



freedom to write...
freedom to read

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Committee Secretary
Senate Education, Employment and Workplace Relations Committee
Department of the Senate, Parliament House
By email: eever.sen@aph.gov.au

21 July 2008

Dear Committee Secretary

Re: Inquiry into Academic Freedom

Thank you for the opportunity to make this submission to your inquiry into Academic Freedom in universities. Sydney PEN, an affiliate of International PEN, is an association of writers devoted to freedom of expression in Australia and in the world.

Academics are writers whose freedom of expression is of concern to Sydney PEN. Academics are among our membership, and PEN also advocates on behalf of academic writers unjustly imprisoned worldwide. This submission focuses on the first and third of the terms of reference, which are relevant to writing, and does not address the second issue (concerning teaching).

Intellectual Diversity and Ideological, Political and Cultural Prejudice

Australian universities are amongst the most intellectually diverse and vibrant places for the production of scholarly research and writing of any university sector in the world. Scholarly merit is a core criterion in the appointment and career progression of academic writers, and there are no barriers to entry for academics who do not share a particular intellectual viewpoint. Universities are founded on the ideal of academic freedom of thought, opinion and expression; and ideological, political or cultural prejudice is antithetical to the professional duties of academics.

Sydney PEN believes that the creation and publication of academic scholarship should be as free as possible from political interference, while acting within the law in a democratic society. Only by establishing the conditions of academic freedom can the full potential for intellectual progress within our universities be realised. The independence of academics is essential to ensure that they can freely develop critical thought and expression and thus contribute new insights to society.

PEN's experience in working to free writers in prison around the world illustrates the vital role which academic freedom can play in opposing political repression. In many countries, the slide towards authoritarianism has involved gradually increased restrictions on academic freedom, ultimately to its vanishing point. Relative autonomy from political interference makes an important contribution to maintaining a robust civil society and a functioning democracy.

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In our view, there is little substance to any suggestion that various forms of prejudice are in any way common or systemic in Australian universities. As in any sector of the community – whether from the Parliament to a football club – individual cases of prejudice can never be ruled out, but academia is no more prejudiced – and may be less prejudiced – than other areas of society.

Where cases of prejudice do exist, the scholarly community itself is best placed to ensure academic diversity and freedom, and the intervention of the Parliament is not appropriate. Peer review of research maintains rigorous academic standards and ensures that any academic who is genuinely ‘prejudiced’ – *in the sense of making claims or assertions which are not supportable or verifiable by evidence or argumentation* – will not prosper as an academic.

Further, the academic community is also best placed to deal with allegations of misconduct by academics, such as in the rare case where an academic subjects a student’s views to ridicule or vilification. Indeed, universities already have mechanisms in place for dealing with allegations of professional misconduct by academics, and for applying appropriate penalties.

The suggestion that universities may be prejudiced and lacking in diversity has the potential to undermine academic freedom and diversity, since it sends a message to academics that they are under suspicion and that their views require policing by politicians.

Promoting and Protecting Intellectual Diversity and Freedom

Academic freedom in Australia has come under pressure in recent years by factors such as larger class sizes and higher administrative loads; commercialisation; changes to research funding; and anti-terrorism laws (including sedition, censorship, ASIO powers and new offences).¹

Ensuring academic freedom requires that the government (1) refrain from interfering in academic expression and (2) establish the structural conditions which enable academics to freely write. The following steps are recommended to enhance academic freedom to research and write:

1. Overall funding to universities, and research funding specifically, should be increased in order to relieve teaching and administrative pressures on academic workloads, and therefore to better enable research and writing productivity and quality;
2. Parliament should legislatively protect academic freedom in universities, for example based on the protection in s 161 of the *Education Act 1989* (New Zealand);
3. Workplace agreements in all Australian universities should include a minimum standard clause on the protection of academic freedom;
4. Individual academic employment contracts should expressly provide for the protection of academic freedom in employment.

Please be in touch if you require any further information.

Yours sincerely



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Virginia Lloyd
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¹ E MacDonald and G Williams, ‘Banned Books and Seditious Speech: Anti-Terrorism Laws and Other Threats to Academic Freedom’ (2007) 12 *Australia & New Zealand Journal of Law & Education* 29-46.