
Fascism, Free Speech and Academic Freedom:

A case study from the 1980s

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Introduction

Questions about academic freedom are currently of crucial political and theoretical concern, particularly as the rise of the right has meant that hostile forces have targeted universities to an unprecedented extent, using the mantra of ‘free speech’ to drive through an agenda against all forms of left-wing protest and critical research and teaching. Above all, the second Trump Presidency has unleashed a wholesale assault on the university sector, including through draconian action against campus protests about Israel’s policies in Gaza, withdrawing funding for Harvard and other ‘Ivy League’ institutions, and deportations of students.¹

The situation in the UK is less dramatic, but aspects of the current situation are very alarming, particularly with the increasing electoral and political threat from Reform UK. Nigel Farage’s populist radical right-wing party, and its various offshoots, have clearly drawn on aspects of Trump’s ‘culture wars’ against the university sector in the United States. In June 2025 Rupert Lowe, the MP for Great Yarmouth, left Reform UK and subsequently formed his own party, Restore Britain, which proclaims that ‘high-culture institutions have been totally captured by anti-British, anti-Western, and anti-white ideological trends such as decolonisation, intersectionality and critical race theory’ and that staff ‘pushing anti-British ideology should hold no position in a publicly funded British university.’² In February 2026, Zia Yusuf, Reform UK’s Spokesperson for Home Affairs, and other party officials, attempted to emulate another aspect of Trump’s assault on universities. They threatened to revoke Bangor University’s funding after the Debating and Political society refused a request by two Reform UK MPs to host a question-and-answer session. The society’s committee defended the decision with a strong statement that it had ‘zero tolerance for any form of racism, transphobia, or homophobia displayed by the members of Reform UK’ and implored others to join them ‘in keeping hate out of universities’.³ This stance was successful, with Reform UK’s Welsh branch later retracting the threat, claiming that stripping funding from Bangor was not official policy. However, the University distanced itself from the action with a post

stressing that students' societies were autonomous, and that the university welcomed debate from across the political spectrum, including Reform UK.⁴ Craven attitudes towards Farage and his associates on questions of free speech and academic freedom will, no doubt, be reinforced by the success of the party in the local election results in May. Yet in one other important case – the Office for Students (OfS) against the University of Sussex – there was a significant advance.

In March 2025, the OfS caused deep concern across the whole university sector by imposing a fine against Sussex university on the issue of gender. While the extent of polarisation and intolerance on the campus had been regrettable, a financial penalty of £585,000 seemed extraordinary. The stated justification for this was partially on the grounds that the university's policy statement on trans and non-binary equality included a requirement to 'positively represent trans people', which could inhibit those with different views from voicing them.⁵ However, the ruling also implied an implicit endorsement of the gender critical position, thereby constraining others with different perspectives. Furthermore, the imposition of this huge fine in relation to one controversial question could obviously lead to self-censorship in other areas, many of which would inevitably be matters of particular concern for the left. In September, the High Court granted Sussex University permission to proceed to a judicial review of the OfS decision.

The result on 29 April 2026 was to quash the fine, with the High Court Judge, Mrs Justice Lieven finding against the regulator's decision on multiple grounds. She ruled that the OfS was biased, had predetermined the outcome, and applied jurisdictional overreach.⁶ This was an almost total vindication of Sussex University and a scathing condemnation of the OfS. In plain language, the judgment was that the regulator had approached the case with a closed mind, using Sussex as a test case to incentivise compliance with a gender critical perspective across the whole sector.

This was a landmark decision, but it is not yet possible to be sure of its impact. Immediately after the decision, the Vice Chancellor of Sussex sought a meeting with the Secretary of State for Education to 'discuss this excoriating judgment and its implications for the higher education sector.' She called for 'a regulator that works with the sector, not against it... and properly understands freedom of speech, academic freedom, lawful commitments to inclusion, and the scope of its own powers'.⁷ However, the meeting does not appear to have taken place.

A further cause for uncertainty concerns the position of Arif Ahmed, the Director for Freedom of Speech and Academic Freedom at the OfS. He was not responsible for the decision to initiate the action against Sussex University, which predated his appointment in the summer of 2023. In her judgment in

April, Mrs Justice Lieven exonerated him from the role that he then played in that action mainly because ‘the die had already been cast by then’ and ‘his role was not sufficiently central for any apparent personal bias of his to vitiate the decision.’⁸ Yet the judgement included considerable evidence that Arif’s views on the issue coincided with those of Kathleen Stock, the gender critical lecturer at Sussex, and had corresponded with her before his appointment. Mrs Justice Lieven recorded that, had he been ‘the decision-maker I would in all probability have found that he had predetermined the decision by reason of having a closed mind’.⁹ Ahmed has also been active on other controversial issues – for example, making statements and issuing regulations that suggest steps to limit anti-Israel protests in universities.¹⁰

A year before the judgement in the Sussex case, Peter Scott, Emeritus Professor of Higher Education Studies at UCL and former Vice-Chancellor of Kingston University, made a cogent critique of the OfS. After an analytical review of its procedures and judgments in relation to campus protests against Israel on the one hand and the treatment of the transgender issue at Sussex on the other, he concluded that the politically partisan focus on free speech had all the marks of a ‘made in America’ ideology and that:

[T]he same politically partisan focus has actually made it more difficult to have a measured debate about free speech and academic freedom which, very sadly, is badly needed in a world from which reason, trust and mutual respect appear to have fled – and online abuse, fake news and AI have arrived. The OfS report on Sussex, and its disproportionate fine, are – in effect – a blow against rather than a blow in favour of free speech in higher education.¹¹

Although the judgment against the OfS in April 2026 is clearly welcome, it does not in itself do more than reverse a single particularly egregious violation of academic freedom. As Peter Scott has argued in a recent contribution, the political narrative justifying the original Act that established the OfS, was that right-wing or conservative views were being ‘cancelled’. Gender critical views were defined in this way, so they needed to be protected with the full force of the State, while pro-Palestine views, in contrast, needed to be strictly policed or even curbed.¹² At the time of writing, there is little reason for any confidence that this perspective will change in the near future. The government has been silent on the Sussex judgement; the OfS will introduce a new complaints scheme on 1 September for university staff, visiting speakers, and non-student members to raise concerns about the suppression of freedom of speech at English higher education providers; and Arif Ahmed remains its Director for Freedom of Speech and Academic Freedom.

At present, the threats to progressive goals in Higher Education by simplifying the complexities of academic freedom and manipulating the discourse of 'free speech' to advance right-wing political agendas may be particularly acute, but they are certainly not new. The focus of this article is on an historical case study of fascism, free speech and academic freedom in the mid-1980s in the Polytechnic of North London (PNL). This has both intrinsic importance and interest and some crucial lessons for the current era.

The case concerned a student, Patrick Harrington, who was also an official, organiser and activist in the youth section of the National Front (NF). Enrolled as a BA (Hons) Combined History and Philosophy student at PNL in 1982, his presence at the institution led to a major crisis.¹³ The main protests began in February 1984, but quickly escalated, with mass picketing preventing his entry into the Kentish Town campus of the Polytechnic. Soon the police and the High Court were involved and, over the next nine months, many students were arrested and two were imprisoned. Fourteen academic staff were brought before the High Court on contempt charges, and PNL descended into near chaos, with a serious threat of closure. Neither before nor since have there been protests about racism and fascism in a British institution of Higher Education on anything approaching this scale. Finally, in January 1985, a new acting Director implemented a deal that stabilised the situation, although protests against Harrington continued.

The article explains why the affair had such devastating consequences. It begins by setting the context, for many aspects of the situation can be understood only by appreciating the nature and history of the institution. It then focuses on the early stages up to May 1984, suggesting that the major controversies about individual freedom of expression and the right to education within wider concepts of academic freedom were all raised in this period. It argues that a workable solution was proposed, but that the involvement of the High Court proved a major barrier to any such resolution. The article then considers the professional position of academic staff in relation to their students, arguing that both the courts and the Polytechnic management undermined this. The fourth part argues that a solution was possible only by addressing the anti-racism and anti-fascism behind the students' determination to continue direct action. It emphasises the importance of the Inner London Education Authority (ILEA) in bringing about a significant advance in this respect. Finally, a conclusion reflects on the current relevance of the episode.

The nature and evolution of PNL: 1971-1983

PNL was one of the new polytechnics created for England, Wales and Northern Ireland after the Labour government established a 'binary' system of higher

education in the 1960s, with both a university and polytechnic sector. In general, the new institutions brought together various colleges that previously existed under local authority control, most of which had a greater proportion of vocational and part-time courses than traditional universities. In 1965, the Council for National Academic Awards (CNAA) was also established to validate the qualifications in the polytechnics and other non-university higher education institutions.¹⁴ However, the system of control, validation of degrees and governance arrangements changed very extensively over the next twenty-five years. In a series of transformations, national control over funding and degree awards was established, and new managerial systems introduced.¹⁵

In 1988, the removal of local authority involvement paved the way for the abolition of the binary system. In 1993 most of the new polytechnics, including PNL, became universities, but this was not the last change, for in 2002, in a further merger, the University of North London and London Guildhall University came together as London Metropolitan University. The Harrington Affair erupted at time when the pace of change was particularly rapid and in circumstances that were already very fraught.

Established in 1971 from the merger of two existing polytechnics, Northern Polytechnic and the North Western Polytechnic, PNL included a variety of levels of qualifications, but the northern campus in Holloway Road was closer to the general image of the new polytechnics as more technologically and vocationally inclined than traditional universities. North Western Polytechnic, two miles away in Kentish Town, had focused largely on the Humanities, but included a social studies faculty in Ladbroke House in Highbury Grove, which was near Holloway Road. Creating a coherent new entity would always have been challenging, but the appointment of Terence Miller as the first Director meant that PNL began with a baptism of fire.

He had been Principal of University College, Rhodesia from 1967 until 1969 – that is, during the years of illegal minority white rule. He had no previous experience of an inner-city Polytechnic, and, in the aftermath of May 1968, he was a surprising choice. There was a very active student left, particularly in Ladbroke House, and his appointment led to immediate occupations, with polarisation reinforced by his management approach.¹⁶

Ladbroke House was at the forefront of these disputes, particularly in the departments of Sociology and Applied Social Studies. Caroline Cox, who would soon become Head of Sociology, was a supporter of the Director, and became a leading campaigner against the left in higher education in general, and sociology in particular – views which she outlined in a co-authored book.¹⁷ The internal conflicts and student occupations led to a negative image of PNL, particularly in the right-wing press. This was also because the PNL student body included a high proportion of mature students with non-standard educational

backgrounds and there was also considerable ethnic diversity, with a high proportion of black and minority ethnic students. The older students, particularly in Humanities and Social Studies, tended to be more political and less deferential than the more typical school leavers in traditional universities.¹⁸ All this was of great salience in the subsequent 'Harrington Affair'. At the same time, PNL also conformed to many of the key aspirations of the Labour Government when creating these institutions.¹⁹ It had a commitment to a student-centred curriculum and pedagogy, with flexible structures, which challenged the traditional domination of single subjects. The 'access' mission and innovative teaching and course development were generally taken very seriously.

When Miller retired in 1980, there was an opportunity for a new Director to foster and develop these aspects of the institution, which were also supported by ILEA on the governing body. However, Miller's successor was Dr David MacDowall, a scholar of Ancient History and a former civil servant, who had been Master of University College, Durham University. In his own retrospective account of his time at PNL, he acknowledged that he had never previously stepped inside a Polytechnic and was unaware of the governance systems of the new institutions.²⁰ He was thus a second surprising choice to assume the leadership of PNL and was unprepared for the pressures that he would face.

The previous year, the Conservative government, led by Margaret Thatcher, had won the General Election and her agenda would have major implications for Higher Education, both through neoliberalism and other components of 'new right' ideology, personified in the Secretary of State for Education, Sir Keith Joseph. He had been a leading figure in the right-wing 'think tank', the Centre for Policy Studies, which he had co-founded with Thatcher (and Alfred Sherman) in 1974. He was determined to counter what he saw as undue Marxist influence in higher education, especially in social studies departments in the Polytechnic sector.²¹ After leaving PNL in 1977, Caroline Cox became an associate of Joseph's in the Centre for Policy Studies, and was appointed a Life Peer in the House of Lords in late 1982, taking the title Baroness Cox in March 1983.

In December 1982, one of her former colleagues in Sociology at PNL resigned and on 20 February 1983, wrote to Sir Denis Rooke, the Chairman of the CNAA with a copy to Joseph. In her letter, she made several allegations, including that there was 'a hegemonic power of Marxists and "fellow travellers" in the School', 'irregularities of behaviour and practice', 'Marxist bias in teaching' and 'academic bias and looseness in the new submission for a degree in Applied Social Studies and Sociology'.²² As a result an inspection was set in train by the CNAA. This endorsed the continuation of both courses, clearing them of the charges, but Joseph then announced that Her Majesty's Inspectorate (HMI) would also carry out an inspection. This took place in April/May, with their report published in October 1983.²³ Although this included positive

comments on PNL's provision, there were also significant criticisms. Arguably, these could have been challenged on methodological grounds, but the net result was, rather, to exacerbate the attacks upon PNL as a focal point for a wider policy agenda in relation to higher education.²⁴ As Harold Silver put it, however debatable the evidence, the public impact and what was made of it 'added to the impression of higher education adrift, of dark forces at work, of incompetence, of failure'.²⁵ It was in this atmosphere that the Harrington crisis erupted a few months later. Any institution would have found the challenges difficult to handle, but the fact that they led to the threatened closure or dismemberment of PNL also raised questions about governance and leadership.

Emerging problems

Patrick Harrington was initially admitted to a joint Honours Degree in Philosophy and History in September 1982. It subsequently became clear that he had been an activist and an official in the NF from an early age, as would later be shown in an extensive sworn witness statement submitted to the High Court by an academic expert on the NF.²⁶ Harrington's assessment performance during his first year was mediocre and he kept a low profile in the institution.²⁷ However, the student newspaper (*Fuse*) published an article in April 1983 about NF activities in North London, which included a photo from which some students recognised Harrington, and the identification was corroborated by *Searchlight*, the anti-fascist magazine. In June 1983, *Fuse* carried a second article describing him as 'a leading member of the National Front'.²⁸

After this article, on 7 July, during the summer vacation and after the completion of his exams, both Harrington and his solicitor wrote to the PNL Director, David MacDowall, complaining that his examination preparation had been adversely affected by the students' response to his being identified as an NF activist.²⁹ The solicitor's letter argued that the *Fuse* article was 'defamatory to our client in the extreme and has caused him to be extremely concerned about the future of his studies at the Polytechnic'. It also claimed that he was *not* a leading member of the National Front, 'as the most elevated position that he has ever held in that organisation is secretary of the local Wandsworth Branch' and it rejected the other allegations. But it also reported that he 'anticipates that the hostility engendered may turn to violence, or at the very least harassment'. It asked for the Director's assurance 'that you and your staff will use their best endeavours to take such steps as will allow our client to continue his studies peacefully'.³⁰

The key aspect of this letter was that it established the narrative that Harrington simply wanted to concentrate on his education, that his 'private' political views were irrelevant, and that he was the victim of intolerance by those

infringing his rights. The Assistant Director for Personnel, replied with an assurance to Harrington's solicitor that:

...the Polytechnic would under no circumstances discriminate against a student on account of his or her political beliefs or activities provided that there [was] no breach of the Polytechnic's Code of Conduct.³¹

It also stated that it had every intention of ensuring that he was allowed to continue his studies peacefully without any harassment.

Despite these clear warnings of impending problems in the summer of 1983, no further action at Directorate level appears to have been taken until the crisis erupted in March 1984 and a subsequent Committee of Inquiry was critical of this:

...it is hard to understand why, in the summer of 1983, the matter was apparently seen as something to keep an eye on rather than as a continuing threat to the institution, requiring a great deal of discussion with all concerned, of the issues, possible solutions and the consequences of various courses of action by individuals or management.³²

Harrington attended few lectures or seminars during the first semester of his second year and did not fulfil all his assessment requirements. In February 1984 he was informed in writing that his attendance was unsatisfactory, but he was allowed to transfer to a single subject degree in Philosophy from the beginning of the second semester in February.³³

Very soon after this, some students took their evidence of his NF activities to the Philosophy staff, saying that they did not want to share their seminars and lectures with Harrington as they felt threatened by his presence and concerned that the information about them could be passed on to the NF, and some members of academic staff agreed with this stance. On 8 March pickets prevented him from attending his lectures, with the numbers growing during the day.³⁴ The Kentish Town branch of the National Association of Teachers in Further and Higher Education (NATFHE) put their case to the Director, David MacDowall. They proposed that Harrington should be offered separate tuition, but that if he refused, he should be expelled from PNL. After discussion in which various views were expressed, a meeting of NATFHE in Kentish Town on 15 March 1984 unanimously agreed a motion stating that the Branch:

- (i) Expresses its grave concern at the presence of a prominent and active member of the National Front as a student at Kentish Town.
- (ii) Expresses its strong support for the students who feel offended and intimidated by his presence in classes, and for the Philosophy Staff.

(iii) Calls upon the Court of Governors and the Directorate to develop as a matter of urgency a Polytechnic anti-racist policy, and to take the circumstances of this case into account when doing so.³⁵

What was the relationship between such arguments and the liberal perspective, widely regarded as central to the philosophy of higher education in the UK? The *dominant* interpretation held that Harrington's individual rights to freedom of expression and to higher education should be the primary, perhaps the only, criterion, and that his political views and activities were largely irrelevant. The opposing viewpoint by many student activists in the 'Harrington out' campaign was that his role in the NF, which practised violence and extreme racism, meant that he forfeited all claims to education at PNL. However, this position was not put forward by the academic staff concerned, and nor was it the policy of the NATFHE branches in the institution that was put to the Director. Instead, their assumption was, in effect, that Harrington retained his educational rights, but only in a qualified and limited form because of his NF affiliations and actions. The Philosophy staff were effectively offering private tuition alongside their regular teaching, thereby increasing their workloads in support of such a solution. At this stage there was still a reasonable chance that a compromise of this kind might have succeeded, but events were now moving very fast.

As the number of pickets grew at PNL, the Philosophy staff agreed to provide separate, private tuition for Harrington, and separate examinations.³⁶ At first, in a meeting with the Assistant Director and his Head of Department on 9 March 1984, Harrington appeared willing to accept alternative teaching arrangements.³⁷ However, he soon changed his mind. On 4 April his solicitors warned that proceedings would be taken against PNL unless assurances about his teaching were given. The Polytechnic was asked to give undertakings by 11 April to secure Harrington's access to lectures and to discipline any students preventing this. Moreover, his solicitors sought the names of certain Student Union office holders and the Socialist Worker Student Society (SSWSS) officials so that they could be named in proceedings.³⁸ PNL's solicitors made various compromise proposals but these were all rejected on 12 April. The solicitors' letters on behalf of the institution implied a belief that the crisis would not be resolved by use of disciplinary measures and mentioned the possibility of extending the current arrangement of private tuition.³⁹ However, the Directorate was not prepared to consider any 'ultimatum' for Harrington to accept the alternative teaching option, as proposed by the Philosophy staff and endorsed at the NATFHE meeting. A writ of summons was issued against PNL and against one student on his own behalf and that of other picketing students. With this, the probability of a compromise solution disappeared.

Harrington used the arguments for free speech and the right to education; the case was heard on 25 April and resulted in orders against the individual

student, the Secretary of SWSS, the President of the Students' Union and the editor of *Fuse*, while the order against PNL was adjourned. The Directorate accepted Harrington's case despite the internal consequences, and the most intransigent advocates of the 'Harrington out' movement amongst the students became more dominant.

The background to the SWP's involvement in the 'Harrington affair' and the changes in the NF are both relevant. By the early 1980s, the NF had declined considerably in national popularity since its peak and was now splintering into rival factions, and some of these sought to revive its fortunes through confrontations with the SWP, in particular locations.⁴⁰ One such arena was Chapel Street market in Islington and it was there that the photo of Harrington carried in the *Fuse* article had been taken. According to the subsequent Committee of Inquiry, the first picket on 8 March of about twelve people which prevented Harrington's entry into PNL, 'was said to be organised by members of the Socialist Workers Student Society'.⁴¹ However, it was Philosophy students who initially raised the alarm about Harrington's presence, and the action very soon escalated far beyond the SWP, particularly after the High Court became involved. Approximately 70 students joined the pickets during March, but the momentum then built up very rapidly.⁴² After the first High Court judgments on 25 April it seemed unstoppable and on 1 May there was a picket of about 150 and, in the words of the inquiry, 'photographs were taken by an acquaintance of Mr Harrington'.⁴³ The action then spiralled out of control. With its organisational experience, SWP/SWSS soon played a key role and Harrington was keen to claim that the campaign against him was orchestrated by this organisation, but it was always actively supported by numerous students who did not share the SWP's views.

The intensity of the protests was exacerbated by a growing awareness of 'institutional racism' in many sectors of society, including at PNL and in education in general, and this was reinforced by repressive policing against black communities in inner-cities, particularly London, where the 'Brixton riots' occurred in April 1981.⁴⁴ All this fuelled the campaign within PNL and on 10 May, a Student Union Emergency General Meeting (EGM) at the Kentish Town campus of PNL passed a motion to occupy the building. The next day the High Court made a further Order directing its Tipstaff, a court officer, and his agents (the police), to enter the building and arrest anyone in breach of the 25 April Order, on Contempt of Court charges.⁴⁵ There was an occupation and on 17 May, when Harrington had further scheduled classes, the Tipstaff, with police, broke into the building to ensure that he was able to access his classes. Five days later, when he was again scheduled to attend lectures, the relevant lecturers telephoned in to report illness. The High Court judge (now Justice Mars-Jones)

stated that he expected the provision of alternative classes relevant for Harrington's course.

At the demonstration following Harrington's departure at the end of the lecture, seven arrests were made with all defendants appearing in Court on charges of obstructing the police and using threatening words and behaviour. When the other Philosophy students made it clear that they would boycott the examinations if they had to take them in the same room as Harrington, PNL undertook to send him 'a comprehensive package' of lecture notes for the classes he had missed, and his examinations were deferred for two weeks.⁴⁶ However, neither the courts nor the PNL management had any success in restraining student protests; and the next academic year promised to see a further escalation. Meanwhile, however, a completely new dimension had opened up when a group of academic staff were drawn into the legal conflict with the High Court.

PNL academic staff and academic freedom

By mid-May, the High Court actions and behaviour of the PNL Directorate already appeared to many to have undermined internal authority structures and relationships of trust to such an extent that the viability of the institution was threatened.⁴⁷

Twenty photographs of students picketing on 1 May had been marked with a cross and presented to the Court by Harrington's solicitor and the PNL was instructed to identify them. At a meeting of the Court of Governors on 10 May, the PNL solicitor warned that any breach of the Court Orders would be treated as Contempt of Court; moreover, he warned the meeting that if the PNL broke its contract with Harrington, such action would be regarded as *ultra vires* and members of the Governors would be personally liable and could face fines or imprisonment. Following Harrington's legal demands, the Director's response was to instruct a group of staff with departmental and course responsibilities from the Faculties of Humanities and Social Studies to come to the Holloway Road campus to make the identification. When they arrived, he and the Polytechnic Solicitor confined them in two separate rooms and told them that they would stay there until they agreed to identify the students. The staff believed that this was unacceptable and probably illegal and, eventually, after the intervention of NATFHE headquarters, they were allowed to leave.

Because of the nature of the student populations in the Humanities and Social Studies Faculties, and the pedagogic ethos, student/staff relations tended to be close and based on trust. Whatever their individual beliefs about mass pickets preventing Harrington's entry, most staff therefore recoiled from an instruction to identify students either to the Director or to the High Court at the behest of the NF. However, a few days later, on 18 May, a large group of

academic staff from the two faculties were instructed to attend a meeting with the Directorate and the PNL's solicitor and, when approximately sixty-five did so, they were issued with court orders and instructed to examine the relevant photos and attempt to identify the students. This was a very emotionally charged meeting, with one lecturer recalling the fate of her mother in Auschwitz and tearing up the court order, and the Polytechnic solicitor insisting on the identification. David Triesman, the new National Negotiating Secretary of NATFHE, then persuaded the PNL management that staff should be permitted to seek their own legal advice, but this was mainly a delaying tactic. However, when, on 21 May, court orders were served on two Heads of Department and twelve course tutors, 11 of the 14 defendants preferred to be represented in Court by privately engaged solicitors rather than by NATFHE because they believed that the support for their case by its central organisation had been inadequate.⁴⁸

When these members of the academic staff appeared in the High Court before Justice Mars-Jones, all their counter arguments were dismissed, although they were permitted to go to the Court of Appeal. However, this also rejected their case, although the role of the Tipstaff was criticised.⁴⁹ Finally, in late September in the High Court, a different Judge, Justice Kennedy, again refused to uphold the case of the staff, but acted pragmatically. Noting that events at the PNL had been quiet for four months, he ruled that it would no longer be helpful to require them to make the identifications, and this removed the immediate threat of imprisonment of staff for Contempt of Court. However, he also stated that the order could be reactivated if students refused to comply with earlier judgments.⁵⁰

While the High Court and Polytechnic Director had attempted to deal with protests through escalating forms of discipline and sanctions, the fundamental driver of the action was opposition to the NF. Without concrete moves to recognise the legitimacy of anti-racist and anti-fascist protest, there was a deadlock.

Polytechnic governance and anti-racism

The ILEA recognised the necessity, both on prudential and principled grounds, for PNL to address the issue of alleged racism in relation to Harrington. Since the late 1970s, the ILEA had taken considerable steps both to recognise institutional racism in schools and to establish codes of practice to implement the 1976 Race Relations Act in the institutions it controlled.⁵¹ Although this constituted a significant advance, the immediate effects at PNL were unpromising: the ILEA and staff Governors sought firmer action but the Directorate maintained its existing position.⁵²

On 18 May Neil Fletcher, chair of the ILEA's Further and Higher Education Committee, had gone to the site where students were carrying out a mass picket

and told them that the ILEA supported the proposal for separate teaching to be provided for Harrington and also backed the teaching staff in refusing to identify student pickets. He praised PNL's record of recruiting black students and said that thanks were due to those who had drawn attention to the dangers of racism and far Right organisations.⁵³ He also believed that the introduction of a new code of practice on racism and guidelines for complaints should be introduced as a matter of urgency, and that all students should be required to give an undertaking that they would respect the ILEA policies for supporting the development of a multi-ethnic society.⁵⁴

A series of Special Meetings of the Governors then took place during the summer, where the differences between the ILEA and the Director, supported by the Chair of Governors, John Diamond, intensified. On 16 May, MacDowall, with Diamond, went to a meeting at the ILEA headquarters where they met its barrister, Alexander (Derry) Irvine, who would later become Lord Chancellor in the 1997 Labour Government. Irvine advised that the Director would not be in contempt of court if Harrington was offered the best possible alternative educational arrangements and denied facilities or access to PNL beyond them. The ILEA officially advised that immediate discussions should be held with Harrington and staff unions about implementing these alternative arrangements, and on the same day Diamond issued a formal notice for a Special Meeting of the Governors on 21 May with the ILEA's advice attached. However, there were quite different pressures from the right. Three days before the scheduled Special Meeting, the *Times* published an editorial entitled 'Totalitarian Nursery', which concluded that, if the Polytechnic managers would not prosecute the students who were breaking academic discipline, 'the sooner this rather sad institution rids itself not only of the troublemakers but also of those loose intellectually substandard courses where ... they have congregated, the better'.⁵⁵ On same day, a new notification of the special meeting was issued and, at Diamond's request, a copy of the editorial in *The Times* was attached to the notification.

At the Special Meeting on 21 May a proposal for a Joint Committee of ILEA and PNL Governors to advise on the continuing problems was agreed. The co-Chairs were Neil Fletcher and John Diamond. However, this potentially positive development was overtaken by events. By the time the meeting on anti-racist policy was held on 2 July, the lecturers' case had already been rejected at both the High Court and the Court of Appeal. A new disciplinary code and an anti-racist policy were agreed, but the Court cases, and accompanying media attention, had intensified, rather than diminished, the divisions within the Governing body.

The new disciplinary code included a wide range of offences, including sexual harassment, racist activity or behaviour that caused fear or distress to others

or interfered with legitimate freedom of speech and it also prohibited breaches of the Polytechnic Equal Opportunities Policies. The anti-racist policy affirmed PNL's belief in 'the equal treatment of all human beings, regardless of their sex, colour, race, nationality, birthplace, religious, or political views'; its opposition to any form of racial discrimination; and its recognition that the diversity of cultures was 'a resource of great value to an educational institution'. It also asserted that 'in dealing with any incident of racism or racial discrimination, the Polytechnic will take appropriate disciplinary or legal action'.⁵⁶ In principle, this was a step of great importance, but in practice it made no difference to the continuing battle within the Court of Governors.

On 22 June, the Director wrote to the *Daily Telegraph*, distancing himself from the most extreme critics of PNL such as Baroness Cox, for paying:

...scant regard to the general body of the Polytechnic's teachers ... whose achievements have won commendation from the Council of Academic Awards and Her Majesty's Inspectors and ... does not mention the pioneering work ... in widening access to higher education and catering for the special needs of ethnic minorities in London. Nor does she throw much light on the complex issues raised by the Harrington case.⁵⁷

Nevertheless, he maintained that the prime need was to promulgate a student code of conduct setting out such rights as freedom of speech on campus, coupled with obligations to respect the rights of others and to avoid disruption. He also maintained that the new code should cover lecturer/student relations, distinguishing between confidential information and what must be disclosed to the proper authorities. There was thus still a gulf between the Director and the ILEA, and on 19 July a delegation of staff governors met the Chair and Vice Chair to report a further worsening of relationships between the Director and the institution's academic staff.⁵⁸ No significant progress was made by the beginning of the next academic year.

Deepening Crisis and Partial Resolution, October 1984-January 1985

The crisis soon spun out of control, with the escalation starting with a student union EGM on 4 October. The motion called for a picket both inside and outside the building whenever Harrington attended a lecture, and a total boycott of all lectures at such times. The next day, when he arrived at the Kentish Town site of PNL, there was a mass picket and a large police presence and his solicitor immediately asked for new Court Orders.⁵⁹

Many students believed it was vital to continue the action, while the majority of staff feared that further illegal action threatened the future of the institution. Similarly, the Kentish Town NATFHE branch expressed total opposition to the policy adopted by the EGM, as both divisive and making it harder to achieve 'our major objective of a strong anti-racist policy and code of practice that ensures its implementation'.⁶⁰ The National Union of Students (NUS) also took this view.⁶¹ Nevertheless, the student action intensified, with further picketing of other PNL buildings, and arrests, culminating in the imprisonment, on 29 November 1984, of two students for 16 days for Contempt of Court. Rather than containing the student action within Humanities and Social Studies, the attempt to divert teaching elsewhere provoked occupations of other PNL buildings, with students who had not previously been involved, now also arrested. By 12 December, possession of all the premises was regained by a Court Order, with police assistance.⁶² Yet there was every reason to believe that the action would start again in January.

The role of the ILEA now became crucial in the face of a very real threat to the future of PNL. The staff governors were invited to a meeting with Neil Fletcher and a group of PNL NATFHE officers to a meeting with Frances Morrell, the ILEA leader. It was made clear in both meetings that the institution was on the brink of closure or dismemberment and that immediate and radical action was needed. Both the ILEA's intervention, and a threat to the funding of the PNL Students' Union, put pressure on all parties to focus on possible ways out of the impasse.⁶³ Of equal importance, Harrington now acted in a way that undermined the credibility of the case that he was an innocent victim of intolerant forces.

In a television interview, he declared that black students at PNL should be 'gradually repatriated' and that black people could not be regarded as legitimate citizens. In response to a supplementary suggestion that he was talking of curtailing civil liberties along racial lines, he argued that 'I don't believe black people can be citizens of Britain, and therefore as citizens are the only ones who have rights, their rights are non-existent'.⁶⁴ One student formally complained and subsequently seventeen members of staff in the Sociology Department called upon the Director to suspend Harrington. He was unwilling to do so on procedural grounds, but he formally reprimanded Harrington for his racist remarks.

The ILEA had no powers to dismiss the Director, but Frances Morrell 'persuaded' him to resign in a deal under which he was given a sabbatical year before taking early retirement.⁶⁵ In a letter to the staff governors on 13 December, MacDowall acknowledged that Morrell had exerted great pressure and also that, when his position on the Harrington investigation was made known to the ILEA, a senior officer there had asked him to attend an urgent meeting where he would be offered enhanced early retirement and he had accepted this.⁶⁶

The situation still appeared perilous as there were ongoing High Court hearings for contempt against sixteen named students, and for the sequestration of PNL's assets in view of its alleged breach of an earlier High Court Order. Nor had there been agreement to a further application by PNL for alternative teaching for Harrington. No concrete progress had thus been made by the end of the term, but behind the scenes, there was a very significant change. While the ILEA could not directly appoint a successor, Morrell had a 'man of the moment' in Dr John Beishon, who was then the Director of South Bank Polytechnic. At the same time, the ILEA sought to stabilise PNL by establishing a Committee of Inquiry into the effectiveness of its internal management and organisation. The ILEA made it clear that the future of PNL depended upon acceptance of both Beishon as Acting Director and the Committee of Inquiry. This was formally agreed on 19 December 1984.⁶⁷

Beishon had been a member of the Communist Party until 1955, and had a doctorate in Psychology. He understood left-wing activism and had a reputation for resolving disputes through unorthodox and sometimes ruthless methods.⁶⁸ He was well aware of the events at PNL and on 14 December 1984 was asked to meet William (Bill) Stubbs, the ILEA Education Officer responsible for Higher Education. He recalled that Stubbs had said that:

...PNL was at the end of the road, the ILEA feared that Sir Keith Joseph was waiting for the opportunity to close PNL and the recent judgement in the High Court had given him the justification to do this. The ILEA had responsibility for PNL and had a commitment to providing the kind of open access to higher education that London needed and deserved. Closure of PNL would be a disaster for educational provision in north London...⁶⁹

Beishon agreed to take the job provided that he could bring his own team with him, and this was also agreed.⁷⁰

His combination of decisiveness and unusual methods proved crucial in re-establishing control of the situation. Eventually, a stratagem was devised under which all the other students were given 'alternative teaching' while Harrington received the official timetabled classes alone in another building. Beishon also took one other decisive initiative: he secured a High Court ruling that Harrington should be prevented from addressing a Student Union meeting on the grounds that this could precipitate violence.⁷¹ This may have helped to persuade some of the student protesters that Beishon was making moves in their direction. His compromise solution just about held until Harrington finished his degree in the summer, although many students continued with peaceful protests.

The changes in culture, policy formulation and overall ethos at PNL, initiated by Beishon and his colleagues, and instigated by senior figures at the ILEA, marked a step change – a real transformation at PNL. For example, the

legitimacy of the student voice was recognised, and policies on racism and sexism, which had been formally adopted, were now implemented.⁷² After 1985, PNL also became far more embedded at local level, involving the multiple communities of north London. New degrees and research activities were established in such areas as Irish Studies and Caribbean Studies, and a Cyprus Centre was established. There were also important initiatives in Women's Studies, Child Abuse and Trade Union Studies. In many other areas professional and training courses were developed. There were several advances, not least in anti-racism and balancing the right to free speech with a broader conception of academic freedom.

Conclusions and reflections for today

There were some specific reasons for the eruption and severity of the crisis over the 'Harrington affair' at PNL, including its own earlier development, location, and student and staff composition. It also took place at a crucial juncture in UK history as the Thatcher government broke with the postwar era of 'consensus' politics. In addition to the ideological and economic aspects of this new phase, the Thatcher government introduced greater national control over local institutions, as well as more powerful internal management systems, which would soon also affect the whole university system.

There have been enormous changes in Higher Education since then as well as in the external political environment in which it operates. In 1984-85, the context was primarily national, but, as Maria Slowey and Richard Taylor have demonstrated in their recent book, many features of the policies towards universities initially pioneered by the Thatcher government have now been internationalised.⁷³ Beyond this, right-wing and far right populist policies, promoted by the second Trump Presidency, affect the whole climate of working and studying within the university sector. Questions about fascism, academic freedom and free speech threatened the very existence of PNL four decades ago, but there is little doubt that the context is now both more complex and threatening than it was then. Yet there are also some significant continuities.

Those attacking PNL in the Harrington affair, and particularly those on the right, constantly focused on the protection of free speech and debate, above all in an institution of Higher Education, as the only relevant principle involved. The policy objectives of the current US administration include numerous threatening components, but they continue to highlight the centrality of free speech. This is clearly absurd when the Trump Presidency is simultaneously suppressing the expression of critical and left-wing perspectives whilst promoting those of the populist right, but it highlights the fact that free speech has

particular resonance. It is generally regarded as a central element within the crucially important, but contested and elusive, concept of 'academic freedom'.⁷⁴

When the OfS was established in 2018, it seemed encouraging that it included academic freedom, but its definition was weak and demonstrated that free speech was really the key concern.⁷⁵ Peter Scott has discussed the tensions within the realm of academic freedom in an illuminating essay and his exploration of the concept historically, theoretically and practically provides some important insights for a consideration of both the Harrington Affair and the current situation.⁷⁶ First, he insists that academic freedom must always be seen in context. To view it as an abstract ideal or natural right is unhelpful, for it is always lodged within a broader hinterland, encompassing both the changing nature of higher education and the wider social and political environment that shapes it. Similarly, while emphasising the centrality of free speech, he is sceptical of attempts to universalise it in all situations, for there will always be dissent about its practical application.

Of course, there are absolutists about free speech, including some prominent libertarians on the left, but John Stuart Mill's classic text, *On Liberty* was cited more frequently in 1984-85, both inside and outside PNL, as the key guide to freedom of speech and expression. Critics of the student activists and the staff who became involved argued that that Mill's text categorically proscribed such behaviour. However, the political philosopher, Alan Haworth, who was then one of the staff instructed to teach Harrington privately, has argued that this was based on a misrepresentation of Mill's work.⁷⁷ In reality, the majority of staff in the two faculties, and probably numerous students, believed that freedom of expression, discussion and enquiry should be central values within an institution of Higher Education. However, their view, which was eventually accepted by the John Beishon, the new Acting Director, in January 1985 was that this did not entail the acceptance of Harrington's *full educational rights on the same basis as for all other students*. The interests and feelings of security of others in a multi-ethnic and diverse academic community required some limitation of his educational rights. This may not have been a clear principle, but it subsequently led to the development of an anti-racist code of practice and more general anti-discriminatory policies. In my view, this outcome was an advance in terms of overall academic freedom, for it recognised the rights of all members of the academic community within the institution. By extension, I would argue that continuing advances in anti-racism and other spheres of discrimination and inequality in all Higher Education institutions, should also be regarded as enlarging, rather than restricting, academic freedom.

Academic freedom, Scott argues, cannot be treated as if it stands aside from the full range of human rights, in particular free speech, enjoyed by all citizens in a democracy, but it also has two special features. First, academics, both as

teachers and researchers, need the maximum degree of freedom to pursue their disciplines, however uncomfortable that may be for others. Secondly, the autonomy of universities needs to be safeguarded alongside other key institutions in civil society, but with special attention because of their responsibility to promote critical enquiry to probe the frontiers of existing knowledge.⁷⁸ Both of these freedoms were curtailed during the course of the Harrington Affair.

When the academic staff refused to identify the student protesters to the Polytechnic authorities or the courts, their freedom to pursue their disciplines and the promotion of critical enquiry may not have been at the forefront of their minds as *specific* motivations for their actions. Many of them were active researchers, but the more immediate considerations were the protection of trust in the pedagogic relationship and an unwillingness to divulge information to the NF that might endanger students. This preservation of the professional role of teachers in Higher Education may also be considered an aspect of academic freedom, but it is unlikely that the academic staff would have been able to distinguish between their relationship with students on the one hand and the pursuit of their disciplines and the promotion of critical knowledge on the other. During the crisis there was thus an embryonic understanding of academic freedom, which held that, in a case of this kind, neither the Polytechnic authorities nor the High Court should be able to insist that staff acted as instructed. This leads to Scott's second point – the need for university autonomy.

A fundamental feature of the Harrington Affair was the complete erosion of PNL's autonomy at a very early stage in the crisis. From early March 1984, when the protests against Harrington's presence were still very small, the law courts ruled against the solution of alternative private tuition. At this time the PNL management favoured this expedient and would later suggest it again, but it was constantly rejected by the High Court. Yet the arrangement instituted in January 1985, after the change in PNL's leadership, was, *in practice*, almost identical with that proposed ten months earlier. By then, of course, the institution had only narrowly escaped closure. It is, of course, impossible to say whether an early implementation of the compromise solution would have avoided the constant escalation of the crisis, but it offered the greatest likelihood. However, this leads to one further point, which is not explicitly considered in Scott's discussion: the fact that the key policy change was ultimately brought about by direct action, including violent confrontations.

The Court's judgements and the passivity of the PNL management strengthened the most intransigent forces amongst the students. As the Judges and Polytechnic management complied with Harrington's injunctions, the SWP and SWSS, as experienced and organised movements, played a more dominant within the student action. The ILEA eventually brought about a change of management, but this was only after the escalating illegal direct action by students

had made the institution ungovernable. The *outcome* of these confrontations was an advance in academic freedom, but it is more problematic to argue that this was also the case with the *methods*. This, however, raises wider general questions about the relationship between legal and extra-legal action in bringing about change, which will not be pursued here.

This article has argued that the overall impact of the Harrington Affair was positive in furthering the cause of anti-racism and anti-fascism within PNL and its successor institutions, but there were also significant limitations and weaknesses, which contain lessons and warnings.

First, although PNL had already existed for thirteen years in 1984, there were historical, geographical and political tensions which had not been managed successfully. As the subsequent ILEA inquiry demonstrated, the Harrington Affair then vastly exacerbated all the existing problems. There are, of course, always tensions and conflicts within all institutions of Higher Education, many of which are both inevitable and positive, but there also need to be elements of cohesion and a sense of an academic community. More generally, it is self-evident that crises and external attacks can have devastating effects on institutions with ineffective systems of governance and deep of internal conflicts, as for example, demonstrated by the turmoil at the BBC. It is currently difficult to build resilient systems of internal governance in universities, which foster the necessary degree of internal cohesion, after years of under-funding, managerialism, casualisation of the academic staff, and instrumental approaches to both the curriculum and research. Yet failure to do so holds real dangers given the external threats and pressures.

Secondly, PNL's ability to withstand the crisis in 1984 was also weakened by its relative lack of external support. Although the ILEA was strongly represented in the Court of Governors, the ongoing disputes between this body, whose function was to serve the interests of inner London and its peoples, and the Director of the Polytechnic, intensified during the crisis. Under the Education Reform Act, which removed local authority control over Polytechnics, the ILEA ceased to have this involvement in PNL and its successor institutions. National control over the whole university sector has vastly increased since then, but local support and embeddedness in the local economy and local community are surely important buttresses of support and alliance for all Higher Education institutions. The weakening of local government in recent years has negatively affected this relationship. Similarly, central government has persistently promoted greater competitiveness between universities for the funding of research and teaching making co-operation between them more difficult, but this is also necessary to defend the common interests of the sector as a whole.

Thirdly, as has already been emphasised, the role of the law and the Courts was a major problem in the Harrington Affair. Since the mid-1980s there have

been both positive and negative developments. In 2002 the Commission for Racial Equality produced a Framework for a Race Equality Policy for Higher Education Institutions, and the Equality Act in 2010 subsequently made it unlawful to discriminate against students and staff on the basis of several protected characteristics, including race.⁷⁹ As in every sphere, institutional and structural racism persists in Higher Education, but some progress has undoubtedly been made over the past four decades.⁸⁰ Yet, it is equally evident that the recent legal clampdown on protest in general, and the OfS as a new instrument of national control over universities, may make direct action to challenge racism and other forms of discrimination still more hazardous than in the past.

Free speech is an integral part of Higher Education, but the limits of freedom of expression can never be absolute or fixed at any one time. Protest that is illegal in one era has always played a role in bringing about normative and legal change, and OfS decisions will no doubt be overturned by both the courts and direct action protests. Academic freedom will surely continue to be enlarged further as new forms of institutional discrimination and structural inequalities are uncovered and addressed. It is to be hoped that the Harrington Affair was one episode in a prolonged struggle to turn universities into inclusive communities for all, but it also holds some salutary warnings.

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