsville-based marine geophysicist and Great Barrier Reef expert, whose 30-year academic career effectively ended when he started disputing the conventional wisdom that climate change was “killing” the reef. He subsequently took the university to court, winning \$1.2m in compensation for his unlawful sacking. Last week, the Federal Court overturned that win in a 2-1 decision.

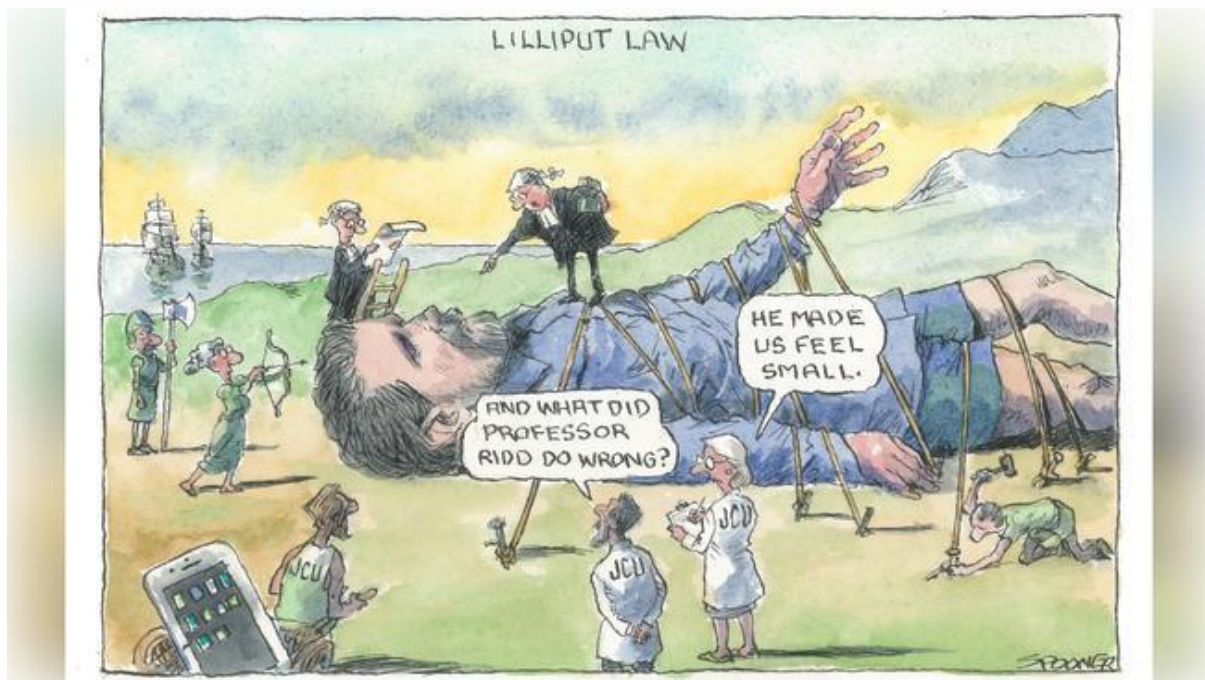


Illustration: John Spooner.

In deciding whether to grant special leave for the appeal, the High Court will consider whether the case involves “a question of law that is of public importance”. The Ridd matter easily meets this threshold. It would be the first time the High Court has been called upon to consider the meaning of “academic and intellectual freedom”, which is used in enterprise agreements covering staff at almost all Australian universities.

The court's decision will therefore have very real consequences in terms of university governance, and the extent to which administrators tolerate controversial (and, often, commercially inconvenient) opinions from the professoriate.

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Should “intellectual freedom” be limited by the whims of university administrators, as JCU is arguing? Or should it be wide enough to allow for the kind of controversial, but honestly held opinions for which Ridd was ultimately sacked?

The Federal Court's answer to that question is deeply disturbing. In its judgment last week, the majority seemed to suggest that free speech on campus is past its use-by date.

“There is little to be gained in resorting to historical concepts of academic freedom,” scoffed justices Griffiths and Derrington. For good measure, the majority judgment quoted — arguably out of context — from an academic textbook outlining “a host of new challenges”, like “the rise of social media” and “student demands for accommodations such as content warnings and safe spaces”.

If nothing else, the Federal Court has exposed just how much our public institutions have been corroded by modern cancel culture. The free speech crisis at our universities has been apparent for years, but now the hypersensitivity of woke undergraduates is being taken seriously by our penultimate court. It sets a precedent, and a dangerous one. While The Australian does not suggest the judges acted improperly, it is worrying that the idea the boundaries of free speech should be defined by self-appointed cultural arbiters and anonymous Twitter mobs is on the verge of formal legal recognition.

This is not about the polite notion of so-called “acceptable limits” to free speech. It is a radical departure from how our society treats knowledge. Former opinion editor Bari Weiss recognised this dynamic in her sensational resignation from The New York Times recently: “I was always taught that journalists were charged with writing the first rough draft of history,” Weiss wrote. “Now, history itself is one more ephemeral thing moulded to fit the needs of a predetermined narrative.”

You could replace the words “journalism” and “history” with almost any intellectual discipline. Woke revisionism has trashed the humanities faculties almost beyond repair. Now it is creeping into the “hard sciences”. That is how we have arrived at a situation in which a respected academic such as Ridd is put through hell for offering a critique of the “settled science” of climate change.

If our judicial system lets JCU get away with it, every academic in the country — present and future — will be forced to choose between speaking the truth and putting bread on the table.

And for students, the Ridd case will mean the difference between tertiary education as a rigorous intellectual pursuit that invites critical thinking, or as rigid dogma that must be internalised and regurgitated in order to secure an expensive piece of paper with one's name on it.

Intellectual freedom and free speech are not antiquated notions. They are ancient and important rights, and “public institutions” that dispense with them are not public at all.

The issues raised by the Ridd matter must at least be considered by the highest court in the land. The implications for our most basic freedoms give every Australian a stake in its outcome.

Gideon Rozner is director of policy at the Institute of Public Affairs. Donations to Dr Ridd's legal fighting fund can be made at www.gofundme.com/f/peter-ridd-legal-action-fund-2019.