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Canberra could make more use of academe

Deep and wide expertise is widely available

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Australians know more about the US than Americans know about us. As a superpower, the US inevitably projects itself on to the world, from its culture, language and music to its security, economic and political priorities. Australia is hardly a minnow: it is the world's 12th largest economy and owns a whole continent but it is understandably not the focus of US attention.

In 1976, a farsighted Fraser government sought to promote awareness of Australia in the US by endowing a visiting professorship in Australian studies at Harvard University. The gift celebrated America's bicentennial and ever since has connected leading Australian thinkers to the intellectual community at the heart of the world's greatest power.

The professorship showcases the Australian intellectuals in many fields. It also exposes some of the brightest US students to distinctive Australian thinking.

As the incoming professor at Harvard next year, my own discipline is international law, a field of practice and study more than 500 years old that predates the foundation of both modern Australia and the US.

International law is a universal system of rules that binds all countries but there are nonetheless distinctive national perspectives. Australian international lawyers, for example, have been deeply interested in issues of strategic concern to Australia, including nuclear non-proliferation, free trade, the law of the sea, illegal fishing and whaling, Antarctica, refugees and human rights.

The US has likewise developed

its own approaches to international law which are often seen as closely tied to politics and foreign policy. It is also viewed through the prism of the US's role as a superpower and permanent member of the UN Security Council.

In my area of expertise, terrorism, US policies have sometimes tested the boundaries of international law and strained relations with other countries.

Australian and US international lawyers are also concerned to understand the implications of China's rising power, and the US's relative decline and what it means in areas such as the South China Sea dispute and human rights.

A year at Harvard is an opportunity to expand cross-cultural dialogue about laws for governing the shared human challenges facing our world. It is also an opportunity to admire other strengths of the US system.

US legal culture is inspired by the universal values in its bill of rights, in contrast to Australia's arid, technical constitution, which avoids human sentiment and even allows racist laws.

And, unlike in Australia, it is common for leading US academics to be appointed to public service by governments, whether as judges, ambassadors or legal advisers. The past dean of Harvard Law School, Elena Kagan, was appointed to the US Supreme Court. A professor of international law at Yale, Harold Koh, was appointed chief legal adviser at the US State Department. Genocide expert Samantha Power moved from Harvard to the US National Security Council and later became ambassador to the UN.

In contrast, Australian governments have a much more insular culture and are reluctant to bring in outsiders even if they have the greatest expertise. The risk in the US approach is politicised appointments, as when legal aca-

demics were drafted in to justify torture under the Bush administration. However, politicised appointments already happen in Australia, as when politicians appoint ex-politicians to plum diplomatic posts. It is surely better to widen the gene pool and make more use of other talented Australians.

Ben Saul is Challis Chair of International Law at the University of Sydney and the Gough Whitlam and Malcolm Fraser visiting chair in Australian studies at Harvard Law School in 2017-18.