

December 2008

Academic freedom in Australia

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Universities are unique institutions in democratic societies. Charged with the tasks of conducting critical and original research in the pursuit of knowledge, and of training and educating adult students, they provide a forum in which both staff and students are encouraged to think for themselves. Academic freedom, then, is the 'key legitimating concept' of the university (Menand 1996, p. 4), and is the idea that universities should be 'subject to no external authority' in the matter of critical reflection' (Hindess 2004, pp. 228–229).

In Australia, the Senate Standing Committee on Education, Employment and Workplace Relations (SSCEEWR) conducted an Inquiry into Academic Freedom in the second half of 2008. The inquiry had been established in the dying days of the Coalition-controlled Senate in late June 2008. On 4 December the Inquiry released its report. A report of such an inquiry usually has the same title as the Inquiry itself. In a hint of its findings, this report bears the title 'Allegations of academic bias in universities and schools' (SSCEEWR 2008).

The Inquiry was a shameful waste of parliamentary and public resources. Its report demonstrates that the way the Inquiry's terms of reference were specified, and the nature of the 'evidence' presented to that Inquiry by its supporters, constituted an ideologically-driven attempt to undermine academic freedom, and an unsubstantiated and scurrilous attack on the professionalism of some university teachers.

The terms of reference agreed to by the Senate in June 2008 were that the Inquiry was to investigate 'the level of intellectual diversity and the impact of ideological, political and cultural prejudice' in secondary schools and universities. This was to be achieved by scrutinising curricula, course content, teachers' behaviour and student assessment mechanisms. These terms of reference were suggestive indeed, implying that these matters are a problem at educational institutions, and that they are a proper object of parliamentary scrutiny.

The Committee's report describes the terms of reference as 'narrowly contentious' (SSCEEWR 2008, p. 9) in the sense that they focus only on a controversial sub-component of the idea of academic freedom (that is, allegations that students are subject to bias) and ignore the broader questions of what academic freedom means and its implications for academics' rights and responsibilities. The report argues that the terms of reference 'assume that the university is threatened by unbalanced and unscholarly teaching, and the prevalence of a university culture which is oriented towards intellectually vapid or destructive minority causes' (SSCEEWR 2008, p. 35).

The report counters the effects of the terms of reference by making no recommendations in relation to them because it was not convinced by the evidence provided that the issues under scrutiny constituted a significant problem, and in recognition that it is the role of universities to provoke and challenge young people's ideas and opinions. Instead, the report acknowledges the importance of universities' autonomy and decries the use of the Senate inquiry system for an 'intellectual exercise' far from its policy remit (SSCEEWR 2008, pp. 9–10). The committee declared it was:

called upon to play its part in a university revue. The submission, the performance and the style – to say nothing of the rhetoric – presented by some Liberal Students suggested a strong undergraduate tone. The 'outing' of Left and purportedly Left academics and commentators (masquerading as academics as we were told at one hearing) was in keeping with this tone (SSCEEWR 2008, Preface).

These are strong words indeed. What brought these comments about?

The inquiry was instigated as part of a broader campaign by conservative students throughout Australia around 'intellectual diversity'. The movement here takes its focus, tactics and strategy from the same movement in the United States, where it has a much longer pedigree. Led by David Horowitz, the American campaign argues that the humanities and social sciences are bastions of liberalism which exclude conservative staff and students, and calls for the establishment of an Academic Bill of Rights as a remedy. This movement is strongly opposed by the American Association of University Professors (AAUP), who argue that although Horowitz's proposal 'relies upon language drawn from the AAUP's landmark 1940 Statement of Principles on Academic Freedom and Tenure, in reality, it pushes an agenda that is antithetical to the best traditions of American higher education' (2006).

In both countries the movement's focus is on academics in the social sciences and humanities. In the United States there is a particular focus on Women's Studies (Losco & DeOllos 2007, p. 252, 254), while in Australia the focus is views regarded as 'anti-Western', 'anti-capitalist' (Australian Young Liberals 2008, p. 3), and on work related to gender, sexuality, class, race and cultural studies (Freitas 2008). In both countries the tactics used to collect evidence have included the use of web sites to encourage students to report individual instances of bias, and searches of university course descriptions to locate key terms. This has produced anecdotal, decontextualised, and highly selective 'evidence', which has nevertheless been used to claim that such views dominate the academy and that the dominance of such views has led to systemic marginalisation of and discrimination against students with conservative views, including by penalising them with lower marks. The remedy proposed by both movements has been a renewed emphasis on the protection of students' (as opposed to academics') rights through a codified and compulsory charter of academic freedom (for a more detailed analysis of these claims see Gelber 2009). The key proponents of the movement in Australia are Liberal Students and their 'Make Education Fair' campaign.

The Senate's majority report comprehensively rejects the claims of the Australian intellectual diversity movement. It queries whether, even if it were true that a majority of academics in the social sciences and humanities hold left-wing views, it would matter, given that there is no automatic connection between the holding of particular ideological views and poor teaching quality (SSCEEWR 2008, pp. 1–2). It describes the evidence provided by Liberal students as 'highly subjective', 'anecdotal', and 'clearly exceptional' (SSCEEWR 2008, p. 3, pp. 12–14). The report, then, correctly identifies that the ways the evidence was collated were not comprehensive, and that the nature of the 'complaints' they detailed was anecdotal, heavily reliant on individual assertion, and taken out of context. The Committee recognised that students' perceptions of bias are a poor method for determining whether bias exists (SSCEEWR 2008, p. 15), and queried on several occasions why, if some students felt they had been unfairly treated, they did not make use of existing complaints mechanisms (SSCEEWR 2008, p. 3, 4, 12, 19, 22). The Committee made particular note of the poor quality of the evidence presented by the Make Education Fair campaign to sustain the claim that education faculties and secondary schools are controlled by a radical orthodoxy of left-wing ideologues, describing this component of their claims as bordering 'on the farcical' (SSCEEWR 2008, p. 16).

Interestingly, the report does acknowledge that academics and students are experiencing increased time pressures due to the increased proportion of casual staff. It argues that where some poor teaching has been identified, this may be due to a lack of experience and occurring in contexts where faculties have been insufficiently resourced (SSCEEWR 2008, p. 5, 7). It also acknowledges an array of existing mechanisms designed to ensure adequate review and checking of academics' activities (SSCEEWR 2008, pp. 18–21).

In relation to the introduction of a codified form of students' rights to protect against bias, the Committee notes the connection between this claim and the movement in the United States. It critically assesses the likelihood of such a charter working to protect academic freedom and concludes that although such a remedy may at first appear benign or seductive, as a cure it is 'likely to be far worse than the disease' it is seeking to address (SSCEEWR 2008, pp. 35–37).

The argument and conclusions of the Senate report should be reassuring to those who have been

concerned at this latest in a raft of attacks on academic freedom in Australia. Other recent threats have included the increased commercialisation of research and other university activities (Kayrooz et al. 2001). In 2004 and 2005, the decision by the then Minister for Education, Science and Training Brendan Nelson to veto peer-reviewed approval for Australian Research Council grants was criticised by the Australian Vice-Chancellors' Committee and the Group of Eight universities (Macintyre 2007, pp. 43–52). Sedition laws enacted in 2005 have been described by the Australian Vice-Chancellors' Committee as creating a 'legitimate concern' regarding self-censorship and as constituting an 'impingement upon the freedom of academic thought and enquiry' (Hocking 2007, p. 229). The regime of secrecy ushered in by new anti-terrorism laws has been described as hindering academic inquiry (Tham 2007, pp. 238–239). And in 2005 requirements of the then newly introduced workplace relations laws were described as a threat to universities' independence and academic freedom in a statement signed by over 200 professors across the Australian university sector and placed in *The Australian* newspaper on 7 November (NTEU 2005).

In this context, it is a relief that the report has taken such a strong stand against the campaign by conservative students to denigrate the professionalism of the academy and restrict academic freedom. Yet some threat remains. The minority report appended to the main report, and written by Coalition Senators, supports the remedy to perceptions of unfairness proposed by the American and Australian movements. It recommends strengthening students' rights to express their views, and that universities should implement a charter of academic freedoms, which would enshrine these rights, the adoption of which would be mandatory to secure federal government funding (SSCWEEWR 2008, p. 44, pp. 57–58).

For now, at least in relation to federal government oversight and intrusion, this new risk to academic freedom has been put to rest. But the protection and maintenance of academic freedom requires ongoing vigilance and attention from those who truly understand its meaning and purpose.

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ISSN 1832-1526
Australian Review of Public Affairs
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