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Committee Secretary
Senate Education, Employment and Workplace Relations Committee

1 August 2008

Dear Secretary

Inquiry into Academic Freedom

The Australian Political Studies Association represents over 260 political scientists nationally, has formal links with similar associations in other countries, and is affiliated to the International Political Science Association.

We welcome this opportunity to make a submission to the Inquiry. The issue of academic freedom is integral, crucial and vital to the academy. It is a value cited at the forefront of the strategic endeavours of all the Go8 universities in this country and internationally. We view the holding of this inquiry as an important opportunity for the government to affirm the need for all academic work to remain as free as possible from government interference, and to re-state the importance of independent intellectual enquiry to the advancement of knowledge in Australia and internationally.

In summary, we recommend that:

1. academic freedom be recognised as the fundamental basis of academic life
2. the approach and report of the Inquiry differentiate between senior secondary education and university education
3. there is no direct or automatic correlation between the views of individual academics and their teaching methods
4. there is no objective, uncontested method for determining whether prejudice in curricula exists
5. perceptions of prejudice may be explained by a number of other factors, which do not establish that prejudice actually exists
6. university procedures are already in place to deal adequately with allegations of prejudice in teaching or assessment
7. university procedures are already in place to ensure accuracy in academic research and teaching
8. an independent charter of academic freedoms is unnecessary in relation to universities

9. should a charter of academic freedoms be developed, it ought to express support in only the broadest terms for academic freedom, its rights and responsibilities. It ought *not* to mandate specific hiring or personnel practices, or curriculum content.

The special place of academic freedom in universities

Recommendation 1: academic freedom should be recognised as the fundamental basis of academic life.

Universities have a special place in the education system of any democratic society. The purpose of a university is not to impart a set body of knowledge, as is in part the case with school curricula. Rather, it is 'to provide a forum for research and discussion where students are encouraged to think for themselves'.¹ The 'university has a special responsibility to speak truth to power' and in order to do this, it should be 'subject to no external authority' in the matter of critical reflection.² Maintaining independence of thought and critical enquiry enables the university to provide value both to the individuals who participate in it, and to wider society which benefits from increased capacities for critical reflection. This means that 'academic freedom is not simply a kind of bonus enjoyed by workers within the system, a philosophical luxury universities could function just as effectively, and much more efficiently, without. It is the key legitimating concept of the entire enterprise'.³

The concept of academic freedom has a special resonance in the university sector because academic freedom is an important part of a

'system of ideas and institutions that creates a culture of individual intellectual responsibility and that protects it from disintegrating into a culture of intellectual conformity'.⁴

The idea of academic freedom, therefore, has consequences for the ways that universities operate at two levels. First, at the individual level, academic freedom means that individual lecturers have considerable freedom to determine the scope and content of their courses and their research. Departmental and school heads, and Deans, may maintain an overview of the areas the institution wishes to offer within a subject in order to ensure coverage of the most important areas. This may mean, for example, that a department seeks to ensure its first year Politics students are able to choose between courses in political theory, domestic politics, international relations or comparative politics. Beyond this general oversight, however, individual lecturers are free to develop their own course content which reflects their research strengths, experience and interests. Individual academics' research interests are decided entirely by themselves. This is vital to maintaining up-to-date, research-linked and critical curricula that will engage and challenge students.

Secondly, at the institutional level, academic freedom means that universities should maintain organisational independence from government. This includes in deciding to hire whom they wish, the selection of visitors and in making temporary appointments, based on merit, competition and available resources. Academic freedom 'makes distinctions' between the macro-level decisions a government may make (whether to establish a university, and whether it will teach medicine or accounting or social sciences for example) and the micro-

¹ E Barendt, *Freedom of Speech*, 2nd ed, Oxford University Press, Oxford, 2005, p. 500.

² B Hindess, 'Anti-Elitism and the Academy', in M Sawyer and B Hindess (eds) *Us and Them: Anti-Elitism in Australia*, API Network, Curtin University of Technology, 2004, pp. 228-9.

³ L Menand, 'The Limits of Academic Freedom', in L Menand (ed) *The Future of Academic Freedom*, University of Chicago Press, Chicago, 1996, p. 4.

⁴ R Dworkin, 'We Need a New Interpretation of Academic Freedom', in L Menand (ed) *The Future of Academic Freedom*, University of Chicago Press, Chicago, 1996, p. 185.

level decisions it may not influence (such as appointing someone to teach specific views and perspectives in political science, for example).⁵

In recent years some evidence has arisen of increased government intervention into universities' academic autonomy and freedom in Australia. The decisions in 2004 and 2005 by the then Minister for Education, Science and Training Brendan Nelson to veto peer-reviewed approval for Australian Research Council grants are an example. These decisions were criticised by the Australian Vice-Chancellors' Committee and the Group of Eight universities. Evidence has also arisen of interference by the previous federal government in independent research centres' appointments and funding arrangements.⁶ Anti-terrorism legislation has been criticised for infringing freedom of academic debate, insofar as the Attorney-General is empowered to proscribe an organisation that 'advocates', 'directly or indirectly counsels' or 'directly praises' the doing of a terrorist act.⁷ 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'.⁸ The regime of secrecy ushered in by the anti-terrorism laws has been described as hindering academic inquiry.⁹ Any perceived trend towards increased government intrusion into scholarly autonomy and freedom of inquiry needs to be acknowledged and, we argue, reversed. It is in this context that we respond to the Inquiry's terms of reference.

Term of reference a: The level of intellectual diversity and the impact of ideological, political and cultural prejudice in the teaching of senior secondary education and of courses at Australian universities, including but not limited to:

- i. the content of curricula,**
- ii. the content of course materials,**
- iii. the conduct of teaching professionals**
- iv. the conduct of student assessments.**

Differentiating university and senior secondary education

Recommendation 2: the approach and report of the Inquiry should differentiate between senior secondary education and university education.

We note that this Inquiry is subjecting senior secondary and university curricula to an identical oversight. To elide the differences between senior secondary education and the university is to misunderstand and misrepresent completely the role of the university in academic inquiry, and the role of the academic in university and public life. University education is undertaken by independent researchers who are free (within the broadest constraints of their topic area) to develop their own areas of enquiry and research agendas. Best teaching practice encourages academics to link their research to their teaching. The research-teaching nexus is a well-documented element of best learning and teaching practice,

⁵ Ibid, p. 185.

⁶ S Macintyre, 'Universities', in C Hamilton and S Maddison (eds) *Silencing Dissent: How the Australian Government is Controlling Public Opinion and Stifling Debate*, Allen & Unwin, Sydney, 2007, pp. 43-51.

⁷ J Hocking, 'Academic Freedom in Australia in an Age of Terror', in J Turk and A Manson (eds) *Free Speech in Fearful Times: After 9/11 in Canada, the U.S., Australia and Europe*, James Lorimer & Co Ltd, Toronto, 2007, pp. 219-20.

⁸ Ibid, p. 229.

⁹ J Tham, 'Australian Terror Laws and Academic Freedom', in J Turk and A Manson (eds) *Free Speech in Fearful Times: After 9/11 in Canada, the U.S., Australia and Europe*, James Lorimer & Co Ltd, Toronto, 2007, pp. 238-9.

and is strongly encouraged by universities (see, for example, the University of New South Wales' information at:

http://learningandteaching.unsw.edu.au/content/RandI/research_nexus/rtn_resources.cfm?ss=5#why). This has no parallel in the school system, where curriculum content is a matter for consideration by State and Federal governments. We make no further comments in this submission in relation to senior secondary education, and confine the remainder of our submission to the university environment.

Intellectual diversity in curricula and course materials

Recommendation 3: there is no direct or automatic correlation between the views of individual academics and their teaching methods.

Posing the question of the level of 'intellectual diversity' in university curricula and course materials implies that the Inquiry has, or ought to have, a measure for determining the level of 'intellectual diversity'. Yet measuring intellectual diversity is task fraught with methodological problems, in which different measures produce different results. Moreover, there is no direct connection between academic staff members' individual views and the imposition of those views on students via their method of teaching.

A similar debate over academic freedom and intellectual diversity has been prominent in the United States for at least a decade, prompting numerous studies into the subject. A very recent study into the political views of academic staff found that, contrary to some public perceptions, they were quite diverse. The authors of that study argue that their results 'undermine' the claims of the 'intellectual diversity' movement, which argues that campuses have become one-sided in favour of left-wing ideas and progressive academics.¹⁰ Their analysis also demonstrated that a public campaign portraying campuses as biased led to students overestimating the liberalness, and underestimating the conservativeness, of academics' views.¹¹ Students are actually poor at assessing the ideological leanings of their university teachers.¹²

Just as importantly, they point out that the primary proponent of the campaign against left-wing bias in universities, David Horowitz, uses a flawed methodology to calculate evidence of lack of intellectual diversity.¹³ Then, using flawed data, he draws conclusions not sustained by the data – namely, that the existence of more academic staff with left-leaning views translates to the exclusion of views with which those staff disagree from the classroom, and a consequent distortion of academic teaching.

Recently, the University of Colorado announced that it was intending to appoint a Chair in Conservative Thought and Policy, as a direct counterpoint to the 'left-leaning' campus. In response Stanley Fish, Davison-Kahn Distinguished University Professor and a professor of law at Florida International University and dean emeritus of the College of Liberal Arts and Sciences at the University of Illinois at Chicago, questioned the basis on which the claim of a 'left-leaning' campus had been made. The university administration had not championed gay

¹⁰ D La Falce and S Gomez, 'Political Attitudes in the Classroom: Is Academia the Last Bastion of Liberalism?', *Journal of Political Science Education* vol. 3, 2007, p. 2.

¹¹ *Ibid*, p. 16.

¹² *Ibid*, p. 17.

¹³ Flaws include a poor sampling frame which excluded a large number of academics, reliance on voter registration in the state in which the academic teaches which excludes those registered to vote in another state and non-US citizens, and a reliance on party affiliation to determine 'ideology' rather than 'ideological self-identification', pp. 3-4.

marriage or reproductive rights; matters which had they occurred might have enabled an observer to describe the university as left-leaning. Rather, the claim was made on the basis that a survey found only 23 of 825 academic staff were registered Republicans. Fish argues that this is no more significant a finding than a finding that 23 were left-handed would be, or that 23 had red hair would be, since there is no direct correlation between voting intent and classroom performance. The questions that arise in the classroom are academic, not political, meaning the goal of the academic is to discuss and compare ideas and their influences.¹⁴

Ideological, political and cultural prejudice in curricula and course materials

Recommendation 4: there is no objective, uncontested method for determining whether prejudice in curricula exists.

Recommendation 5: perceptions of prejudice may be explained by a number of other factors, which do not establish that prejudice actually exists.

The assessment of the existence of ideological, political and cultural prejudice in universities faces similar barriers and problems as those noted above regarding the identification of intellectual diversity. We make additional points here.

The current campaign by the Young Liberals, entitled 'Make Education Fair' (<http://makeeducationfair.org.au/>) specifically raises the issue of bias and/or prejudice on the part of lecturers. In a recent newspaper article, a university law student said she felt 'marginalised' and 'uncomfortable' because one of her teachers told the class he is a member of the Greens party, and asked them their opinion about an apology to the Stolen Generations.¹⁵ The campaign web site invites visitors to 'Report Bias'. It contains a 'Photo Gallery' of posters on campus that the campaign's organisers find offensive, and lists under 'AcademicWatch' a number of high profile and very well respected academics who are described as 'militantly left-wing'. Some of these academics are members of APSA. It is evident from reading the justification provided on the web site for listing these individuals that some have been singled out solely on the basis of research articles they have authored on the topics of gender and sexuality. One entire university cultural studies department has been targeted. The targeting of individual academics or departments as 'biased' on the basis of their research into gender or sexuality appears to mirror the campaign in the United States by David Horowitz, which levels particularly harsh criticism at the social sciences and humanities, and targets interdisciplinary programs like Women's Studies.¹⁶

Students' perceptions of bias or prejudice are an extremely unreliable method for determining whether such bias or prejudice exists. A recent study has demonstrated that a student's perception of the difference between their own views and the views of their teachers and fellow students affects their evaluation of the quality of the teaching they receive. The authors show that where a student perceives a difference between their own ideological views and the views of their teacher, they are more likely to evaluate the teaching quality negatively. The authors state that '[i]n all cases, greater ideological/partisan difference results in more negative course evaluations'.¹⁷ That is to say, the existence of

¹⁴ S Fish, 'More Colorado Follies', *The New York Times*, 25 May 2008.

¹⁵ J Rowbotham, 'Young Libs Campaign to Out Biased Dons', *The Australian*, 12 March 2008, p. 21.

¹⁶ J Losco and I DeOllos, 'Fear and Loathing in College Classrooms: A Survey of Political Science Department Chairs Regarding Political Bias', *Journal of Political Science Education*, vol. 3, 2007, pp. 252, 254.

¹⁷ A Kelly-Woessner and M Woessner, 'My Professor is a Partisan Hack: How Perceptions of Professor's Political Views Affect Student Course Evaluations', *PSOnline*, July 2006, p. 499.

‘prejudice’ generally speaking is identified by students who perceive a partisan and/or ideological difference between their own views and the views of the teacher. This indicates that assertions of the existence of ‘prejudice’ by students need to be treated with caution.

Additionally, students’ perceptions of the differences between their own views and those of their professors leads them to assess that teacher’s performance more negatively in a variety of ways. That is to say

‘students perceive professors to be less objective as the partisan difference score increases. When students perceive that professors differ from them in partisan affiliation, they are also more likely to indicate that the professors do not care about students. Finally, greater partisan differences result in lower ratings of the instructors’ openness to diverse viewpoints.’¹⁸

The study also contained data on students’ attitudes towards academics when such differences are extant, namely that when ‘cognitive dissonance’ between their own views and their perceptions of the views of the academics who teach them occurs, they seek ways of dealing with them that rely in large part on denigration of the academics’ reliability and credibility.

‘They attempt to discredit the information presented by reasoning that professors are biased and not trustworthy sources of information. Additionally, they appear to denigrate the source of the information and conclude that professors do not care about students and their success.’¹⁹

The authors conclude with a word of caution about the potential measures that might be taken to resolve the difficulties such students experience in the classroom. They warn that ‘we ought not to refine our pedagogy exclusively for the purpose of making students comfortable ... There are times when students must confront new and controversial ideas in order to help them think critically or broaden their perspective of the world, even if they find these new ideas to be unsettling’.²⁰ In this context it is difficult to establish wide-ranging evidence in relation to ‘prejudice’ in the content of university curricula.

It is undoubtedly the case that the anecdotal evidence provided by the ‘Make Education Fair’ campaign rests on stories from people who feel a cognitive dissonance between their own views and the views of their university teachers. This study helps to explain how these feelings have become transformed into a national campaign seeking to denigrate the professionalism of some university academics.

To engage the parliament in scrutiny of academics’ work at this level would constitute a grave breach indeed of academic freedom. It may well be the case that in some subject areas, some industry bodies may have an interest in the content of course curricula; accountants for example may wish to be reassured that accounting graduates are supplied with the requisite skills and knowledge to certify as CPAs and practice effectively as accountants to the general public. But in the area of political science, as in all social sciences and humanities subjects, it is inevitable that curricula will reflect the contestable nature of the subjects under discussion. It is also inevitable, indeed legitimate and desirable, that some university students will disagree strongly with the material being studied. The existence of strong disagreement with course content by some university students is, in fact, evidence of the *success* of the university in enabling and encouraging a capacity for independent and critical thought in its student body.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid, p. 499.

Thus, anecdotal allegations of prejudice or bias may, in fact, not be genuine instances of prejudice or bias. Further evidence to support this includes research that shows that since the social sciences are comparatively recent additions to the academy, they utilise methods which are inherently and intrinsically critical,²¹ and the social sciences tend towards self-selection of staff with an interest in the types of questions posed in this field of inquiry.²²

What if prejudice does occur in the conduct of teaching professionals, or in assessments?

Recommendation 6: university procedures are already in place to deal adequately with allegations of prejudice in teaching or assessment.

We are cognisant of the fact that it is possible that an individual academic may mark a student harshly on the basis that the student disagrees ideologically with the perspective of the academic. We are, however, confident that this only occurs on a very small number of occasions. This confidence is strengthened by data from US studies which show that while academics are concerned about accusations that bias may affect marking outcomes, the incidence of such events is indeed very small.²³ Students are assessed on the basis of the strength and rigour of their academic analysis.

Should an incident of prejudice or bias occur, the remedies for dealing with such incidents already exist internally within every university in Australia. In relation to the conduct of teaching professionals, university teachers are subject to regular student evaluations of their courses. The results of such evaluations are made available to university administrators, and individual academics use these results as a means of professional development and self-improvement. Best learning and teaching practice routinely requires university teachers to list explicitly in their course outlines the ways in which they have responded to critical feedback from students in previous years. Continuous course improvement is a university requirement. Finally, the results of student evaluations are used in promotion applications, which are entirely merit based, and evidence of bias or prejudice would be counter to academics' self-interest. In relation to the conduct of assessments, appeal procedures are in place in every university which permit students to lodge appeals against marks and to argue their case. These procedures permit students to appeal at the school level, then the Faculty level, and finally at the level of the University Senate. It is our view that these existing procedures are more than adequate to deal with any genuine instances of prejudice.

Universities' activities are regularly audited and reported on by the independent Australian Universities Quality Agency (AUQA, <http://www.auqa.edu.au/aboutauqa/mission/>) to ensure the highest academic quality. The areas audited include curriculum content, mechanisms and content of student evaluations/feedback and teaching activities. Students participate in the audits. AUQA's Audit Reports on every Australian university are freely available on its web site, which ensures independent, external oversight of the quality of universities' research and teaching activities.

Term of reference b: The need for the teaching of senior secondary and university courses to reflect a plurality of views, be accurate, fair, balanced and in context.

Recommendation 7: university procedures are already in place to ensure accuracy in academic research and teaching.

²¹ Losco and DeOllos, op. cit, p. 253.

²² Ibid.

²³ La Falce and Gomez, op. cit, p. 16; Losco and DeOllos, op. cit., p. 257.

Much of our submission in response to point 'a' above could be reiterated in response to this point. There is a contestability involved in identifying a 'plurality of views', fairness, 'balance' or 'context' in a discipline as contested and diverse as political science, as in all other social sciences and humanities subjects. The criterion of accuracy will be addressed separately here.

It is our view that existing mechanisms in place in universities already ensure that the pursuit of accuracy is central to academic endeavour in Australia. Accuracy is a goal towards which all academics strive, and a range of mechanisms exists to assess the accuracy and legitimacy of our work. The peer-review process to which our research is continuously subjected ensures that scholarly work is, to the extent it is possible to be, accurate and evidence-based.

Additionally, all universities have in place internal measures to promote the professionalism of its staff. These include Codes of Conduct, in which typically the university recognises that academic freedom protects the right of academics to conduct teaching and research independently and without interference, and imposes duties on academics to exercise that freedom responsibly. The University of New South Wales' Code of Conduct, for example, states that academics have a duty to use academic freedom 'in a manner consistent with a responsible and honest search for and dissemination of knowledge and truth'. The Australian National University's Policy on the Responsible Practice of Research states that the 'broad principles that guide research' include 'the maintenance of high ethical standards, and validity and accuracy in the collection and reporting of data. Researchers have an obligation to achieve and maintain the highest standards of intellectual honesty in the conduct of their research'. The University of Adelaide's Code of Conduct specifies the 'rights and responsibilities of freedom of inquiry and expression, noting that the university protects academic freedom, which carries with it the 'responsibility of staff to use the freedom in a manner consistent with a responsible and honest search for, and dissemination of, knowledge and truth'. Additionally, academics are often bound by ethics or codes of conduct within their professional organisations, at a national and international level.

There is a strong and multivariate system currently in place within university and scholarly structures around Australia and internationally to ensure accuracy.

Term of reference c: Ways in which intellectual diversity and contestability of ideas may be promoted and protected, including the concept of a charter of academic freedoms.

Existing mechanisms to protect academic freedom

Recommendation 8: an independent charter of academic freedoms is unnecessary in relation to universities.

Universities already have in place significant systems to promote and protect academic freedom. Academic freedom, in terms both of its rights and responsibilities, is protected in the Codes of Conduct referred to above, as well as Enterprise Agreements and Strategic Plans.

For example, the Australian National University's Enterprise Agreement 2005-2008 states in its 'Objectives' that '[t]he University recognises that its greatest assets are its staff and students, and that its capacity to support, develop and provide critique of Australian society

will be greatest when intellectual freedom is exercised in a manner consistent with a responsible search for knowledge and its dissemination.’

The University of Sydney’s document, Strategic Directions 2006-2010 states under the heading ‘Our Purpose’ that, ‘[t]he core purpose of the University of Sydney is our fundamental moral commitment to intellectual discovery and development, responsible social commentary and the promotion of cultural and economic well-being. To this end, we combine humane aspirations with a practical business sense to serve the needs of the community while preserving academic freedom.’ The University of Melbourne Plan 2008 states in ‘The Melbourne Vision’ that ‘[a]s a scholarly community, Melbourne will uphold the values of intellectual freedom, honesty, openness and rigour’. The University of Western Australia’s Strategic Plan states that the core values underpinning its activities include a commitment to, ‘[a]cademic freedom to encourage staff and students to engage in open exchange of ideas and thought.’ The University of New South Wales’ document Blueprint to Beyond states that the university values ‘academic freedom’ in pursuing its aspirations.

The University of Queensland’s Policy of Academic Freedom (Policy No. 5.41.11) states that ‘[t]he University reaffirms the central role of academic freedom in the life of the academic community and acknowledges its importance as a key principle guiding the performance of academic staff and affording them protection to pursue research and to hold and expound diverse views and opinions.’

It is therefore our view that a separate charter of academic freedoms is unnecessary.

What would be in a charter of academic freedoms?

Recommendation 9: should a charter of academic freedoms be developed, it ought to express support in the broadest terms only for the concept of academic freedom, its rights and responsibilities. It ought *not* to mandate specific hiring or personnel practices, or curriculum content.

If a charter of academic freedoms were to be pursued, it would best serve the needs of academics in Australian universities and the needs of Australian society, by restating in only general terms, the rights and responsibilities associated with academic freedom.

The idea of a charter of academic rights sounds well-meaning and seductive, and proponents of rights protection in other areas may find this idea alluring. However, advocates of an academic bill of rights in the United States have demonstrated that such a charter may actually undermine the very rights it seeks to protect. In the United States, the campaign for ‘intellectual diversity’ in universities has produced calls for an ‘Academic Bill of Rights’ which would, among other things, mandate that hiring policies seek to produce a ‘plurality of perspectives’ in terms of the ideology of appointees²⁴ (see <http://www.studentsforacademicfreedom.org/documents/1925/abor.html>). The Academic Bill of Rights (ABoR) is being opposed by many, including the American Association of University Professors who argue that

‘[a]lthough the ABoR, originally drafted by columnist David Horowitz, 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. Horowitz’ appropriation of that document has been roundly denounced by the

²⁴ La Falce and Gomez, op. cit., p. 1.

AAUP as ‘a grave threat to fundamental principles of academic freedom’ (see <http://www.aaup-ca.org/abor.html>).

Additionally, the studies cited above have shown that academics in the United States ‘strongly’ reject ‘government intrusion of any sort into matters of research and teaching’.²⁵

APSA opposes any move to enshrine a charter of academic freedoms in Australia which would, by implication, inculcate the erroneous assumption that unless mandated to do otherwise universities prefer to appoint ideologically similar academics to their staff, or the erroneous assumption that the ideological perspective of appointees automatically and negatively influences their ability to teach well. APSA also opposes any move to enshrine a charter of academic freedoms which would mandate universities to appoint on any grounds other than pure merit, or which would mandate curriculum content at the micro level.

Yours sincerely

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Professor Ann Capling, President, APSA
for and on behalf of the Executive Committee of APSA

²⁵ Losco and DeOllos, op. cit., p. 263.