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The Weaponising of Freedom of Speech:

Theological Ethics in the Academy?

Abstract

In the UK (and the US as well as elsewhere) freedom of speech is being weaponised in the academy in ways that effectively curtail those who speak to truth to power and who challenge colonialist behaviour and related injustice. This article examines the direction of travel in UK academia in recent years related to both freedom and ethics through two key movements: trans rights and Palestine solidarity. Particular attention is given to definitions of academic freedom and freedom of speech, related government policy and its effects, and the moral duties of theologians and theological ethicists. In conclusion, the article calls for a new theological ethics that can stand up against injustice and the increasingly authoritarian moves of governments and university managers.

Keywords

academic freedom, freedom of speech, protest, Palestine solidarity, trans rights

Introduction

The title of this article is a question – asking whether (or where) theological ethics is to be found in the academy. Undoubtedly, there are still academics working in HEIs who refer to themselves as theological ethicists, and there are academics working in theology who refer to themselves as postcolonial scholars, or as those doing anti-racist, decolonial or social justice work. Invariably, academics working in these areas connect the reported life and teachings of Jesus of Nazareth in the New Testament with a struggle against Empire; similarly, we recall prophets in the Hebrew Scriptures as speaking truth to power. In the more recent history of theologians and church leaders fighting against the tyranny and legacy of enslavement, colonialism and Empire, we praise, amongst others, Dietrich Bonhoeffer for standing against the Nazi regime in Germany, Martin Luther King Jr for publicly demanding civil rights in America, and Desmond Tutu for opposing apartheid in South Africa. Yet, in the UK (and the US as well as elsewhere) freedom of speech is being weaponised in the academy in ways that effectively curtail those who speak truth to power and who challenge colonialist behaviour and related injustice. If we do not stand up against these hypocritical and draconian developments, we impoverish the very nature of the university as a place of critical thinking, and we demean the work of theological ethics. How can we expect students or the wider public to take us seriously if we do not take ourselves, our field and our institutions seriously enough to fight back? 1 John 3:18 states ‘let us love, not in word or speech, but in truth and action’ (NRSV).

Academic Freedom and the Nottingham Two

In what follows, I examine the direction of travel in the academy in recent years related to both freedom and ethics through two key movements: trans rights and Palestine solidarity. First, we need to define both academic freedom and freedom of speech, because these are often conflated in unhelpful ways. In 1988, when Margaret Thatcher was Prime Minister, the Education Reform Act formalised the legal right of academics in the UK ‘to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or the privileges they may have at their institutions’.¹

¹ Education Reform Act 1988, section 202, 2(a), available at <https://www.legislation.gov.uk/ukpga/1988/40/section/202> [accessed 23 September 2025].

Yet, in 2009, when Gordon Brown was Prime Minister, the University and College Union (UCU) was compelled to publish its own statement amidst ‘a growing climate of self-censorship on campus’ and policing of UK academics.² The previous year, Hicham Yezza and Rizwaan Sabir - the Nottingham Two, as they became known - were reported to the police by University staff for being in possession of an Al Qaeda Handbook.³ They were arrested under sections 40 and 41 of the Terrorism Act 2000 suspected of the ‘commission, preparation or instigation of an act of terrorism’.⁴ After six days in solitary confinement, it was clear that they had no connection with the Islamic terrorism of which they were suspected but had in fact downloaded the document from a US government website as part of Sabir’s PhD proposal on which Yezza, a member of academic staff, was offering advice. After their release, the story continued to unfurl: the University formed a committee to check the reading lists of Politics lecturers.⁵ Furthermore, in 2011, Rod Thornton - then a lecturer in Politics and International Relations at the University of Nottingham (now a Senior Lecturer in Defence Studies at King’s College London) - was reported by a colleague and suspended from his post for giving a conference paper at the British International Studies Association (BISA) that accused the University of Nottingham of misconduct relating to the arrests of Yezza and Sabir.⁶

In view of these events at the University of Nottingham, the UCU statement (drawing on a 1997 UNESCO definition) confirms that academic freedom is an ‘essential’ component of the function of higher education in ‘fostering critical thinking and expression in staff and students’, which necessarily entails freedom in teaching, research and publishing, including freedom to engage in trade union activity, and the freedom of the employee to criticise

² UCU Statement on Academic Freedom (January 2009), available at <https://www.ucu.org.uk/academicfreedom> [accessed 23 September 2025].

³ Hicham Yezza, ‘Britain’s terror laws have left me and my family shattered’, *The Guardian*, 18 August 2008, <https://www.theguardian.com/commentisfree/2008/aug/18/terrorism.civilliberties> [accessed 23 September 2025].

⁴ Terrorism Act 2000 Section 40, 1(b), available at <https://www.legislation.gov.uk/ukpga/2000/11/section/40> [accessed 23 September 2025].

⁵ Melanie Newman, ‘Reading lists inspected for capacity to incite violence’, *Times Higher Education*, 25 June 2009, <https://www.timeshighereducation.com/news/reading-lists-inspected-for-capacity-to-incite-violence/407122.article?storycode=407122> [accessed 23 September 2025].

⁶ Rod Thornton, ‘Radicalisation at universities or radicalisation by universities: How a student’s use of a library book became a “major Islamist plot”’, available at <https://nottinghamwhistleblower.wordpress.com/wp-content/uploads/2011/06/radicalisation-at-universities-or-radicalisation-by-universities-how-a-students-use-of-a-library-book-became-a-major-islamist-plot-unileaks-version.pdf> [accessed 23 September 2025].

the institution ‘without fear of their jobs’ or ‘arbitrary decisions by managers’.⁷ Additionally, along with all other citizens, academics also have the right to freedom of speech as a civil liberty that includes the ‘right to freedom of thought, conscience, religion, opinion, expression, association and assembly’.⁸ In other words, freedom of speech is not identical with academic freedom; we may be academics as a profession but may still express opinions as citizens on subjects which lie outside of our academic expertise. I explore this further through an analysis of the events leading up to the Higher Education (Freedom of Speech) Act 2023.⁹

Higher Education (Freedom of Speech) Act 2023

The Higher Education (Freedom of Speech) Bill was presented to Parliament in May 2021 by Gavin Williamson MP, in his role as Education Secretary; it obtained Royal Assent under the Conservative government in May 2023 and began to be implemented under the newly appointed Director for Free Speech and Academic Freedom, Arif Ahmed.¹⁰ The Bill was then paused by the elected Labour government in 2024, before having further implementation confirmed in 2025. In support of the Bill during parliamentary debate, Earl Howe quoted George Orwell: ‘If liberty means anything at all, it means the right to tell people what they do not want to hear’.¹¹ Indeed, the right to freedom of opinion and expression enshrined in Article 19 of the Universal Declaration of Human Rights can only operate as a human right, if that right applies to people with whom we disagree. The implication from Earl Howe and others supporting the Bill, therefore, is that the right to freedom of expression is being curtailed by universities and that a Bill is needed to expand it; he claimed that ‘fear of censure is increasing and this is having a chilling effect on discourse and debate’.¹² Similarly,

⁷ UCU Statement on Academic Freedom (January 2009), updated 5 August 2025, available at <https://www.ucu.org.uk/academicfreedom> [accessed 23 September 2025].

⁸ Ibid.

⁹ Higher Education (Freedom of Speech) Act 2023, available at <https://www.legislation.gov.uk/ukpga/2023/16/enacted> [accessed 23 September 2025].

¹⁰ ‘Office for Students announces its first Director for Freedom of Speech and Academic Freedom - Office for Students’, *Office for Students*, 1 June 2023, <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/office-for-students-announces-its-first-director-for-freedom-of-speech-and-academic-freedom/> [accessed 23 September 2025].

¹¹ George Orwell, ‘The Freedom of the Press’, 8 October 1972, unpublished preface to his 1945 satirical and allegorical novella, *Animal Farm*, available at <https://www.nytimes.com/1972/10/08/archives/the-freedom-of-the-press-orwell.html> [accessed 23 September 2025].

¹² Hansard, Higher Education (Freedom of Speech) Bill, vol. 823, debated 28 June 2022, available at [https://hansard.parliament.uk/lords/2022-06-28/debates/3ADB3F37-D9C9-499F-86E3-12DB4296D8E7/HigherEducation\(FreedomOfSpeech\)Bill](https://hansard.parliament.uk/lords/2022-06-28/debates/3ADB3F37-D9C9-499F-86E3-12DB4296D8E7/HigherEducation(FreedomOfSpeech)Bill) [accessed 23 September 2025].

Michelle Donelan MP, then Minister of State for Higher and Further Education, alleged that ‘a cluster of institutions . . . are in the grip of a close-minded, intolerant ideology—and at the centre of this cluster lie our universities’.¹³

Requests for evidence in support of these threats to freedom of expression, as recorded in Hansard, refer to Kathleen Stock. In October 2021, Stock resigned from her position at the University of Sussex following student protests calling for her to be sacked. Since 2018 and the consultation on reform of the Gender Recognition Act, Stock had been a public supporter of so-called ‘gender critical’ views, which are at odds with trans-inclusive feminism. Whilst professing concern for women’s safety, gender criticals misgender trans women and suggest that trans women are a threat to cis women.¹⁴ As part of their emphasis on women-only spaces, gender criticals view the inevitable challenging of cis women who do not meet their (essentialist) idea of what a woman looks like as an unfortunate cost of protecting women in toilets and changing rooms.¹⁵ Consequently, the gender-critical position turns out to be gender conservative, and a restriction on the freedoms of trans women, cis women, non-binary and gender nonconforming people.

In the aftermath of Stock’s resignation, she was interviewed on several mainstream news outlets: BBC News, Sky News, The Guardian, The Observer, The Times, The Telegraph, the Financial Times, the New Statesman; as well as radio programmes LBC and the BBC’s Woman’s Hour; and on television on ITV’s Good Morning Britain and Lorraine Kelly (not to mention less mainstream outlets such as Filia and others that I have missed or forgotten about). The BBC referred to her resignation as a ‘free speech row’, Sky News called it a ‘witch-hunt’ and the headline for UnHerd read ‘I won’t be silenced’. Stock was very far from being silenced; her space on public platforms was greater than it had ever been. The trans people and their allies by whom, mainstream media claim, Stock was ‘hounded out’ and ‘cancelled’ have not been extended nearly so many media invitations to express themselves.

¹³ Michelle Donelan, ‘Increasingly, university is a place where you are told what to think rather than taught how to think. This must change’, *Conservative Home*, 28 April 2022, <https://conservativehome.com/2022/04/28/michelle-donelan-diversity-of-opinion-is-as-important-as-diversity-of-background/> [accessed 23 September 2025].

¹⁴ Stuart J. Turnbull-Dugarte and Fraser McMillan, “‘Protect the women!’ Trans-exclusionary feminist issue framing and support for transgender rights”, *Policy Studies Journal*, 51 (2023), pp. 629-666.

¹⁵ Charlotte Jones and Jen Slater, ‘The toilet debate: Stalling trans possibilities and defending “women’s protected spaces”’, *The Sociological Review Monographs*, 68:4 (2020), pp. 834-51.

In the few years and months directly preceding her resignation, Stock gave talks hosted by Woman's Place UK, Fair Play for Women and Prospect Magazine; she became a trustee of LGB Alliance; she received an OBE; and her book espousing gender critical views was published and widely publicised.¹⁶ Following her resignation, she became a founding Faculty Fellow of the proposed new University of Austin in Texas – an endeavour described in the media as 'anti-cancel-culture' and 'anti-woke'¹⁷ – she also became a columnist for UnHerd; during Trans Awareness Week she was hosted by The Cambridge Union (November 2022), which was followed by an event at the Oxford Union six months later (May 2023), and more recently the co-founding of the Lesbian Project with Julie Bindel. Stock has certainly not been 'cancelled'. In fact, evidence of a cancel culture at universities is not borne out by the government's own statistics: the Office for Students' data confirms that less than one percent of speaking events on university campuses have been cancelled in the last few years (and the majority of those cancellations relate to costs and to Covid).¹⁸

Most academics can only dream of having the level of influence carried by Stock; how many of us are the primary citations for a new Bill going through Parliament? Maybe this is not the sort of influence we wish to have, and for good reason, given the questionable motivations behind this Bill. A letter from Michelle Donelan dated 27th June 2022 and sent to university vice chancellors states: 'One of the areas which has come to my attention as potentially being in tension with creating an environment that promotes and protects free speech is university membership and participation in external assurance and benchmarking diversity schemes', such as 'The Race Equality Charter'.¹⁹ That is, schemes intended to increase freedom of speech by protecting and promoting the inclusion of diverse, marginalised and discriminated against voices are being called into question in relation to this Bill. Stock has levelled a similar criticism at Stonewall's LGBTQ+ diversity

¹⁶ Kathleen Stock, *Material Girls: Why Reality Matters to Feminism* (London: Fleet, 2021).

¹⁷ Caleb Ecarma, 'Bari Weiss's Anti-Cancel Culture University Is Already Hitting Speed Bumps', *Vanity Fair*, 16 November 2021, <https://www.vanityfair.com/news/2021/11/bari-weiss-university-hitting-speed-bumps> [accessed 25 September 2025]; Alex Shephard, 'Do We Really Need an Anti-Woke University?', *The New Republic*, 8 November 2021, <https://newrepublic.com/article/164325/university-of-austin-anti-woke> [accessed 25 September 2025].

¹⁸ Office for Students, 'New data on rejected speakers at English universities', 25 May 2023, <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/new-data-on-rejected-speakers-at-english-universities/> [accessed 25 September 2025].

¹⁹ Robert Van de Noort, 'Diversity schemes do not undermine free speech', *University of Reading*, 6 July 2022, <https://www.reading.ac.uk/news/2022/University-News/Diversity-schemes-do-not-undermine-free-speech---Vice-Chancellor> [accessed 25 September 2025].

schemes, and academics at several universities have been instrumental in their institutions cutting ties with Stonewall.²⁰

It seems that the need for the Bill has been exaggerated: the former Education Acts²¹ already protected academic freedom and freedom of speech. In its reliance on Stock's case as evidential grounds for the new Bill, academic freedom appears to be conflated with freedom of speech. Stock's career as a philosopher has been built upon research in the field of philosophical aesthetics, more specifically philosophy of imagination, not gender and sexuality, but her gender critical pronouncements have been treated by the media and the government as the workings of an academic with expertise in the field. Furthermore, universities are also bound by the Equality Act 2010 that protects staff and students from 'discrimination and harassment related to certain personal characteristics' including gender reassignment.²² According to the 2019 Guide for Higher Education Providers from the Equality and Human Rights Commission (EHRC), academic freedom is unlikely to be restricted by the Equality Act; it states that: 'Views expressed in teaching, debate or discussion . . . are . . . unlikely to be seen as harassment, even if they are deeply offensive to some'.²³ Nevertheless, it also notes that freedom of speech can be restricted under Article 10 of the European Convention on Human Rights (ECHR), but that 'Public authorities can only restrict this right if they can show that their action is lawful, necessary and proportionate'.²⁴

Legality, however, is not the same as morality. Freedom of speech is not an absolute freedom; it comes with a responsibility not to infringe upon the freedoms of others. We could apply Mill's harm principle here and, for instance, restrict freedom of speech to prevent harm to others. In addition, freedom of speech is a negative freedom; while we may

²⁰ Hayley Dixon, 'Exclusive: Universities begin leaving Stonewall diversity scheme', *The Telegraph*, 7 June 2021, <https://www.telegraph.co.uk/news/2021/06/07/exclusive-universities-begin-leaving-stonewall-diversity-scheme/?msockid=1813a6bdf7f065311c54b55af6326425> [accessed 25 September 2025].

²¹ See, for example, Education Reform Act 1988 202 2(a), available at <https://www.education-uk.org/documents/acts/1988-education-reform-act.html> and Education (No. 2) Act 1986 pt IV, 43(1), available at <https://www.legislation.gov.uk/ukpga/1986/61/enacted> [accessed 25 September 2025].

²² Equality Act 2010, available at <https://www.legislation.gov.uk/ukpga/2010/15/contents> [accessed 25 September 2025].

²³ Equality and Human Rights Commission, 'Freedom of expression: a guide for higher education providers and students' unions in England and Wales' (February 2019), available at <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>, p. 19.

²⁴ *Ibid.*, p. 12.

have the right to hold or express an opinion, we do not have the right to demand a platform on which to express that opinion. Michelle Donelan appeared to be confused on this very point forcing the government into damage limitation mode when, in May 2021, she stated in an interview on BBC Radio 4 that under the new Bill universities could be fined, if they did not allow Holocaust deniers to speak.²⁵ Further, freedom of speech is not consequence free; to have the right to express a view with which others might disagree is also to expect or anticipate that they too might express their opposing view.

Government ministers rushed to defend Stock's freedom of speech which they equated with her academic freedom. They insisted on her right not to be intimidated or harassed; they did not similarly defend the students' right to protest, and yet, student protests are an example of free speech in action at universities rather than proof of the need for a freedom of speech Bill. Successive governments, are, it seems, intent on reducing the autonomy of universities and their free speech by introducing a Bill that threatens to fine them for cancelling speakers;²⁶ and yet, in October 2022 Kate Devlin, an academic researching artificial intelligence at King's College London, received an email from the government cancelling her Ada Lovelace Day talk on women in science and technology, because, they state, she 'had made a criticism of government policy via social media'.²⁷ Perhaps Earl Howe should have reminded the government of 'the right to tell people what they do not want to hear'.

Criminalising Protest

Moreover, the Police, Crime, Sentencing and Courts Act which had already received Royal Assent in 2022 seems somewhat at odds with a freedom of speech Bill, given that the aim of

²⁵ Rob Merrick, 'No 10 slaps down universities minister for saying 'Free Speech Bill' will allow Holocaust deniers to speak', *The Independent*, 13 May 2021, <https://www.independent.co.uk/news/uk/politics/holocaust-denial-universities-michele-donelan-b1846924.html> [accessed 25 September 2025].

²⁶ See also Jim Dickinson, 'The chilling effects of the free speech bill could be very extreme', *WonkHE* 12 July 2021, <https://wonkhe.com/blogs/the-chilling-effects-of-the-free-speech-bill-could-be-very-extreme/>; Lily Wakefield, 'Rishi Sunak tries to save PM bid with attack on 'woke culture that wants to cancel women'', *PinkNews*, 17 August 2022, <https://www.thepinknews.com/2022/08/17/rishi-sunak-liz-truss-tory-conservative-leadership-perth-hustings/> and Steve West, 'Universities stepping up to promote free speech and academic freedom', *HEPI*, 31 October 2022, <https://www.hepi.ac.uk/2022/10/31/universities-stepping-up-to-promote-free-speech-and-academic-freedom/> [accessed 25 September 2025].

²⁷ Kate Devlin, 'Cancelled from a Civil Service Talk for Retweeting a Liz Truss Parody Account', *Byline Times*, 26 April 2023, <https://bylinetimes.com/2023/04/26/cancelled-from-a-civil-service-talk-for-retweeting-a-liz-truss-parody-account/> [accessed 25 September 2025].

the former is to curtail protesters who are annoying, disruptive or noisy.²⁸ Relatedly, the Public Order Act which received Royal Assent in 2023 extends stop and search powers to include protest-related objects and makes it possible for anyone who has taken part in a protest (without charge) in the last five years to be subjected to a protest-prevention order which could last for two years.²⁹

Again, lest we think these increasing police powers are solely the workings of a Conservative government, we should remember that the Terrorism Act 2000³⁰ (replacing previous Prevention of Terrorism Acts) was enacted when Tony Blair was Prime Minister. Several concerns were raised at the time: first, this Act extended the definition of terrorism unreasonably beyond violence directed at people to include property damage; secondly, it could be used against UK protest groups exercising their right to peaceful protest; thirdly, it gave power to the Home Secretary to proscribe protest groups.³¹ Jack Straw MP, then Home Secretary, who had opposed previous such Acts defended this one and rejected the concerns raised.³² Yet, here we are five years later and the current Home Secretary, Yvette Cooper, under another Labour Prime Minister, has proscribed Palestine Action using that same Act. In her words: 'The disgraceful attack on Brize Norton . . . is the latest in a long history of unacceptable criminal damage committed by Palestine Action'.³³ Prior to this proscription, current Prime Minister, Keir Starmer, legally defended the right to commit criminal damage to military aircraft to prevent war crimes.³⁴ Moreover, in philosophical ethics, we draw on an established tradition of arguing that civil disobedience is a moral duty to protest unjust laws and prevent greater wrongs. From a religious perspective, Quakers

²⁸ Police, Crime, Sentencing and Courts Act 2022 Pt 3, 73-74 and 78-79, available at <https://www.legislation.gov.uk/ukpga/2022/32/part/3/enacted> [accessed 25 September 2025].

²⁹ Public Order Act 2023 10 and 11, 21 and 25, available at <https://www.legislation.gov.uk/ukpga/2023/15/enacted> [accessed 25 September 2025].

³⁰ Terrorism Act 2000, available at <https://www.legislation.gov.uk/ukpga/2000/11/contents> [accessed 25 September 2025].

³¹ Liberty, 'Terrorism Act 2000', *The Guardian*, 19 January 2009, <https://www.theguardian.com/commentisfree/libertycentral/2009/jan/19/terrorism-act> [accessed 25 September 2025].

³² Jack Straw, 'I'm simply protecting democracy', *The Guardian*, 14 December 1999, <https://www.theguardian.com/politics/1999/dec/14/jackstraw.labour> [accessed 25 September 2025].

³³ Hansard, Palestine Action: Proscription, vol. 769, debated 23 June 2025, available at <https://hansard.parliament.uk/commons/2025-06-23/debates/25062337000014/PalestineActionProscription> [accessed 25 September 2025].

³⁴ 'MP recalls Starmer defended 'activist' who broke into RAF base 21 years ago in court', *Independent*, 2 July 2025, <https://www.independent.co.uk/tv/news/palestine-action-gaza-zarah-sultana-challenges-starmer-b2781375.html> [accessed 25 September 2025].

have a long history of exercising the right to peaceful protest, via civil disobedience and carrying out acts of criminal damage, without being proscribed by the government.³⁵ While priests are now amongst those arrested for protesting the proscription of Palestine Action,³⁶ the increasingly authoritarian actions of the government have been creeping up on us; despite some dissenting academics and church leaders, we have been largely complicit.

Conservative Prime Minister David Cameron's government concocted the highly contentious Prevent Strategy (2011),³⁷ which is widely attested to discriminate against Muslims and Muslim communities. Yet, when the associated Counter-Terrorism and Security Act in 2015 placed a so-called 'Prevent Duty'³⁸ on universities, they largely acquiesced and rolled out mandatory training. Amnesty International reports that Prevent is 'racist and discriminatory' and a violation of human rights.³⁹

The Palestine Exception

Thus, the ground was set years before the current genocide in Gaza for activities relating to Palestine to be erroneously inspected and constrained by universities under the guise of meeting Prevent duty requirements. In 2017, the Cambridge University Palestine Society organised an event which Ruba Salih, a Reader at SOAS, was due to Chair. The day before the event, the University's Prevent Referral Group replaced Salih with the Communications

³⁵ Sam Walton and Reverend Daniel 'Woody' Woodhouse, 'We Also Broke Into an Airbase to Stop War Crimes. Thankfully, We Were Two Nice White Boys', *Novara Media*, 27 June 2025, <https://novaramedia.com/2025/06/27/we-also-broke-into-an-airbase-to-stop-war-crimes-thankfully-we-were-two-nice-white-boys/> [accessed 25 September 2025].

³⁶ Francis Martin, 'Priests among 500 people arrested at pro-Palestinian protests', *Church Times*, 14 August 2025, <https://www.churchtimes.co.uk/articles/2025/15-august/news/world/priests-among-500-people-arrested-at-pro-palestinian-protests> [accessed 25 September 2025].

³⁷ HM Government, Prevent Strategy, available at <https://assets.publishing.service.gov.uk/media/5a78966aed915d07d35b0dcc/prevent-strategy-review.pdf> which followed the 2003 counter-terrorism strategy, CONTEST, see Preventing Violent Extremism - Communities and Local Government Committee, available at <https://publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/65/6504.htm> [accessed 25 September 2025].

³⁸ Prevent duty guidance: for higher education institutions in England and Wales (2015), available at <https://www.gov.uk/government/publications/prevent-duty-guidance-england-scotland-and-wales-2015/prevent-duty-guidance-for-higher-education-institutions-in-england-and-wales-2015> [accessed 25 September 2025].

³⁹ Amnesty International, "'This is the Thought Police': The Prevent Duty and its Chilling Effect on Human Rights' (November 2023), available at https://www.amnesty.org.uk/files/2023-11/Amnesty%20UK%20Prevent%20report%20%281%29.pdf?VersionId=.hjlwRZuHiGd1_IEXroFwg25jyBtwur [accessed 25 September 2025].

Director, only later to apologise for this unnecessary removal and restriction of Salih's academic freedom.⁴⁰

Now, in the midst of an active and livestreamed genocide, we have seen footage from multiple countries of the heavy-handed policing of students who are standing up for the human rights of Palestinians and against the complicity of their institutions: students of whom we should be proud, exercising their freedom of speech and speaking truth to power. The student encampments and Palestinian flags at graduation ceremonies are the application of what we have been teaching them in our course materials in theological ethics on social justice, anti-racism and decolonisation. Research conducted by Liberty and published in February this year refers to a "worsening crackdown" on pro-Palestine activism at UK universities'.⁴¹ Their report found evidence of '113 people' at '28 universities' facing disciplinary action since October 2023. Universities are using private security companies and the police to restrict the free speech of students, alongside additional bureaucratic measures to restrict the academic freedom of speakers. Since the report was published, SOAS has expelled its Palestine Society president, law student Haya Adam,⁴² prompting Asim Qureshi to burn his SOAS Masters certificate.⁴³

Universities claim that the policing of events and pursuing of disciplinary actions are not because the focus is Palestine, but the staff and students targeted have grounds to believe this is, in fact, precisely the reason. My own experience bears this out, even if managers here would claim otherwise. York St John University is not flagged in the Liberty report because, according to the data accessed, no actual disciplinary action was taken and no emails were exchanged with the police. However, in November 2023 our UCU Branch held its first ceasefire event: a small group of around thirty staff and students, with a Jewish Emeritus Professor at York St John speaking as an academic who conducts research in Israel. Posters advertising the event were torn down, we were locked out of the booked room and

⁴⁰ Ibid., p. 56

⁴¹ Aaron Walawalkar and Harriet Clugston, 'Uncovered: The 'Worsening Crackdown' on Pro-Palestine Activism at UK Universities', *Liberty Investigates*, 22 February 2025, <https://libertyinvestigates.org.uk/articles/revealed-the-worsening-crackdown-on-pro-palestinian-activism-at-uk-universities/> [accessed 25 September 2025].

⁴² Daniel Tester, 'Soas expels Palestine Society president Haya Adam after months of suspension', *Middle East Eye*, 8 August 2025, <https://www.middleeasteye.net/news/soas-expel-palestine-society-president-and-encampment-leader-haya-adam-after-months-suspension> [accessed 25 September 2025].

⁴³ Romilly Goddard, 'SOAS grad burns his master's degree in solidarity with expelled pro-Palestine student', *The Tab*, 12 August 2025, <https://thetab.com/2025/08/12/soas-grad-burns-his-masters-degree-in-solidarity-with-expelled-pro-palestine-student> [accessed 25 September 2025].

instructed not to meet on campus nor to use University technology to hold a hybrid meeting. Security staff were sent to monitor us, attempts were made to contact the police, and CCTV footage was inspected. University managers called a major incident team meeting and discussed the possibility of bringing disciplinary action. Prevent and, ironically, the freedom of speech policy were cited as reasons for banning the event from campus. I am not sharing this to shame my University but to illustrate two points. First, the statistics are even worse than those identified in the Liberty report because their specific questions were not able to capture all forms of repression. Secondly, it is reasonable to believe that we are witnessing examples of, what Steven Salaita and others refer to as, the 'Palestine exception'.⁴⁴

Eighteen months earlier in March 2022, as part of our research seminar series at the Centre for Religion in Society, we held a roundtable on the crisis in Ukraine. We invited a range of speakers from religion, politics and international relations including the speaker who was to be at the ceasefire event. On this occasion, we faced no scrutiny or restrictions. A month before the roundtable, in February 2022, York St John University was flying the Ukrainian flag and collecting donations to be sent to Ukraine;⁴⁵ a post on the University website read 'we stand with Ukraine'.⁴⁶ By contrast, a year into the genocide, and the October 2024 University statement refers to 'the crisis in the Middle East';⁴⁷ there is no flying of the Palestinian flag, no collection of donations, and no statement of solidarity with Palestine. We have students from Gaza and the West Bank at this University who can see and compare these statements and the associated action or inaction. To put this in further context, in May 2021 the University posted a statement on the anniversary of George Floyd's murder decrying violence and racism;⁴⁸ this followed on from the Black Lives Matter

⁴⁴ Steven Salaita, 'A Palestinian Exception to the First Amendment?: The Pain and Pleasure of Palestine in the Public Sphere', in Sohail Daulatzai and Junaid Rana, eds, *With Stones in Our Hands: Writings on Muslims, Racism, and Empire* (University of Minnesota Press, 2018), pp. 3-15; and Jairo I. Fúnez-Flores, 'The Coloniality of Academic Freedom and the Palestine Exception', *Middle East Critique*, 33:3 (2024), 465–485.

⁴⁵ York St John University, 'University thanks the people of North Yorkshire for their "staggering" generosity towards the people of Ukraine', 16 March 2022, <https://www.yorks.ac.uk/news/2022/ukraine-donations/> [accessed 25 September 2025].

⁴⁶ York St John University, 'Supporting those affected by the Ukraine crisis', 25 February 2022, <https://www.yorks.ac.uk/news/2022/support-for-those-affected-by-the-ukraine-crisis/> [accessed 25 September 2025].

⁴⁷ York St John University, 'Support for students and staff affected by the crisis in the Middle East', 7 October 2024, <https://www.yorks.ac.uk/news/2023/israel-gaza-conflict/> [accessed 25 September 2025].

⁴⁸ York St John University, 'Remembering George Floyd', 24 May 2021, <https://www.yorks.ac.uk/news/2021/george-floyd-anniversary/> [accessed 25 September 2025].

statement it had made a year earlier in which it used the phrase ‘silence is complicity’.⁴⁹ I wholeheartedly agree: silence is complicity, silence is a position, neutrality is a position; if you do not condemn genocide, if you remain silent, you are taking a position. Since that banned event in November 2023, we have, as a trade union Branch, held other events related to Palestine on campus, but the institution, like many others, has not condemned the genocide, nor even the educide (scholasticide, epistemicide) – the deliberate bombing of all universities and schools - in Gaza.

Theological Ethics in These (Genocidal) Times

Here in the UK, we have a particular duty to oppose our government’s ongoing complicity in the genocide given Britain’s history of colonialism and Empire, including the British Mandate for Palestine, and the military aid it continues to supply to Israel. Records show that the infamous Balfour Declaration of 1917 laid the ground for the forcible depopulation of 500 villages and the ethnic cleansing of 750,000 Palestinians in the 1948 Nakba. An ongoing Nakba that has led to the current deliberate destruction of the Palestinian people and the means to life in Palestine by Israeli forces, which is widely recognised by a United Nations Commission, the International Association of Genocide Scholars (IAGS) and human rights organisations, such as Amnesty International, B’Tselem and Physicians for Human Rights Israel, to meet the criteria of genocide set out in the Genocide Convention.⁵⁰ Admittedly, there are many social justice issues on which theologians and ethicists should be speaking out, but theologians have additional duties to speak out against the genocide in Palestine.

⁴⁹ York St John University Students' Union and York St John University, ‘Black Lives Matter - joint statement’, 2 June 2020, <https://staffroom.yorks.ac.uk/Content/Page/Index/9e80e3ca-17f0-41e2-b8b0-736b9301b7c8?fetchLatestRevision=True&reviewComplete=False> [accessed 25 September 2025].

⁵⁰ United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, ‘Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide’, 16 September 2025, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session60/advance-version/a-hrc-60-crp-3.pdf>; International Association of Genocide Scholars, ‘IAGS Resolution on the Situation in Gaza’, 28 July 2025, passed 31 August 2025, available at <https://genocidescholars.org/wp-content/uploads/2025/08/IAGS-Resolution-on-Gaza-FINAL.pdf>; Amnesty International, ‘“You Feel Like You Are Subhuman”: Israel’s Genocide Against Palestinians in Gaza’, (5 December 2024), <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>; B’Tselem, ‘Our Genocide’, July 2025, https://www.btselem.org/sites/default/files/publications/202507_our_genocide_eng.pdf; Physicians for Human Rights Israel, ‘Destruction of the Conditions of Life: A Health Analysis of the Gaza Genocide’, July 2025, <https://www.phr.org.il/wp-content/uploads/2025/07/Genocide-in-Gaza-PHRI-English.pdf>; United Nations, ‘Convention on the Prevention and Punishment of the Crime of Genocide’, 9 December 1948, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide> [accessed 25 September 2025].

First, theologians a special connection with Palestine as the birthplace of Christianity. Bethlehem and Jerusalem are barely five miles apart, but Palestinians, including Christian Palestinians, are denied entry to Jerusalem by Israeli forces, denied entry to Christianity's holiest site while some of the historically oldest Christian communities are in danger of being wiped out in Gaza. Secondly, Christians in Palestine have repeatedly implored theologians and church leaders in the Global North and across the world to speak and act to end their suffering. Most notably, statements and open letters from Christians and church leaders in Palestine include the 2009 Kairos Palestine document,⁵¹ the 2020 Cry for Hope,⁵² and the 2023 Call for Repentance.⁵³ It took eighteen months of asking, two open letters and a boycott before I could elicit a response from the Society for the Study of Theology (SST) to that Call for Repentance.⁵⁴ The SST cited a lack of consensus amongst its committee and its members for the delay. If there is a lack of consensus amongst theologians that a genocide is morally abhorrent and needs to be stopped, theologians have lost their moral compass. Thankfully, the Global Network for Public Theology (GNPT) with its committee that includes members from former colonised and apartheid states was quicker to condemn war crimes and call for action.⁵⁵ Thirdly, the decades of oppression, occupation and apartheid of Palestinians have been legitimised by Christian Zionism. Theologians have a moral duty to critique and oppose Christian Zionism and its use of biblical texts to justify the erasure of Palestine and the Palestinian people. It was not until June 2025 that the World Council Churches (WCC) finally used the term apartheid unequivocally in reference to Israel and its treatment of Palestinians, and clearly called for churches to impose sanctions to end the occupation.⁵⁶ Christians in Palestine applauded the WCC statement as 'a turning point in the

⁵¹ Kairos Palestine, 'Kairos Document: A Moment of Truth - A Word of Faith, Hope and Love from the Heart of Palestinian Suffering', 11 December 2009, <https://www.kairospalestine.ps/index.php/about-kairos/kairos-palestine-document> [accessed 25 September 2025].

⁵² Kairos Palestine, 'Cry For Hope: A Call to Decisive Action - *We Cannot Serve God and the Oppression of the Palestinians*', 1 July 2020, <https://www.cryforhope.org/media/attachments/2020/06/30/cry-for-hope-english.pdf> [accessed 25 September 2025].

⁵³ Kairos Palestine, 'A Call for Repentance: An Open Letter from Palestinian Christians to Western Church Leaders and Theologians', 20 October 2023, https://www.kairospalestine.ps/images/A_Call_for_Repentance_An_Open_Letter_from_Palestinian_Christians_1.pdf [accessed 25 September 2025].

⁵⁴ Esther McIntosh and Anupama M. Ranawana, 'Silence is Complicity: Theological Failure in the Face of Genocide', *International Journal of Public Theology*, 18:4 (2024), 463-87.

⁵⁵ Global Network for Public Theology, 'Statement on Israel/Palestine', October 2024, <https://www.gnpublictheology.net/blog/statement-on-israelpalestine> [accessed 25 September 2025].

⁵⁶ World Council of Churches, 'Statement on Palestine and Israel: A Call to End Apartheid, Occupation, and Impunity in Palestine and Israel', 18-24 June 2025,

moral and theological witness of the global church',⁵⁷ but we are yet to see a groundswell of churches announcing their commitment to boycott, divestment and sanctions (BDS) and to a free Palestine.

A few months ago, in June this year, I was in the West Bank on a solidarity and advocacy visit; I arrived back in the UK three days before Israel started bombing Iran and effectively annexed the West Bank. Politicians and churches (with a few notable exceptions) still cited Israel's right to self-defence, even though Israel had acted in a pre-emptive aggressive strike.⁵⁸ Politicians and church leaders do not seem to support the right of Palestinians to defend themselves against an occupier, even though they do for Ukrainians. It is no surprise then that the Palestinians we met in the West Bank, including some with families in Gaza, kept asking us 'where are the churches?' Since we returned to the UK, the ancient Christian village of Taybeh has been set on fire repeatedly by illegal settlers. Shockingly but not surprisingly, the Israeli government has confirmed its intention to implement its illegal E1 settlement building plan to ensure that, in the words of Israeli Minister Bezalel Smotrich: 'The Palestinian state is . . . erased . . . not with slogans but with actions'.⁵⁹ Consequently, Jamal Juma, coordinator for Stop the Wall campaign explains, 'the main historical route that has existed for more than 3,000 years - the road Jesus took from Jericho to Jerusalem - is going to be totally closed for the Palestinians'.⁶⁰

Whilst in the West Bank, we were privileged to attend the installation of Munther Isaac in his church in Ramallah: in his 2023 'Christ in the rubble' nativity scene at the Evangelical Lutheran Christmas Church in Bethlehem. He told us that he no longer talks of hope. Palestinians have been let down by churches in the Global North. A month after returning from the West Bank, I was at a peacebuilding summit where Rifat Kassis,

<https://www.oikoumene.org/resources/documents/statement-on-palestine-and-israel-a-call-to-end-apartheid-occupation-and-impunity-in-palestine-and-israel> [accessed 25 September 2025].

⁵⁷ Kairos Palestine, 'Kairos Palestine Welcomes Bold WCC Actions Affirming Justice, Naming Apartheid, and Advancing Global Solidarity', 24 June 2025, <https://www.kairospalestine.ps/index.php/kairos-news/kairos-palestine-welcomes-bold-wcc-actions-affirming-justice-naming-apartheid-and-advancing-global-solidarity> [accessed 25 September 2025].

⁵⁸ Obianuju Mbah, 'Christian leaders call for peace and prayers amid Israeli-Iran conflict', *Christian Today*, 24 June 2025, <https://www.christiantoday.com/news/christian-leaders-call-for-peace-and-prayers-amid-israeli-iran-conflict> [accessed 25 September 2025].

⁵⁹ Rayhan Uddin and Lubna Masarwa, 'Israel approves E1 settlement to "erase" Palestinian state with "actions not slogans"', *Middle East Eye*, 20 August 2025, <https://www.middleeasteye.net/news/israel-approves-e1-settlement-smotrich-says-palestinian-state-being-erased> [accessed 25 September 2025].

⁶⁰ Ibid.

Palestinian human rights activist and one of the authors of the Kairos Palestine document, told us that they are working on Kairos Palestine 2 with Christians from the Global South, because the Global North has ignored them. Palestinian Christians have had enough of prayers for peace; they need action. Palestinians read biblical passages with a view to action: they ask ‘what is this passage telling us to do?’ Jean Zaru’s Palestinian reading of the story of Mary and Martha in Luke 10:38-42⁶¹ does not elevate the contemplative Mary above that of the active Martha. Instead, Zaru contends, ‘Mary would eventually reach her full potential, by being like Martha’;⁶² it is only after Jesus’ resurrection that Mary engages in active service. Palestinians are doing theology on the ground, theology as active nonviolent resistance.

Hence, there is not a deep interrogation of theological concepts or biblical exegesis in this article, because Western theology and biblical hermeneutics has failed Gaza and is failing the West Bank too. Theologians in the Global North need to listen to Palestinian voices and act for justice. Jonathan Kuttub, Palestinian human rights lawyer, calls for ‘a new theological vocabulary’ borne out of ‘a new working principle: *that no statement, theological or otherwise, be made unless it is credible in the presence of starved Palestinian children*’.⁶³ He adapts this principle, this ‘moral litmus test’, from Rabbi Irving Greenberg’s ‘response to the deplorable silence of Christians during the Holocaust’.⁶⁴ With World Communion Day on 5th October, two days before we reach two years of the genocide, we need to act on this principle. For any theology to be credible in the way Kuttub demands, it must, like Zaru’s reading of Martha and Mary, result in practical action to end the oppression of Palestinians.

⁶¹ Luke 10:38-42 (NRSV): Now as they went on their way, he entered a certain village, where a woman named Martha welcomed him into her home. She had a sister named Mary, who sat at the Lord’s feet and listened to what he was saying. But Martha was distracted by her many tasks; so she came to him and asked, ‘Lord, do you not care that my sister has left me to do all the work by myself? Tell her then to help me.’ But the Lord answered her, ‘Martha, Martha, you are worried and distracted by many things; there is need of only one thing. Mary has chosen the better part, which will not be taken away from her.’

⁶² Jean Zaru, *Occupied with Nonviolence: A Palestinian Woman Speaks* (Minneapolis: Fortress Press, 2008), p. 113. For Zaru, Martha’s concern is that Mary needs to act and not just contemplate. She reads Jesus’ reply as reassurance that Mary will come to act in solidarity with those in need as an outcome of her communion with God. Zaru draws on Meister Eckhart’s interpretation.

⁶³ Jonathan Kuttub, ‘Toward A New Theological Vocabulary’, *Friends of Sabeel North America*, 15 August 2025 (italics in original) <https://www.fosna.org/the-fosna-blog/toward-a-new-theological-vocabulary> [accessed 25 September 2025].

⁶⁴ Ibid., Greenberg cited by Kuttub, ‘Let us offer, then, as a working principle the following: No statement, theological or otherwise, should be made that would not be credible in the presence of burning children’.

Joining the Dots: Palestinian Liberation and Trans Rights in the Academy

One day everyone will claim that they were against the genocide of Palestinians, but we will know that this was not the case, at least not in practical terms, and we will face a reckoning that asks: when did university managers, when did theologians, become so fearful that even a genocide is not a red line? The British Society for Middle Eastern Studies (BRISMES) finds that risk assessments are being used to restrict events and speakers related to Palestine.⁶⁵ University managers seem to be more afraid of accusations of antisemitism based on a ‘false conflation between individual Jews and Israel’⁶⁶ than of the reputational damage that will linger from not speaking out against a genocide. I understand that there is job precarity and government pressure but being so afraid of losing whatever privilege we might have that we are not prepared to risk it does not protect us. If we do not stand up for our right to protest by protesting, we will lose it. A comparison between the universities of Columbia and Harvard is instructive here, while the former is acquiescing to Trump’s demands, this is not saving them from financial loss or requirements to restructure; the latter is pushing back despite risking billions of dollars.⁶⁷

We might wonder then what the UK higher education silence on Palestine means for threats to trans rights. As an outcome of its investigation into the University of Sussex following Stock’s resignation, in March 2025 the Office for Students (OfS) fined the University £585,000 on the grounds that its Trans and Non-Binary Equality Policy had a ‘chilling effect’ (repeating Donelan’s words) and ‘failed to uphold freedom of speech and academic freedom’.⁶⁸ Sasha Roseneil, the Vice Chancellor at the University of Sussex has mounted a legal challenge to the OfS ruling, which, she argues, ‘implies that universities cannot have policies that aim to reduce abuse, bullying and harassment – whether motivated by transphobia, antisemitism, homophobia, Islamophobia, racism, or sexism –

⁶⁵ BRISMES Committee on Academic Freedom, ‘The Abuse of Risk Assessments to Curtail Academic Freedom, Freedom of Expression and Freedom of Assembly’, 21 October 2024, https://www.brismes.ac.uk/files/documents/21102024_CAF_Statement.pdf [accessed 25 September 2025].

⁶⁶ Ibid.

⁶⁷ Brandon Drenon, ‘Columbia University to pay \$200m in settlement with Trump Administration’, *BBC News*, 24 July 2025, <https://www.bbc.co.uk/news/articles/cq8zljpyk0o> [accessed 25 September 2025].

⁶⁸ Office for Students, ‘University of Sussex fined £585,000 for free speech and governance breaches’, 26 March 2025, <https://www.officeforstudents.org.uk/news-blog-and-events/press-and-media/university-of-sussex-fined-585-000-for-free-speech-and-governance-breaches/> [accessed 25 September 2025].

beyond simply reproducing existing restrictions in law'.⁶⁹ Coupled with the ruling in April 2025 by the Supreme Court that, in the Equality Act, 'the provisions relating to sex discrimination could only be interpreted as referring to biological sex', this is a worrying direction of travel; although, the ruling also stated that this 'would not have the effect of disadvantaging or removing protections from trans people' that are enshrined in the Equality Act.⁷⁰ Nevertheless, the subsequent and rushed interim update by the EHRC confusingly claimed that trans men and women should not be allowed to use the facilities that align with their gender, and that they could additionally be prevented from using facilities that align with their sex assigned at birth.⁷¹ Thus, we have good reason to be deeply concerned about what this means for universities and their equality, diversity and inclusion (EDI) policies, as well as for academic freedom and freedom of speech. We might have expected university leaders en masse to have publicly supported vice chancellor Roseneil in challenging the OfS, and to have decried the EHRC for publicising its interim update without consulting any of the people whom it most affected: trans, non-binary and intersex people.

Oppressions of marginalised groups are interrelated, and we are morally obliged to stand against all oppression. In this respect, the GNPT has posted a public statement critiquing the Trump Administration's interference in academic freedom and its campaign against immigrants and refugees.⁷² Similarly, queer theologies are generally intentional in their use of intersectional sources. However, in the context of Palestine, we have not fully

⁶⁹ Sasha Roseneil, 'OfS free-speech absolutism allows abuse, harassment, and bullying', *HEPI*, 9 April 2025, <https://www.hepi.ac.uk/2025/04/09/ofs-free-speech-absolutism-allows-abuse-harassment-and-bullying/#:~:text=On%2026%20March%202025%2C%20after%20a%20three-and-a-half-year%20long%2C,absolutism%20as%20the%20new%20golden%20rule%20for%20universities> [accessed 25 September 2025].

⁷⁰ House of Commons Library, 'Supreme Court judgment on the meaning of "sex" in the Equality Act 2010: For Women Scotland', 31 July 2025, available at https://commonslibrary.parliament.uk/research-briefings/cbp-10259/?utm_source=com#:~:text=The%20Supreme%20Court%20has%20ruled%20that%20references%20to,in%20For%20Women%20Scotland%20v%20The%20Scottish%20Ministers [accessed 25 September 2025].

⁷¹ Equality and Human Rights Commission, 'An interim update on the practical implications of the UK Supreme Court judgment', 25 April 2025, <https://www.equalityhumanrights.com/media-centre/interim-update-practical-implications-uk-supreme-court-judgment> [accessed 25 September 2025].

⁷² Global Network for Public Theology, 'Statement on the Current US Administration', May 2025, <https://www.gnpublictheology.net/blog/statement-on-the-current-us-administration> [accessed 25 September 2025].

grasped the meaning of Eve Tuck and K. Wayne Yang's assertion that decolonisation 'is not a metaphor'.⁷³

Conclusion

We need to ask ourselves, when did we become so enamoured of the neo-liberal turn to individualism that we stopped theologising about the issues that did not affect us personally, issues on which there might be a personal cost. Bonhoeffer's costly discipleship means service in the interests of the oppressed that has a cost. If there is a freedom of speech crisis in the UK, it is not where right-wing politicians or the media say it is; rather, it is the government, successive governments – Conservative and Labour - who are orchestrating it, and they are ably abetted by university managers, along with, at times, the majority of academics including theologians.

To return to my opening question: is there theological ethics in the academy? There could be if we take a stand against the weaponising of freedom of speech to curtail trans rights and Palestine solidarity. If we do not take this stand, theological ethics will disappear into oblivion for failing to demonstrate its principles in action; higher education will continue swallowing government rhetoric on employability, prioritising the churning out of students who will be economic units of monetary productivity instead of free critical thinkers and doers. I put it to you that a new theological ethics in the academy is an urgent necessity: one that centres Palestinians, that listens to the voices of the marginalised and acts for justice. Trans rights are human rights, free Palestine.

⁷³ Eve Tuck and K. Wayne Yang, 'Decolonization is Not a Metaphor', *Decolonisation: Indigeneity, Education and Society*, 1:1 (2012), 1-40.