

Edwin Dyga

Post Office Box 1712 Lane Cove 1595
Sydney, New South Wales, Australia

8 August 2008

Mr. John Carter

Committee Secretary
Senate Education, Employment and Workplace Relations Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600
AUSTRALIA

By Express Post: SN6800232
By Email: eewr.sen@aph.gov.au

Committee Secretary,

INQUIRY INTO ACADEMIC FREEDOM

1. INTRODUCTION

The University has increasingly been viewed by students of various political persuasions as more than an institution in which to seek academic excellence.

The view that the University is an environment where civic values are nurtured, where character is cultivated and refined, remains widely held by both young Australians and the wider community today.

The practical aspect of the modern University as a provider of theoretical and technical expertise is therefore closely connected to the important social role the campus environment plays for the development of future civil society.

As a consequence, the pursuit of academia cannot be isolated from its social context.

2. THE PRESENT INQUIRY

The writer welcomes the commission of this present Inquiry.¹

¹ Senate Employment, Education and Workplace Relations Committee, 'Inquiry Into Academic Freedom,' Australian Senate website: <http://www.aph.gov.au/Senate/committee/eet_ctte/academic_freedom/> (accessed at 8 August 2008).

The Committee is referred to the *Make Education Fair* campaign website,² which provides a selected catalogue of examples of the suppression of intellectual freedom and political repression in both the academy and the campus community itself.

It is worth noting that this phenomena is also reflected in the United States. With a longer history on American University campuses, it has had a far more profound impact on academic freedom and the student body there. Committee members may wish to familiarise themselves with the US trends, which have been recorded in literature published over the last two and a half decades;³ studying them may offer insight into possible future developments here in Australia.⁴

As a further supplement to the Australian context, enclosed are documents that will provide an example of the manner in which the administration at the University of Technology Sydney has dealt with political vilification in the recent past.

The Committee is to note that while the enclosed documents provide an example of what amounts to an endemic culture of bias, intolerance and vilification among the so-called 'student activist' fringe,

- a. the writer is not aware of any *real* steps that were taken by the University to redress the grievances documented therein,
- b. the extreme nature of the activities giving rise to those grievances would *not* be possible in an environment where:
 - i. there was no underlying culture of bias among authority figures (i.e. the academia and administration) on the University itself in the first place, and
 - ii. the University authorities were to take active steps to create a genuinely diverse community where mutual respect was fostered among members of the student body.⁵

It will be unsurprising if 'hard evidence' of the aforementioned underlying culture of bias is difficult to obtain, save for that of a testimonial nature. In the experience of the writer, academic staff are rarely as foolish as the 'student activist' body in making their bias and/or discrimination easy to pinpoint.⁶ Most instances where such bias is obvious will be evidenced by way of snide comments or insinuations made by academic staff during and outside of scheduled lectures, tutorials, seminars, classes and the like.

² 'Make Education Fair' <www.makeeducationfair.org.au> (accessed at 8 August 2008).

³ Allan Bloom, *The Closing of the American Mind*, (Simon & Schuster, 1987); Dinesh D'Souza, *Illiberal Education*, (Free Press, 1991); Alan Charles Kors and Harvey A Silvergate, *The Shadow University - The Betrayal of Liberty on America's Campuses*, (The Free Press, 1998); Dinesh D'Souza, *Letters to a Young Conservative*, (Basic Books, 2002); Mike S Adams, *Welcome to the Ivory Tower of Babel*, (Harbor House, 2004); Ben Shapiro, *Brainwashed*, (WND Books, 2004); Jim Nelson Black, *Freefall of the American University*, (WND Books, 2004). See further, the documentary produced by Coyne Maloney, *Indoctrinate-U* (On The Fence Films) which can be obtained online at <<http://indoctrinate-u.com>> (accessed 8 August 2008).

⁴ Kevin Donnelly, *Dumbing Down - Outcomes-based and Politically Correct - The Impact of the Culture Wars on Our Schools*, (Hardie Grant Books, 2007).

⁵ In the past, the writer has liaised with the Australian Liberal Students Federation and its State affiliate bodies, as well as various campus based Christian fraternities to collate similar dossiers of villificatory treatment; unfortunately none have been responsive. The writer is left to hope that their respective executive boards contribute to this opportune Inquiry, of which they have had notice.

⁶ There are, of course, exceptions, such as Dr Neil Maclean of the University of Sydney who brazenly writes: 'A strong bias towards critical theory with a foundation in Marxism has informed [him]' <<http://www.arts.usyd.edu.au/departs/anthro/staff/profiles/maclean.shtml>> (accessed 8 August 2008).

The cumulative effect is one where students with traditionalist views are left either intimidated or far less likely to contribute to academic discourse. Those that do have the courage to express themselves freely are at best approached dismissively, and at worst often treated with contempt while their opinions are viewed as unworthy of intellectual engagement.

While all members of the university community have a right to their political views, a danger arises when a 'group think' phenomenon among those in positions of authority interferes with their professional duties. The writer submits that the greater the predominance of a certain idea among academic staff, the greater the risk that this idea will interfere in this manner. This problem is compounded further still where the capacity to question the 'group think' is significantly reduced or rendered meaningless or ineffective.

It is frankly naïve, as the examples archived on the aforementioned *Make Education Fair* campaign website and the enclosed documents indicate, to suggest that there is no dominant ideological trend on Australian universities. The question the Committee is to consider is this: what damage has this inflicted on young Australians, the secondary and tertiary education sector in this country to date, and what should be the appropriate response?

3. SUGGESTIONS

The following suggestions are made so as to encourage discussion concerning options with respect to methods that may be employed to deal with problems raised before the Committee:

- a. The drafting and enforcement of an *Academic and Students' Bill of Rights* which would defend academic and campus pluralism by preventing instances of unjustified discrimination. This would be achieved by (i) preventing 'trendy' mono-cultural paradigms from dominating academic discourse, and (ii) secure true diversity of thought among the student population.

This scheme would necessarily require a procedure whereby rights are guaranteed by penalising breaches thereof. Whereas it is always tempting to codify rights and liabilities in times of uncertainty, this approach could nevertheless pose further procedural difficulties and rigidify the process through which student and academic liberties are guarded and enforced. Moreover, it might be counterproductive where it is argued that the said rights are limited to those enumerated in the code.

- b. The prohibition of any and all political expression by academic staff on campus, included but not limited to, the display of posters, badges, stickers and other like paraphernalia, the prohibition of politically motivated or politically coloured remarks during periods committed to the holding of lectures, tutorials, seminars, student-teacher conferences and the like; subject to the following exceptions (i) where the remarks and paraphernalia is occasioned in private company, and (ii) where the occasion of political commentary and display of said paraphernalia is relevant to the substance of a lecture, tutorial, seminar, student-teacher conference or the like.

It is acknowledged that this suggestion appears draconian in its limitation of expressive freedom for academic staff. It is intended to create a politically neutral

atmosphere for students to develop their own views. As it appears to be a near impossibility to redress the imbalance of political views among academic staff,⁷ it is the view of the writer that a so-called 'affirmative action' policy to employ politically underrepresented groups on campus would not be successful; it is also the view of the writer that such a policy, discriminatory in itself, would only further politicise academia. Removing the political aspect altogether seems to be more practical and achievable.

- c. The institution of an outreach programme by the university that specifically seeks out dissenting voices from the campus community, and encourages them to engage in debate through semester or yearly conferences between student and academic networks and fraternities.

Whereas encouraging this kind of extracurricular activity would complement the university's current academic programmes and contribute to the culture of inquiry and open debate, it could also unnecessarily politicise the campus further still. This is nevertheless the simplest option, and would send a strong message about the importance of intellectual diversity on campus. Its credibility would depend on the process and equitable criteria under which participants were selected for each event.

- d. A departure from voluntary voting on campus elections of any type in circumstances where mandatory student funds are channelled, *whether directly or indirectly*, into bodies within the university that purport to have a representative capacity.

This point is made in light of the possibility the previous government's education reforms⁸ being either repealed or countervailed, either by the Federal or State Parliaments, all of which are currently under Labor Party administration.⁹

I trust the following documents will offer some background upon which the present Inquiry was called, and the above suggestions provide a catalyst for further discussion among the Committee.

Faithfully,

Edwin Dyga

L.I.B. (UTS) L.I.M. (UNSW)
Solicitor at the Supreme Court of New South Wales
Register of Legal Practitioners at the High Court of Australia