

# Academic freedom, a welcome debate

Tolerance and persecution travel together. History reveals how tolerance shines a bright light on the human spirit but persecution and intolerance reappear with great regularity. Academic freedom is about tolerance – the tolerance of society to allow experts to investigate and to speak and teach in public about issues that are potentially offensive, subversive, or controversial. In many countries citizens have rights to speak and be heard, and also duties not to defame, offend excessively, or encourage sedition. But academic freedom goes beyond these rights and confers special status on experts based in universities. This status is not legislated, and exists by virtue of the consent of the community: it comes with responsibilities as well as freedoms.

The 1940 Statement of Principles on Academic Freedom and Tenure by the American Association of University Professors and the Association of American Colleges and Universities makes it clear that the purpose of academic freedom and tenure is to serve the community, and not to further the interests of academics or universities. Fundamentally, academic freedom has to do with academia (researchers and institutions) contributing to public good. More specifically, the statement maintains that freedom in research is fundamental for the advancement of truth, and that freedom to teach is fundamental to the rights of both teachers and students.

In America, academic tenure as well as the operation of the First Amendment to the United States Constitution provides a protective framework for academic freedom. Australia, however, does not have an equivalent of the First Amendment and employment of academics is governed differently. Different again are employment arrangements that determine the rights of government employees, including researchers, to speak out.

In 2007 the Council of the ANU issued a public statement (Council statement). We had become aware of a growing stridency and personal edginess in the public debate on certain topics and felt that some ANU staff were being criticised and attacked in a way that we hadn't seen for some time. In some important topics organised 'pressure groups', sometimes international in focus, enter into and seek to influence the debate from a particular perspective. This is part of the democratic process, but it is not acceptable for pressure groups to personalise the discussion, or make veiled threats against academics or their universities.

The ANU Council's statement encourages and supports its academic staff to comment publicly within their areas of expertise, and willingly permits academics to report that, while not speaking for the ANU, they are from the ANU. When an ANU academic speaks within their area of expertise, they will have the support of the university, even when their comments attract adverse attention. ANU will back them up and may weigh into the debate in terms of how it is being framed.

Another area in which recent trends tend to diminish academic freedom lies in contractual obligations. Some research sponsors – public or private – may have a legitimate interest in delaying or preventing the publication of research findings, but the occasions on which this is appropriate are really very limited. It is far more common for the sponsor

to benefit by having the academic work subject to open review by the scholarly community and other interested parties. Intellectual property considerations are particularly troublesome in my experience – for example, an industry partner seeking to protect university-generated IP through confidentiality provisions will run directly into academic values regarding open publication. A government that seeks to own or control the IP produced under a research contract unwisely (in my view) opens itself to the charge of censorship or altering the truth.

Another area where academic freedom is under pressure concerns the operation of anti-terrorism regulations. It is not surprising that persons of interest to anti-terrorism authorities will sometimes be conducting research on topics of great interest for the control of terrorism. Under the present antiterrorism laws, the authorities can investigate these people in secrecy, outside the university. However, it seems unwise for a government to inhibit or interfere with research on terrorism, since a greater understanding of the phenomenon is one useful way to deal with it.

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One of the most difficult situations I have encountered regarding academic freedom concerns the balance between the freedom of an academic to speak openly about a matter (such as a government funding program) in a way that may disadvantage their employing university, and the role of management in defending that university. It seems to me that the appropriate way to play this is for the academic to speak with freedom, and for the university management to speak equally forthrightly. Unfortunately, it is my experience that the management is expected to be muted in its response, leading to a significant problem for the university.

It is exciting to see renewed interest in academic freedom in Australia, stimulated in large measure by the openness of the new Australian government. What is particularly exciting are the intimate connections between traditional issues of academic freedom, and the emerging movement towards open publication and open access to research materials. Issues surrounding academic freedom will become even more interesting over the next decade or so, as institutions and academics publish more of their scholarly work in directly accessible forms in the public domain. ANU is at the forefront of this trend, and I look forward to hearing the community's responses once a greater proportion of academic work is openly and widely available.