Academic freedom and the 'intellectual diversity' movement in Australia

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Members of the misnamed 'intellectual diversity' movement seek to criticise universities for being dominated by left-wing ideas, often termed in accusations of 'bias'. They allege that universities and academics express such bias in the form of hiring and tenure practices which favour those with liberal views, and the conduct of teaching and assessment of students which penalise students with conservative views. This movement has recently gained prominence in Australia, including by successfully instigating a Senate Inquiry into Academic Freedom in 2008. In this article I outline and critique the arguments of the intellectual diversity movement in Australia, and in so doing trace the linkages between its arguments and those of its United States' contemporaries. I articulate the grave threat to intellectual freedom that this movement represents.

Introduction

Members of the misnamed 'intellectual diversity' movement seek to criticise universities for being dominated by left-wing ideas, often termed in accusations of 'bias'. Its proponents allege that universities and academics express such bias in the form of hiring and tenure practices which favour those with liberal views, and the conduct of teaching and assessment of students which penalise students with conservative views. Although this movement has been active for some time in the United States, it has recently gained prominence in Australia. Its proponents have received national media coverage (for example, Smith 2008; Saul 2008; Thompson 2008; Rowbotham 2008; ALSF 2008, 2; Alexander 2008; Freitas 2008b), and have claimed credit for successfully instigating an Inquiry into Academic Freedom by the Senate Education, Employment and Workplace Relations Committee conducted in

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the latter part of 2008 (Lane 2008a). The motion to hold the Inquiry was passed in late June 2008 by the Coalition-controlled Senate in its last days, with no parliamentary opposition (CPD 2008, 3185).

The claims made by this movement are of import to universities. Under the mantle of academic freedom, the proponents of the movement make claims that can significantly undermine and damage the reputation of universities and academics. This could, moreover, have a chilling effect on academics who fear being targeted, leading to irreparable damage to the functioning of the academy. The aims, methods and arguments of the movement must therefore be taken seriously.

The activities of the movement in Australia are occurring in the context of other threats to academic freedom in recent years. Evidence has arisen of significant and concerning government intervention into universities' academic autonomy and freedom. 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 (Macintyre 2007, 43–51). 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 (Hocking 2007, 219–20). 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, 229). The regime of secrecy ushered in by the anti-terrorism laws has been described as hindering academic inquiry (Tham 2007, 238–39). 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, the activities of the intellectual diversity movement warrant particular examination. The purpose of this article is to critique the claims of the intellectual diversity movement in Australia, with a view to defending academic freedom as the key institutional feature of the academy. Its purpose therefore is not to explore the issue of academic freedom in broader focus. Nor is it to examine details of the United States's campaign, which is much older and which has produced far more literature. The central purpose of this article is to articulate the linkages between the nascent,

yet influential, movement in Australia and its United States counterpart because, in so doing, it becomes possible to provide evidence that the claims in Australia are not unique to that jurisdiction. Therefore, and to that extent, the specific claims of the Australian movement are able to be analysed and refuted utilising research that has been conducted in the United States. This is important due to the dearth of Australian research on the topic to date. Making the argument that the Australian movement methodologically mirrors that in the United States allows the development of a critique of the Australian movement, and an articulation of the grave threat to intellectual freedom that this movement represents.

What is academic freedom?

Universities have a special place in the education system of any liberal democratic society. They are hubs of intellectual life, places where critical thought takes place and is nurtured, and thereby a means by which knowledge is advanced. Academics, because they devote themselves to rigorous, peer-reviewed research, have a special claim to developing new knowledge and a special mandate to pursue it (Hayes 2003, 123).

The purpose of a university is not to impart a set body of subject knowledge as such; rather, it is to encourage debate and critical thought, 'to provide a forum for research and discussion where students are encouraged to think for themselves' (Barendt 2005, 500). This imposes a particular responsibility on staff and students to develop capacities for critical thought — critical in the sense that it relates to knowledge that may not yet be known (Hayes 2003, 124–25). And the only way this can be achieved is by maintaining universities' independence and autonomy from government and regulators. Maintaining independence of thought and critical enquiry enables the university to provide value both to the individuals who participate in it, and to the wider society which benefits from increased capacities for critical reflection. Universities have a 'special responsibility to speak truth to power', and therefore should be 'subject to no external authority' in the matter of critical reflection (Hindess 2004, 228–29). This is the source of academic freedom. It 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. [Menand 1996, 4.]

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. [Dworkin 1996, 185.]

This is not to suggest that there is no dispute over the meaning and limitations of the concept of academic freedom. Like any ideal concept, disagreements exist over how to define it, and how to encapsulate and embody the idea in such a way as to give rise to certain rights and responsibilities for academics and students in university settings (Menand 1996, 6). Nevertheless, the ideal of academic freedom at its core does have specific consequences for the ways that universities operate at two levels. First, and at the individual level, academic freedom means that individual academics have considerable freedom to determine the scope and content of their courses and their research. Departmental, school and faculty heads 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, as well as their research interests. This is vital to maintaining up-to-date, research-linked and critical curricula that will engage and challenge students. Best teaching practice encourages academics to link their research to their teaching, and the research–teaching nexus is a well-documented element of best learning and teaching practice.[1]

Second, at the institutional level, academic freedom means that universities should maintain organisational independence from government. This includes in deciding to hire permanent staff, visiting fellows and temporary staff based only 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-level decisions it may not influence (such as appointing someone to teach specific views and perspectives in political science, for example) (Dworkin 1996, 185). This means that university education should be undertaken by independent researchers who are free, within the broadest constraints of their topic, to develop their own areas of enquiry and research agendas without excessive monitoring or intervention by administrators.

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1 See, for example, the University of New South Wales's information at <http://learningandteaching.unsw.edu.au/content/RandI/research_nexus/rtn_resources.cfm?ss=5#why>.

In the United States, academic freedom is institutionally strongly recognised and protected. The American Association of University Professors' Statement of Principles on Academic Freedom and Tenure, originally drafted in 1940, has become an influential piece of soft law, informing First Amendment decisions in the Supreme Court (van Alstyne 1990). The AAUP's position on tenure as a central mechanism for the protection of academic freedom has been continually updated in the context of changing circumstances and current debates (AAUP 2006). Universities also typically cite academic freedom in internal documents — including, for example, in the Faculty of Arts and Sciences at Harvard's Free Speech Guidelines (Harvard University 1990).

In Australia, institutional recognition for academic freedom also exists and has been elucidated in a range of university documents, including staff and student codes of conduct, 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 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 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'.

The institutional protection of academic freedom in Australia, however, is arguably less rigorous than in the United States. Research has shown that in the context of increased commercialisation, some academic staff in the social sciences are concerned at the implications for academic freedom of increased workloads, pressure to attract research funding, and an emphasis on fee-based and vocationally oriented courses (Kayrooz, Kinnear and Preston 2001, ix–x). Additionally, universities in Australia have been caught up in entrepreneurship and managerialism since the mid 1980s, although the consequences of these trends are much debated (Marginson and Considine 2000) and this phenomenon is not restricted to Australia.

The 'intellectual diversity' movement

Recently, the debate about academic freedom has become focused on the arguments of an 'intellectual diversity' movement. In the United States, one of the movement's major proponents is David Horowitz, who has formed a group called Students for Academic Freedom (Gross and Simmons 2006, 1; Horowitz 2006). Other contributions include the publication of a number of books (D'Souza 1991; Cheney 1992; Kimball 1990; Bernstein 1994), and conferences, including one hosted by the American Enterprise Institute in 2007 entitled 'Reforming the Politically Correct University'.[2] Opponents of the movement have also mobilised, including by forming a group called Free Exchange on Campus and by hosting conferences such as one by Social Research in November 2008 entitled 'Free Inquiry at Risk: Universities in Dangerous Times'.[3] In Australia, the movement is being spearheaded by the Australian Young Liberals,[4] the youth arm of Australia's dominant conservative political party, the Liberal Party of Australia. This organisation has instigated a 'Make Education Fair' campaign, which is described in more detail below. Although the two movements undertake their activities in different institutional contexts, their methods are the focus of the discussion here.

In the United States, claims of bias are levelled against liberals. In some studies, as will be outlined below, this has defined in a partisan sense, related to the numbers of registered Democrats versus the numbers of registered Republicans. In some academic studies, self-identification of ideological (and not simply partisan) views has been assessed using more sophisticated methodologies. Horowitz's campaign levels particularly harsh criticism at the social sciences and humanities, and targets interdisciplinary programs such as Women's Studies (Losco and DeOllos 2007, 252, 254). In Australia, the claims of bias are levelled against left-wing views which have been described in various ways, including as 'anti-Western', 'anti-capitalist' and 'socialist' (AYL 2008, 3), and also more broadly as any interest in race, class, gender and sexuality. Cultural studies has been targeted as an entire oeuvre (Freitas 2008a).

In Australia, the movement's specific allegations include that universities[5] are saturated with left-wing, anti-conservative bias. Its proponents have alleged further that students' academic freedom is threatened by tenure arrangements which protect

2 See <www.aei.org/even1595>.

3 See <www.newschool.edu/FreeInquiry>.

4 Readers unfamiliar with Australian politics should note that the Liberal Party of Australia, despite its use of the term 'liberal', is a conservative party. See Brett (2004).

5 It has also been alleged that similar problems exist in secondary schools. I limit my discussion in this article to universities.

academics from scrutiny (ALSF 2008, 2), that bias is at 'epidemic proportions', that this creates a 'hostile atmosphere' within which 'mainstream' students cannot express their views, that a lack of diversity exists among academics, that academics are willing to use the classroom to promote their views, that there is an intent to indoctrinate students into left-wing views (Freitas 2008a, 1, 9), that conservative students have received poor marking on their work as a result of an ideological disagreement with the marker (MULC 2008, 1), that some academics demand 'that students only think or write a certain way' and that course content reflects partisan political views (AYL 2008, 2–3). Below, I respond to the nature of these allegations by disaggregating the types of claims made, and then by providing evidence to counter their substance.

Critiquing allegations of a lack of intellectual diversity

The first set of allegations that has been raised is that there is a lack of intellectual diversity on campus, in the sense that university campuses are predominantly populated by academics with 'left-wing' (ALSF 2008, 3), 'social justice', 'activist' (Freitas 2008a, 1) and 'far left' (AYL 2008, 3) views. Despite the lack of specific research having been done on this subject in Australia, the proponents of this claim have listed examples of individual academics, university departments and excerpts from course readings they consider to be left-wing (Freitas 2008a, 3–8, 42–67) and have linked these lists to this central claim. The critique to be made of this accusation, and the method by which evidence has been gathered to support it, is that the conclusions are not supported by the evidence provided.

First, the evidence provided is anecdotal and not comprehensive. One method of collation has been the 'Make Education Fair' website, which encourages students to 'report bias'. This method mirrors that used by the 'Students for Academic Freedom' in the United States (Allport 2006, 9). Such a method is not comprehensive, nor representative, since those motivated to report their perceptions of bias in this manner are necessarily self-selective. A second method of collation has been internet searches of university course descriptions and content (Knott 2008, 5). While this has undoubtedly produced material demonstrating that some academics require students to read material which expresses left-wing views, that some academics are also activists, and that some academics express left-wing views on social issues, it does not demonstrate the concomitant claim of its proponents — namely, that the arts and humanities disciplines are comprehensively dominated by these views (AYL 2008, 3; ALSF 2008, 3). Still less does it demonstrate that this dominance occurs across the wide variety of disciplines and fields that are taught in the 39 universities (AEN 2008) that exist across Australia.

It is, of course, also possible to point out anecdotal evidence of the existence of conservative views in the arts and humanities disciplines in Australia. An example is the recent debate which has occurred over the teaching of 'terrorism studies' in Australian political science departments (for example, Lane 2008b; Bendle 2008; Walker 2008). This has been a significant debate over the content of terrorism studies courses taught to students, which has centred on differences of opinion over the role of the West in creating the conditions within which terrorism has arisen, and critiques of its response to terrorist attacks. While not commenting here on the substance of the debate, or the ways in which claims have been made by its protagonists, at the very least the existence of the debate demonstrates the existence of widely divergent views on terrorism studies within political science in Australia and internationally.

Moreover, there is reason to be concerned about the accuracy with which students are able to assess the ideological views of their university teachers. In the United States, a 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 (La Falce and Gomez 2007, 2). A more recent study argues that other studies which have described American universities as virtually uniformly extremely liberal are incorrect. In fact, the authors argue, many university professors hold views which could be described as centre, or centre-left, rather than liberal, and academics are becoming more moderate and less radical (Gross and Simmons 2007, 3). La Falce and Gomez's study also demonstrated that a public campaign portraying campuses as biased led to students overestimating the liberalness, and underestimating the conservativeness, of academics' views. Students are actually poor at assessing the ideological leanings of their university teachers (La Falce and Gomez 2007, 16–17).

Just as importantly, La Falce and Gomez point out that in his campaign, David Horowitz uses a flawed methodology to calculate evidence of a lack of intellectual diversity. 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 excluded those registered to vote in another state as well as non-US citizens; and a reliance on party affiliation to determine 'ideology', rather than 'ideological self-identification' (La Falce and Gomez 2007, 3–4). Then, using flawed data, Horowitz draws conclusions not sustained by the data — namely, that the existence of more academic staff with left-leaning views than with conservative views translates to the exclusion from the classroom of views with which those staff disagree, 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 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 that 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 (Fish 2008).

Critiquing allegations regarding behaviour in the classroom

As noted above, the claim that left-wing ideas are dominant in universities has been taken further to claim that this translates into poor treatment in the classroom of conservative views. Allegations have been made that academics with left-wing views seek to impose those views on their students, that they silence (directly or indirectly) students with conservative views, and that they mark them down for disagreeing with their ideological viewpoint in assessments. A second year university law student, for example, was quoted in a national newspaper as having been made to feel 'uncomfortable' and 'marginalised' when her lecturer told the class he was a member of the Greens Party and asked the students their views on the role in the Australian legal system of an apology to the Stolen Generation (Rowbotham 2008, 21). A first year commerce/law student has complained that he received only a pass mark for an essay discussing homophobia and defamation, and that comments were written in the margins of the essay that were 'unrelated to any legal argument' (MULC 2008, 2).

Some of the research in the United States into the intellectual diversity movement has provided interesting evidence in relation to this claim. As noted above, students' perceptions of bias or prejudice are an extremely unreliable method for determining whether such bias or prejudice exists. More interestingly, 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 that academic's teaching quality negatively. The authors state that '[i]n all cases, greater ideological/partisan difference results in more negative course evaluations' (Kelly-Woessner and Woessner 2006, 499). That is to say, the existence of 'prejudice' or 'bias', 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 significant 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. [Kelly-Woessner and Woessner 2006, 499.]

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. [Kelly-Woessner and Woessner 2006, 499.]

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'. 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. Yet 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.

Further evidence to support the claim that anecdotal allegations of bias do not provide evidence in support of the existence of genuine instances of bias 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 and the social sciences tend towards self-selection of staff with an interest in the types of questions posed in this field of inquiry (Losco and DeOllos 2007, 253), and that the social sciences tend to attract liberal-minded PhD students in greater numbers than conservative students, who will later enter the academy as professionals (Woessner and Kelly-Woessner 2007, 2).

It is, of course, possible that an individual academic may mark a student harshly on the basis that the student disagrees ideologically with her or his ideological or partisan perspective. However, the data suggest that this only occurs on a very small number of occasions. United States studies show that although academics are concerned about accusations that bias may affect marking outcomes, the incidence of such events is indeed very small (La Falce and Gomez 2007, 16; Loscoe and DeOllos 2007, 257). In Australia, should an incident of prejudice or bias occur, the remedies for dealing with such incidents already exist and include student evaluations of teaching, the requirement for university teachers to provide feedback to students of prior evaluations, and appeals procedures. Indeed, in the report of the Senate Inquiry into Academic Freedom, it was noted with surprise that the students who apparently felt they had been poorly treated did not make use of existing complaints mechanisms (SSCEEWR 2008, 3, 4, 12, 19, 22). Finally, Australian universities' activities are regularly audited and reported on by the independent Australian Universities Quality Agency (AUQA 2008) to ensure the highest academic quality. The areas audited include curriculum content, the mechanisms and content of student evaluations/feedback, and teaching activities, and students participate in the audits.

Is a charter of rights an appropriate remedy?

In the United States, David Horowitz and Students for Academic Freedom have campaigned for the implementation of an 'Academic Bill of Rights' (ABoR) as a way to resolve the perceived problem of bias in universities. The American Association of University Professors argues that the ABoR's reliance upon language drawn from AAUP's 1940 Statement of Principles on Academic Freedom and Tenure misleads observers as to its actual content. Despite the apparently seductive and progressive idea of utilising a bill of rights to resolve perceptions of bias, the AAUP argues that

the ABoR 'pushes an agenda that is antithetical to the best traditions of American higher education' and constitutes 'a grave threat to fundamental principles of academic freedom' (AAUP 2008). It argues that the ABoR actually undermines the very rights it seeks to protect. Additionally, one of the studies cited above has shown that academics in the United States 'strongly' reject 'government intrusion of any sort into matters of research and teaching' (Losco and DeOllos 2007, 263), and the introduction of an academic bill of rights would constitute such an intrusion.

The proponents of the ABoR have tried to have it implemented in state legislatures. The California Conference of the AAUP, in response to a proposed Senate Bill in that state in 2004 to enshrine the ABoR in law, argued:

> The phrase, 'Academic Bill of Rights', cleverly uses innocent-sounding language to push legislation that is antithetical to the best traditions of American higher education … That document is neither academic nor respectful of individual rights. Such legislation leads, inexorably, to the violation of academic quality, traditionally safeguarded by the rigorous process of peer review. It would also bring political views, party affiliations, and religious beliefs into the academic hiring process, an intrusion that violates the fundamental value that our society places on privacy and freedom from discrimination. [CC-AAUP 2004.]

The AAUP argued that the Bill represents an 'unwarranted intrusion into the classroom' and that it would overlook and override existing mechanisms within universities that ensure fair treatment.

Partly in response to such criticisms, the proposal was amended and in 2005 reintroduced into the Senate in the form of a student bill of rights. Acknowledging that the language had changed and that the new Bill contained greater acknowledgement of fundamental rights, including freedom of speech, the CC-AAUP nevertheless still concluded that the amended Bill was flawed because it did not acknowledge the existing mechanisms in place to ensure fair treatment and instead sought to impose the same kinds of administrative oversight that the previous Bill had sought:

> We conclude [the Bill] to be flawed precisely because it fails to acknowledge the systems of checks and balances already in place within California's system of public higher education and maintain that this oversight would necessarily intrude a counterproductive, and potentially expensive, layer of external oversight into our education system. [CC-AAUP 2005.]

In Australia, the Australian Young Liberals' submission to the Senate Inquiry advocated the adoption of a charter of academic freedoms (AYL 2008, 3). In verbal evidence to the Senate Inquiry in Sydney on 9 October 2008, representatives of

advocates of this charter argued that '[t]here is nothing in that charter that should be in the least objectionable. It encourages critical thinking; it encourages freedom of thought' (Freitas 2008c, 45). Proponents of the charter advocate that universities adopt it as a set of binding principles. Interestingly, there is evidence of their awareness that pitching their advocacy in terms of students' rights may result in greater purchase than the idea of academics' rights. In the draft charter proposed to the Senate Inquiry, the first two articles are concerned specifically with students' rights, and academics' rights and responsibilities do not appear until the third article. Moreover, in public commentary the idea of students' rights as a measure of academic freedom has been emphasised (Freitas 2008b), and in verbal discussions at the Senate Inquiry and in the minority report appended to the Senate Inquiry's Report, the ideas that academic freedom encompasses students' rights and that these rights have until now been insufficiently recognised were stressed (Fifield 2008, 5; Freitas 2008c, 52; SSCEEWR 2008, 43).

What do the charters propose? I note here some of the specifications of the ABoR and the proposed charter of academic freedoms, comparing the two in order to clarify the extraordinary level of similarity between them. I do not reproduce the documents in full, both in the interests of space and in order to tackle the sections in the documents that are most relevant to the discussion here.

The ABoR mandates that staff should be appointed on the basis of their knowledge and competence and 'in the humanities, the social sciences, and the arts, with a view toward fostering a plurality of methodologies and perspectives' (Art 1). It also mandates that 'curricula and reading lists in the humanities and social sciences should reflect the uncertainty and unsettled character of all human knowledge in these areas by providing students with dissenting sources and viewpoints' (Art 4) and, further, that it is a 'major responsibility of faculty' to expose students to 'the spectrum of significant scholarly viewpoints' (Art 5). The Australian proposed charter of academic freedoms mandates that students be provided with 'a diverse range of scholarly viewpoints' (Art 1), that staff should be appointed on the basis of 'their competence and knowledge, not on their political or ideological beliefs' (Art 5), and that 'students should use course materials that are not biased or politicized but rather promote intellectual diversity' (Art 2). The ABoR mandates that students will be marked on the basis of their 'reasoned answers and appropriate knowledge of the subjects and disciplines they study, not on the basis of their political or religious beliefs' (Art 3). The Australian proposed charter of academic freedoms mandates that 'students should be graded solely on the basis of their reasoned answers and appropriate knowledge of the subjects they study, not on the basis of their political beliefs' (Art 6).

Thus, in two major respects of the debate, the two documents advocate very similar measures. These two respects are the perceived lack of intellectual diversity, and the perception that students whose views do not conform with currently dominant ideological views are penalised in assessment for their political beliefs. The adoption of such documents would inculcate many of the erroneous assumptions of the intellectual diversity movement. It would inculcate the suspicion that marking penalties on the basis of political belief are a cause for concern within tertiary educational institutions. It would also impose burdens on the institution as a whole to intervene in micro-level procedures in a manner that gravely risks the academic freedom the advocates of such documents purport to support. Thus, far from rescuing universities from bias, such charters would place academic freedom at fundamental risk by requiring vigilant oversight of the day-to-day activities of academics by institutional authorities inculcated with the assumption that, were it not for such oversight, academics would be engaged in inappropriate behaviour.

Further problems arise with the adoption of such a charter. Who is to be given the task of assessing whether or not a diversity of opinions, or sufficient diversity of opinions, has been presented? What constitutes a diversity of opinions in specific academic fields? Could this argument be used to support the idea that a history department would be required to hire a Holocaust denier? There are cogent and persuasive arguments in the literature that Holocaust denial violates fundamental academic principles in relation to the use of evidence and the regard paid to contradictory views (for example, McKinnon 2006, 167–71). Nevertheless, it is not at all clear from the documents discussed here that these arguments would win out in a consideration of whether sufficient diversity had, indeed, been presented to students. Who is to monitor the presence of a diversity of opinions and how is such diversity to be measured? In the context of the critique presented above, it is highly likely that such measurement would be difficult to achieve, and enforcement of any perceived measurement by administrators would constitute a gross violation of staff members' academic freedom.

Conclusions

As argued above, academic freedom is the key legitimating concept of the entire academy. It is the foundation for the development of critical thought and the advancement of knowledge. For academic freedom to be able to underpin these crucial intellectual pursuits, it requires a high level of universities' independence and autonomy from regulators and administrators, and it necessitates that academics be free to engage in topics of interest to them, within their fields of expertise, and in rigorous peer-reviewed research procedures.

Despite being couched in terms of academic freedom and students' rights, the aims and proposals of the 'intellectual diversity' movement are directly counterposed to the achievement of these goals, and they thus represent a real threat to the maintenance and protection of academic freedom. Although the intellectual diversity movement is in its infancy in Australia, it has garnered considerable publicity and attention, including from policy makers and legislators. It is clear that it has adopted campaign methods that mirror those of its United States counterparts, despite differences in institutional setting. This means that research conducted into the movement's method and claims in the United States is relevant to assessing the viability and rigour of the movement's claims here. That research makes it clear that the claims made by this movement are highly questionable, their evidence circumstantial, and their proposed remedies gravely concerning.

The report of the Senate Inquiry into Academic Freedom made no recommendations in relation to any of its terms of reference, arguing instead that the evidence presented was 'highly subjective', 'anecdotal' and 'clearly exceptional' (SSCEEWR 2008, 3, 12–14). The report concedes many of the most important components of my argument here, including that students' perceptions of bias are a poor method for determining whether bias exists and that the evidence did not support the assertions made. However, the minority report written by Coalition senators and appended to the Senate's report supported the adoption of a charter of academic freedoms in order to protect students' rights, and recommended that the adoption of such a charter be a condition of securing funding. It also recommended that additional opportunities be given to students to provide feedback that specifically focuses on academic bias, and that students be made more aware of complaint mechanisms (SSCEEWR 2008, 57–58, 62).

The preservation of academic freedom not only requires ongoing vigilance, it also requires a thorough examination of proposals which, although they might seem well-meaning and plausible, would constitute in themselves gross violations of that freedom. There is little doubt that the intellectual diversity movement has resonance. I have not traced, nor have I explored, any reasons for this resonance, and to do so would require another study. Nevertheless, the intellectual diversity movement represents a significant challenge to academic and intellectual freedom, and it is a movement which all who have an interest in academic freedom ought vigorously to oppose. ●

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