Australian court upholds sacking of academic for criticising US and Israeli militarism

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A Federal Court judge last week set a chilling and far-reaching precedent for the further overturning of basic democratic rights and academic freedom, especially to express political or other dissenting views.

The ruling backed the University of Sydney's February 2019 dismissal of Dr. Tim Anderson, an economics department senior lecturer, primarily on the basis of allegations that his criticisms of US militarism and Israel's oppression of the Palestinian people were "offensive."

The court decision is another warning of the poisonous and repressive atmosphere being whipped up to silence opposition to the preparations for Australian involvement in potentially catastrophic US-led wars against China or other perceived threats to the global hegemony asserted by Washington since World War II.

Significantly, the University of Sydney hosts the US Studies Centre, which was established in 2006, with US and Australian government funding, for the express purpose of overcoming popular hostility to US militarism after the massive protests against the invasion and occupation of Iraq.

The court's judgment also exposed the fraud of claims by the National Tertiary Education Union (NTEU) that its enterprise bargaining agreements (EBAs) with universities protect the essential principle of academic freedom.

Justice Thomas Thawley ruled that the university's EBA with the union, which is similar to those at most universities, "does not recognise the existence of, or give rise to, a legally enforceable right to intellectual freedom."

In particular, Thawley declared that EBA "academic freedom" clauses do not protect university workers from being sacked for making comments—even on their private social media accounts—that managements deem in breach of their employee codes of conduct. Instead, EBA commitments to academic freedom were "purely aspirational."

This thoroughly anti-democratic decision comes on the back of a similar result in another case taken to the courts by the NTEU. In July, the Full Federal Court upheld the dismissal of James Cook University academic Dr. Peter Ridd, for expressing his views, as a climate-change sceptic, that cut across the university's reputation.

Anderson's case demonstrates how far university managements, working in league with governments and the corporate media, can victimise academics, especially those who oppose the wars of US imperialism and its allies, including the Zionist regime in Israel.

Among the charges the University of Sydney made against Anderson was that he tweeted, on his own Twitter account, criticism of the university hosting an address by US Senator John McCain. Anderson described McCain, a backer of every US military intervention for the past three decades, including the brutal neo-colonial wars in Afghanistan and Iraq, as "a key US war criminal."

Other allegations included Anderson posting on his personal Facebook account a photograph of a group of friends eating lunch, one of whom wore an anti-Israel badge. Anderson was accused of "promoting racial hatred and/or racism" and charged with violating the university's Code of Conduct even though he was on leave from the university at the time.

Anderson was further charged with posting to his Facebook and Twitter accounts a denunciation of a video news report by Channel 7 reporter Bryan Seymour that insinuated that Anderson supported racism and the North Korean regime. Anderson's comment that "Colonial media promotes ignorance, apartheid and war" was declared "derogatory" toward Seymour.

Anderson was also cited for giving a lecture that allegedly featured an Israeli flag with the Nazi swastika superimposed on it, examined media coverage of Israel's

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attack on Gaza in 2014, and encouraged students to seek independent evidence of claims of “moral equivalence” between Israel’s deadly aerial bombardments and primitive Palestinian rocket attacks.

This was judged to be “derogatory and/or offensive” and as “reasonably seen as racist towards or seeking to target and/or offend Israelis and/or Jewish people and/or Jewish victims of the Nazi regime.” Yet, critics of the Israeli government, including anti-Zionist Jews, have often compared its persecution of the Palestinian people to the actions of the fascist German regime.

Finally, Anderson was accused of breaching confidentiality orders barring him from even telling anyone that he was facing dismissal, and of failing to comply with “a lawful and reasonable direction” to delete his social media posts.

The judge agreed with the university management’s determination that Anderson’s posts and efforts to fight his dismissal amounted to “serious misconduct” under both the NTEU’s EBA and the university’s Code of Conduct, thus justifying his sacking.

Anderson’s dismissal followed a protracted campaign by senior figures in the federal Liberal-National Coalition government, the corporate media and university management, to demonise Anderson because of his denunciations of wars and military interventions by the US, Israel and other major powers.

In April 2018, Education Minister Simon Birmingham, who was in charge of university funding, demanded an investigation into Anderson for comments he made questioning US claims that the Syrian government was responsible for a sarin gas attack in the town of Khan Sheikhoun.

The Murdoch-owned Sydney *Daily Telegraph* hysterically denounced Anderson as a “sarin gasbag” and the *Sydney Morning Herald* later reported that the university was taking disciplinary action against Anderson—a media disclosure that violated its own confidentiality regime.

Justice Thawley found Anderson’s dismissal as justified by the university’s Code of Conduct, which imposes requirements such as “the exercise of the best professional and ethical judgment,” “integrity and objectivity,” being “fair and reasonable” and treating “members of the public with respect, impartiality, courtesy and sensitivity.” The university’s employees must also “uphold the outstanding reputation of the University in the community.”

These formulations are so vague and value-laden that they could provide a pretext for sacking academics or other university workers for condemning government policies, denouncing corporate greed or accusing the US and Australian governments of military aggression or war crimes. Employees could be dismissed for criticising university policies, such as hosting pro-military think tanks.

Virtually every university campus across the country now participates in government-funded programs to tie academic research to the development of new military technologies. Australian universities are being integrated into a vast US-led military build-up, aimed at preparing for war with China and other powers.

The NTEU’s response to the court ruling, as it was to Anderson’s sacking itself, and the massive job cuts ravaging universities, is to oppose any mobilisation of university workers and instead appeal to the employers for a deal.

In a union media statement, NTEU New South Wales division secretary Michael Thomson said: “We call on all Vice Chancellors to come to the table to talk about how we can formulate a legally enforceable right, to provide the appropriate protections for university staff and to avoid these circumstances occurring in the future.”

The Federal Court’s support for Anderson’s victimisation is part of a deeper attack on fundamental democratic rights. It widens the impact of a High Court 2019 ruling that essentially abolished freedom of speech for workers, whether in government or corporate employment. With no dissent, the judges endorsed the sacking of a federal public servant for criticising—even anonymously—the country’s brutal refugee detention regime.

A warning must be sounded. The ruling class and its agencies, including university managements, are seeking to suppress dissent amid mounting social inequality, war preparations and deepening political discontent.

Hence the federal police raids on journalists for publishing leaks exposing government and military crimes, the prosecution of the whistleblowers involved and the bipartisan backing for the persecution of WikiLeaks founder Julian Assange.

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