

Submission to the
**Senate Standing Committee on Education,
Employment and Industrial Relations**
Inquiry into Academic Freedom

Submission by the
Melbourne University Liberal Club

Introduction

The Melbourne University Liberal Club commends this important inquiry into academic freedom. In particular, the club welcomes the opportunity to comment on the impact of political and ideological prejudice at Australian universities.

Issues of academic bias are of particular significance to us as university students. Almost all of our members past and present have, during their degrees, been affected in some way. Many instances of academic bias are the result of the personal prejudices of individual lecturers or tutors – such as poor marking on a piece of assessment simply because a student's viewpoint has deviated from that of the person marking it. However, it occurs also as a result of whole subjects and courses which are inherently biased in their outlook and focus as evidenced by the course content as a whole.

This submission consists of a variety of instances of academic bias experienced by both Liberal Club members and students at large. Fearing academic retribution, many students have requested that their names be withheld. All case studies contained in this submission are otherwise true.

CASE 1: Israel and the Middle East Conflict

Ryan is a third-year Arts/Law student. A Jewish student and lifelong supporter of Israel, he has enrolled in the subject *History of the Arab-Israeli Conflict*. Though he has learnt extensively about this area in high school, he hopes that studying it at a university level will give him a more sophisticated understanding of the issues involved.

Though he considers himself very open-minded and fair, at his first tutorial in the subject he is surprised to hear the tutor describe early Zionist settlement in the late 1800s discussed in the following way:

To get a better idea of what was happening, imagine for a second that Melbourne University is our homeland – Melbourne Uni is where we've lived all our lives, and it's where we call home. Now imagine for a second that all of a sudden, students from Monash start moving here in droves and buying up all our land. Then they cram all the native Melbourne Uni students into the physics building. How would you all feel about that?

This exercise is clearly an example of appalling academic bias. It uses an analogy which is false and grossly simplistic, comparing early Jewish settlers in Israel to a horde of marauding Monash students, playing on the natural rivalry between the two universities and presenting the Zionist movement as a mere grab for land.

What is even more alarming is that the tutor has obviously ignored a number of important complexities surrounding the issue, including the large Jewish population that existed in one form or another since as early as 70CE.

Few would seriously argue that this exercise by the tutor is anything other than a vehicle for severe bias against the state of Israel.

CASE 2: Defamation Law and Political Correctness

James is a first-year Law/Commerce student. For his first piece of assessment in his *Torts* class, he chooses to do an essay on the tort of defamation. The essay question asks whether it is, according in the student's legal opinion, defamatory to falsely claim that a person is homosexual.

Relying solely on legal reasoning based mostly on the common law and commentary by legal academics, James argues that it is defamatory to falsely say that somebody is gay. Despite putting extensive work into the paper, he receives only a pass, with few comments about the actual quality of the essay itself.

Instead, comments have been written in the margins unrelated to any legal argument. The most objectionable of these is where the lecturer has written: *So you are saying that homophobia is acceptable?*

This is an example of the personal prejudices of corrupt academics are severely damaging the credibility of our universities. Here, the lecturer has obviously engaged with the student on a purely ideological level without giving appropriate consideration of his skills in legal reasoning and analysis. While childishly debating a student is arguably unacceptable in humanities subjects such as those taken as part of an arts degree, the Melbourne University Liberal Club is adamant that it is completely unacceptable in degrees such as law.

The Melbourne University Liberal Club believes that the political prejudices lecturers have no place in professional degrees like law, and that the foremost criterion in assessing students. While this is to some extent the case in the experience of club members, there is still scope for bias.

Any situation which enables a student's work to be judged by any criterion other than their own ability does considerable damage to the credibility of our universities.

CASE 3: Law School and Subject Content

Noel is a law student nearing the end of his degree. While he finds the theoretical side of his legal studies interesting, he is mostly interested in studying law so that he may practice commercially.

However, he is disappointed by the subjects available as electives for final year students. While he is hoping to further refine his skills in 'black letter' law areas, a considerable number of the electives are purely theoretical. Fifteen of them are explicitly focused on human rights alone (See figure 3.1)

Arguably, there is a place at the Law School for subjects relating to issues such as human rights. There are some students who want to either practice law in these areas, continue their careers as legal academics, or work outside the law.

However, the Melbourne University Liberal Club believes that to have such an extensive program dedicated to these areas grossly misallocates precious resources. Such a number of largely theoretical subjects is vastly disproportionate to the number of actual students with any vocational use for or interest in them.

In our experience, students who fall into this category are in the minority.

- ▶ Australian Bill of Rights
- ▶ Children, Rights and the Law
- ▶ Indigenous People, History and the Law
- ▶ International Humanitarian Law
- ▶ Land, Race and Law in South East Asia
- ▶ Refugee Colloquium
- ▶ Violence, Women and the Law
- ▶ International Human Rights Law
- ▶ Law and Indigenous Peoples in Australia
- ▶ Public Interest Lawyering
- ▶ Refugee Law
- ▶ Discrimination Law and Equality
- ▶ Labour Rights in International Law
- ▶ Reproductive Rights and Sexual Health
- ▶ Trauma, Justice and Psychoanalysis

Figure 1 – Human rights-based law subjects

Further, even pseudo-commercial subjects such as International Economic Law (IEL) are often taught in a way that is hostile to students who desire a future in commercial legal practice.

Noel enrolls in IEL after reading the University Handbook, which says that it is a subject about the functioning of international economic regulation. In the first class however, it becomes clear that the person teaching the subject at the time is more interested in using the subject to critically evaluate the very concept of free trade - she literally spends two hours deconstructing a passage from Adam Smith through the lens of critical post-modernism to say that trade was a way of dehumanising the Other and absolving ourselves of the need to care about the people who we rely upon.

This is an example of bias that is not just a result of individual academics, but part of an inherent culture in our universities.

The real losers from all this academic bias are the students who are apolitical and who see a law degree as an investment in a professional career, rather than a license to engage in social activism. These students are hurt in several ways:

- (1) The prestige given to "public advocacy" and activist lawyering in the Law School deceives students as to the actual hum-drum nature of the legal profession.
- (2) The preference of legal education towards activist lawyering and jurisprudence creates an implicit assumption that more conservative members of the profession are somehow deficient.
- (3) Legal academia sells students a myth that lawyering is less about providing a public service than about educating, lecturing and advocating the public from a position of moral superiority.

(4) When students graduate, they are unprepared for the actual nature of the law, where what is valued is not a set of progressive values but technical and people skills.

(5) Legal academia neglects to communicate the greatest contribution of the law to modern society, which is achieving order out of chaos in order to reduce transaction costs, increase the certainty of outcomes and facilitate the effective enforcement of legislative, contractual, proprietary and equitable rights.

CASE 4: Ronald Reagan

James is a first year Arts student studying History and Politics in 2006 at the University of Melbourne. James enrolled in USA Today, a history subject covering the modern history of the United States.

For his major essay, James chose to respond to a question about Ronald Reagan which asked students to reconcile the fact that Reagan's presidency was regarded as popular and politically successful, whilst many journalists regarded Reagan as simple and unsophisticated.

James' tutor noted that his essay was "well written" and "well researched", and awarded him a Distinction mark. However, he said that the piece did not achieve an H1 because it was "insufficiently critical" of the Reagan Presidency.

CASE 5: Contemporary Ideologies

John was a first year Arts student majoring in Political Science at the University of Melbourne in 2006. Having an active interest in politics, he enrolled in Contemporary Ideologies and Movements. John hoped that through this subject he would gain an appreciation of the major ideological movements that shape contemporary politics.

However, in this 12-week course, John found that the subject was unbalanced. After spending just one week on 'Conservatism and Liberalism' - two distinct ideological movements which have had a huge influence on modern political discourse - the subject then spent far more time and detail on a suite of smaller, more narrow, left-wing political movements.

For instance, an entire week was dedicated to Feminism, an entire week on Gay and Lesbian politics, an entire week on anti-war movements and an entire week on environmental politics. Judging by the time spent on each topic, Lesbian Feminism and Liberalism are of equal importance, given each were subject to a 1-hour lecture.

In addition to being unbalanced, the course featured material which was extreme in nature and offensive to many students. For example, one guest lecturer during the week spent on Feminism argued that it was not possible for a man and a woman to have consensual sexual relations due to the patriarchal structure of Western Society. Therefore, the lecturer argued, "all sex between a man and a woman is rape". Another example occurred in a tutorial after a lecture on the animal rights movement. The tutor - and animal liberationist and a member of

the Victorian Greens - categorically stated that eating meat is "morally wrong" and that theft and vandalism of property is justified if it liberates abused animals.

Further, in 2008, another student did the same subject. This time, the only article the reading pack contained for liberalism is 'Young Liberals in the Chocolate Factory', a piece from *The Monthly* magazine about internal divisions within the federal Young Liberal Movement.

It should be acceptable for these viewpoints to be expressed in a free and open University environment, however when these extreme viewpoints are put forward by those who hold them and little or no alternative viewpoints are offered, University courses risk becoming unbalanced.

CASE 6: Blatant Lies

David was a second year Arts student studying International Relations at the University of Melbourne in 2007. He enrolled in Global Politics to further advance his understanding of Foreign Affairs.

During one tutorial on economic development and trade, David's tutor stated that history had proven that countries with high levels of government intervention in the economy grew the fastest. David offered a number of Western nations including Australia and the United States as counter-examples, noting that they were among the most economically free and also the wealthiest.

After his tutor argued that this was due to other factors, David pointed to other examples such as Chile in South America, which was growing at a much faster pace than many of its less deregulated neighbours. His tutor responded that this was a "lie" and that the wealthiest nations in South America had high levels of state intervention such as Venezuela. The tutor also told David that given he was from South America, he knew this was true.

David suggested that China offered another good example, as its rapid economic growth occurred after economic deregulation. The tutor responded "Yeah, if you believe the Chinese" suggesting that they may be lying about their growth rates, and then told David that he should "stop being difficult" or he will be asked to leave the tutorial.