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Private views create no public harm

HENRY ERGAS THE AUSTRALIAN OCTOBER 20, 2014 12:00AM



Illustration: Eric Lobbecke Source: Supplied

THE Barry Spurr affair is terrifying in the shoddy treatment of Spurr; in what it says about our universities; and in the lack of outrage that either has evoked.

What is certain is that there was a gross invasion of Spurr's privacy. To that must be added the likelihood that his emails were obtained illegally and used when it was known, or should have been known, that that is how they had been obtained.

Moreover, that use was by a publication, *New Matilda*, that had only recently committed the same offence; and whose journalists hypocritically denounced the wrongdoing at the *News of the World* and, since then, have attacked the government's metadata proposals, with all their checks and balances, as an assault on privacy.

Of course, one expects nothing better from Wendy Bacon, who demands a moral right to invade the private emails of others without providing public access to her own. But it is disappointing that Bill Shorten, who repeatedly invoked the presumption of innocence to shield Craig Thomson and Peter Slipper, failed to show the same concern for Spurr.

And it is a scandal that the University of Sydney has suspended Spurr despite there being no claim, much less evidence, that his teaching, supervision and research have been anything but exemplary.

To make matters worse, the university has set aside Spurr's explanation that the emails were parodies

without according Spurr the prior opportunity to have that explanation tested. Whatever one may think of his emails, that explanation is scarcely implausible: parodies, satires and burlesques, often in poor taste, have peppered the correspondence of literary figures since time immemorial.

Indeed, some of the English language's earliest comedies were private communications making fun of religious services in terms then considered blasphemous. And one does not need to dig deep in our language's treasure chest to savour such politically incorrect gems as Paul Dehm's parody of Robert Herrick ("Whereas in jeans my Julia crams/her vasty hips and ... diaphragms"); Cyril Connolly dispatching James Bond in drag to seduce General Apraxin ("one of those", warns M, listing the general's hobbies as nerve gas, germ warfare and sodomy); or Alan Bennett's brilliant spoof of James Buchan (in which Hannay decries the possibility of "a divorced woman on the throne of the house of Windsor" as a "feather in the cap of that bunch of rootless intellectuals, Jews and pederasts who call themselves the Labour Party").

It scarcely takes much imagination to think a professor of poetics might similarly revel in using off-colour, if not frankly offensive, language in intimate communication. But assume Spurr's claim is a sham; that far from being banter between old friends, the emails reflected his innermost views. So long as those views do not intrude on the way he exercises his academic responsibilities, they are no more relevant to his role than the fact that TS Elliot (on whom Spurr is a world authority) was an anti-Semite.

To believe otherwise is to discard the distinction between vice and crime that is at the heart of a free society. Aquinas, although no liberal, put it well when he argued that rather than forcing men to be virtuous, laws exist to enforce the rules of justice; they should therefore not condemn mere vice but conduct "without the prohibition of which human society could not be maintained".

Locke then made that distinction central to the philosophy of liberty, when he noted that "many things are sins which no man ever said were to be punished", for while objectionable, they were neither "prejudicial to other men's rights, nor break the public peace". And Adam Smith, in terms familiar to JS Mill, emphasised that it was therefore crucial to "carefully distinguish what is only blamable from what force may be employed to punish or prevent".

In other words, Spurr is entitled to his private vices, even if reprehensible, so long as they do not inflict public harms. Instead, the real question is how Australia's oldest university could believe otherwise.

At the most immediate level, the answer lies in what Daniel Patrick Moynihan, a great scholar and long-time Democratic senator for New York, diagnosed as the "authoritarian Left" spreading throughout academe. Ignorant, intolerant and incapable of contesting ideas, its only weapon is the ad hominem attack.

Sydney's conduct, coming after the ANU's witch-hunt against fossil fuels, is a disturbing sign of how far the spread Moynihan feared has gone. The university's support of Jake Lynch's Centre for Peace and Conflict Studies, whose anti-Zionism verges on anti-Semitism, only leavens with hypocrisy its disregard for justice.

But there are also deeper forces at work. Historically, intellectual elites had every interest in freedom of expression: no matter how strongly they favoured regulating other markets, they gained from freedom in their own. Now, reduced to mere wards of the state, they clamour for restrictions on competition that enforce conformity, protect mediocrity and entrench their claim on the public purse. And they find in the similarly placed ABC, as well as in publications such as *New Matilda*, plenty of fellow travellers to speak on their behalf.

Set against that milieu, Spurr stood no chance. By collaborating in the Abbott government's review of the national curriculum he signed his own death warrant. From that moment on, it was only a matter of time before he paid the price.

None of that is to give Spurr the seal of approval. He may, for all I know, hold beliefs I find abhorrent. But universities need scholars, not saints; and if integrity, in Rawls's words, means "defending the principles of morality even when to one's disadvantage", his treatment is not merely a shame: it is a disgrace.

Reversing it should be an obligation, as well as a priority.

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