

A Rare—And Heartening—Free Speech Victory in the West

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Glenn Greenwald (GG): Professor David Miller was employed as a political sociologist at the University of Bristol until 2021, when there was a campaign launched on the part of British politicians, which should sound familiar, because we have a lot of politicians now trying to dictate to colleges what views they can and cannot allow, as well as Jewish student groups and Jewish activist groups in the UK demanding that he be fired. Not because he had any altercation with any student, not because he engaged improperly with any student, there was no harassment claims, no claims of physical assault or anything of that kind, it was solely and strictly based on his philosophical view that Zionism was a philosophy that he believes is inherently unjust. He opposes Zionism as a philosophy. Obviously, a lot of you don't agree with that philosophy, some of you probably do. But if there's one thing that's important, at least I've been hearing for the last many years from the American right in the United States, is ensuring that journalists or rather, that, professors and scholars and academics have the full fledged right to express their views without being punished for the expression of those political opinions, or because those political opinions don't lie align with the establishment orthodoxy.

We had him on our show back in August to tell the story of how he got fired, and why he decided to appeal the firing to a British court. And earlier today, the court issued an unanimous judgement, fully in his favour, or at least in his favour on the court question of whether he was unjustly fired. And here's part of what the court said, quote: "The claimant's, that's Professor Miller, anti-Zionist beliefs qualified as a philosophical belief and as a protected characteristic pursuant to section 10 Equality Act 2010 at the material times. Professor Miller succeeds in his claims of direct discrimination because of his philosophical belief contrary to section 13 Equality Act in relation to: a. The University's decision to dismiss him on October 1st, 2021, and b. The university's rejection of his appeal against his dismissal on February 23rd, 2022. Professor Miller succeeds in his claim for unfair dismissal pursuant to section 98 Employment Rights Act 1996, and Professor Miller succeeds in his claim for wrongful dismissal." Quote: "Throughout his academic career Professor Miller

focused his research and teaching upon state and corporate propaganda, public relations and lobbying. He has been published extensively on a diverse range of topics. His academic work has been both political and controversial. He has also been a politically active academic. Prior to the incidents and events in this case he was never subject to any disciplinary process by any University. During this period Professor Miller also frequently made public statements and expressed his views on a range of issues, a number of which could be viewed as controversial in nature. Professor Miller believes, and also believed when he was employed by the University, that Zionism, which he defines as an ideology that asserts that a state for Jewish people ought to be established and maintained in the territory that formerly comprised the British Mandate of Palestine, is inherently racist, imperialist, and colonial. He also considers Zionism to be offensive to human dignity and on that basis, and he therefore opposes it."

And it was that view, and that view alone, ruled the court, that led the University to fire him under great pressure. And the University and the court unanimously ruled in his favour, upholding core rights of free speech, free thought, free discourse and academic freedom in saying that even opposing Israel is an opinion that is protected by free speech and for which you cannot be fired as a professor at a university. We are delighted to welcome Professor Miller back to the show to speak about the culmination or up until now, the culmination of his effort to vindicate his free speech rights. Professor Miller, it's great to see you. Congratulations. Thanks so much for joining us.

David Miller (DM): Thank you very much.

GG: So before we get into this amazing victory, and it's a victory not only for you, but for everybody who believes in free speech, including people who disagree with you about your views, remind us of the kind of pressure campaign that was exerted in order to try and get you fired, that led to your ultimate firing in 2021. Where did that come from and what was the arguments of that campaign?

DM: Well, it started in 2019. There were complaints about [inaudible] on Islamophobia, where I talked for a brief period on the relationship between Zionism and Islamophobia. That complaint eventually, after a year and a half, ran into the ground and I was exonerated, on all charges, and it was said by an external QC that I hadn't said anything remotely anti-Semitic. But the second element of the campaign against me started [inaudible] that, where I went on a public meeting on a Saturday afternoon. And I said that I had been attacked and complained about by, to Zionist student groups, which was true. But as a result of that the Zionist student groups concerned and other Israel lobby groups started to complain about me and asked for me to be sacked. They encouraged others to do so. Zionist professors at my university called for me to be sacked. Science professors throughout the world called for me to be sacked. More than 100 members of the House of Lords and Commons in London, called for me to be sacked, and the university was pressured by some of its funding agencies that they would withdraw funding should I not be sacked. That pressure, of course, had its effect. They had a further investigation where it was determined I had not said anything which was in any way anti-Semitic. But they decided nevertheless that because my statements had made some

students upset or caused them to feel what they said was unsafe, that that was the reason enough to sack me. And so they did.

GG: I mean, there is an irony here, because for so long the American right in particular, but I think the European right as well, has been very opposed to this idea that students on college campuses who are adults have the right to feel, quote unquote, "safe", and that complaints by them that they are unsafe as a result of having to hear political views that make them uncomfortable, is essentially the kind of whining that if we listen to, we will cleanse and purge academia of all vibrant debate. Just to be clear, there were two different tribunals at the university, one of which said you'd done nothing wrong at the beginning and the second of which, as the pressure grew said, you should be fired. But is it true that both of them emphatically cleared you of any charges of anti-Semitism in other words, found that what you were saying was not anti-Semitic, but that the university should fire you because some students felt unsafe from hearing your views.

DM: Well, so what happened was that I was investigated three times by the university, once by an internal university decision maker, who found I hadn't been anti-Semitic. Then twice by an external QC who found that nothing I had said, including statements I've made over so many years, nothing I had said had any anti-Semitic. But then, in the third investigation, the one which led to me being fired, they added in some investigation of the effects that my words had had on students. Although they acknowledged they weren't anti-Semitic, they said that it wasn't appropriate for students to be upset by things that I'd said at a political meeting outside of work, which were true. So that was the question. You know, I've been three times, now for the fourth time with this court case judgement, fourth time cleared of saying anything anti-Semitic ever in my life. And nevertheless, I have still faced this entire process of three years of assault and battery on my reputation, which has not, of course, abated. It continues today with the responses of Zionist groups to this judgement, where they simply ignore the judgement and say, Oh, no, he's an anti-Semite. So this is the state of the debate. And of course, as you say, the American right and some others in the free speech debate in the US, do have an analysis which should defend critics of Israel from censure. And let's hope that it does.

GG: Yeah, I mean, it's certainly something we've been working on a lot on this show of trying to encourage people who are supporters of Israel and yet also supporters of free speech, to understand that if you make an exemption for free speech when it comes to this one foreign country, you are essentially attacking free speech, even though you think that you are a supporter of it. Let me ask you, in terms of the effects that this decision to fire you has had. Obviously you just mentioned the reputational injury, which is going to be very great if large numbers of people are accusing you of anti-Semitism, one of the worst crimes in the West that you could be labelled with. What has been the financial cost in terms of your career and losing your job, and just on your life in general? Can you talk about that?

DM: Sure. I mean, what the Zionists hope to do in these kinds of cases is to destroy the person who they are criticising. They want them to, yes, lose their jobs. They want them to lose their reputation, and they want them to lose the ability to earn a living in the future. And

that's what, of course, they've tried to do to me. And to some extent, they were successful. I lost my job. I have my reputation besmirched. I can no longer get an academic job in a UK university. So all of that had very significant material and economic effects on me and my ability to live in a house and to feed my children. So, of course, that's something which matters to me a great deal. But the other thing I would say about this, however, is that since I was sacked from the university, I have been doing journalism and investigations. I run a show called Palestine Declassified, a weekly TV show, where we investigate the Zionist movement and the question of Palestine. And so I have been able to spend many more hours investigating Zionism than I would otherwise have been able to do had I still been in an academic job. So I, of course, resent what they've done to me, but I thank them for that because I have been able to conduct investigations, which they certainly do not like, and I will continue to do that.

GG: So we went through a little bit of the court ruling, and I think, as I understand it, at least one of the reasons why it's kind of historic is because it's the first court ruling, at least in the UK, maybe in Europe, to rule that anti-Zionism is basically part of the umbrella of free speech. That it's a philosophical belief or akin to a religious belief, something for which one cannot be punished or fired institutionally. What was your reaction to this court ruling, and how is it that you see the implications of it?

DM: Well, this was a key element of the case. I mean, obviously, I wanted to establish that I've been wrongfully dismissed and we did that. But the key, really the key important question here was the question of anti-Zionism. So I maintained that I'd been sacked because I had anti-Zionist views. The university maintained I had been sacked because I had upset students. But what happened in the court case was the university witnesses themselves conceded that what made my views so bad that they had to sack me was the anti-Zionist element of them. It wasn't that I had upset the students. In fact, it was the anti-Zionist element, and that's what lost them the case. It was their own evidence where they admitted in court that what they said exactly was not true. And so that was the basis of this. Now, of course, the importance of this establishes that under the Equality Act, that anti-Zionist views, if they're coherent, are protected, and you cannot sack someone who is an anti-Zionist for being an anti-Zionist. And so this will protect everybody who is targeted by their employers in the UK from now on. Of course, there will be further case law perhaps, but it seems inconceivable that this will turn back such that anti-Zionist views are held to be not protected. I mean, on the contrary, we've established the principle, this will now be available to every pro-Palestine campaigner who is targeted for suppression and censorship by their employer.

GG: Yeah. And again, I mean, I really hope that people understand that when free speech is upheld for anyone, including people with whom you have disagreements or even vehement divergences of views, it benefits everybody because obviously it expands and strengthens and fortifies what free speech actually means.

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