
Against Anticipatory Obedience

(JANUARY 2025)

The statement that follows, prepared by a joint subcommittee of the Association's Committee on College and University Governance and Committee A on Academic Freedom and Tenure, was approved for publication by the parent committees in December 2024 and adopted by the Council in January 2025.

As Donald Trump assumes the presidency for a second time, the outlook for higher education is dire. The new administration's agenda for higher education has been thoroughly prepared by a series of statewide legal assaults on public colleges and universities in North Carolina, Florida, Texas, and elsewhere, as well as by the high-profile congressional witch hunt that within the past year brought down the presidents of three Ivy League institutions.¹

How should we respond? The University of Chicago's 1967 Kalven Report, often cited as the source of calls for "institutional neutrality," declares, "From time to time instances will arise in which the society, or segments of it, threaten the very mission of the university and its values of free inquiry. In such a crisis, it becomes the obligation of the university as an institution to oppose such measures and actively to defend its interests and its values."² This is undoubtedly such a time.

It will take courage and stamina to resist efforts, already well underway, to undermine tenure and academic freedom protections, eviscerate shared governance, diminish the faculty's control over the

curriculum, and redefine higher education to benefit private interests over the public good.³ There is good reason to fear that many college and university leaders—trustees, chancellors, presidents, provosts, deans, and more than a few faculty members—will seek to accommodate, if not capitulate to, these unwarranted incursions into higher education, especially when they come in the form of new laws. Some may even welcome another Trump administration as offering an opportunity to implement "reforms" they have long sought. In the 1950s, when the second Red Scare led to a purge of faculty members for their (sometimes only former) political affiliations, few educational leaders spoke up against it; fewer still followed words with actions. And faculty members were far too frequently complicit in attacks on their colleagues, especially those unprotected by tenure. Even the AAUP dragged its feet.

One might sympathize with administrators who are pressured by politicians and, in some cases, monied donors. The power of the purse is strong. It is, perhaps, too much to ask that governing boards and administrations, much less faculty members, defy the edicts of those who fund their institutions, especially when attacks on higher education may occur under the cover of law. But resistance is necessary, and it can take many forms.

Unfortunately, troubling recent events suggest that some administrations are not only acquiescing

1. For more on state-level attacks on higher education, see "Report of a Special Committee: Governance, Academic Freedom, and Institutional Racism in the University of North Carolina System," *Academe* 108, no. 3 (Summer 2022): 33–69, and "Report of a Special Committee: Political Interference and Academic Freedom in Florida's Public Higher Education System," *Academe* 110, no. 3 (Summer 2024): 15–46.

2. "Kalven Committee: Report on the University's Role in Political and Social Action," *The University of Chicago Record* 1, no. 1 (November 3, 1967): 3, <https://campub.lib.uchicago.edu/view/?docId=mvol-0446-0001-0001>.

3. For discussion of these efforts, see Brendan Cantwell, "A Second Trump Term Could Devastate Higher Ed," *The Chronicle of Higher Education*, October 31, 2024, <https://www.chronicle.com/article/a-second-trump-term-could-devastate-higher-ed>.

to attacks on fundamental principles but engaging in what scholars of authoritarianism call *anticipatory obedience*—that is, they are acting to comply in advance of any pressure to do so.⁴ One case in point is the recent review of all course content for “antisemitism or anti-Israel bias” in the Florida state university system, initiated by its chancellor at the urging of a member of the state house of representatives. Courses flagged by the review for further scrutiny included Percussion Ensemble, Global Hip Hop, General Parasitology, and Painting Workshop.⁵

Similarly, the University of North Texas administration recently censored the content of more than two hundred academic courses, including by mandating the removal of words such as *race*, *gender*, *class*, and *equity* from undergraduate and graduate course titles and descriptions.⁶ These actions were allegedly taken in response to state legislation banning certain diversity, equity, and inclusion programs and practices, even though the legislation specifically exempted academic course content.

While university administrators and faculty members may be compelled to comply with legislation and court orders, even where these run counter to professional and constitutional principles, they remain free to register their disagreement. And under no circumstances should an institution go further than the law demands. Yet, the examples above depict an eagerness to obey on the part of administrative officers, portending a bleak future for higher education.

The AAUP’s 1956 special investigative report on the anticommunist scare concluded,

We cannot censure the justified public interest in colleges and universities, or be unmindful of the extremely difficult task confronting academic administrations that seek to preserve educational

and research opportunities in order to serve the general welfare in spite of the suspicions of a public which, at times, has been confused by complicated issues or led astray by demagogic appeals. The temptation to yield a little in order to preserve a great deal is strong. . . . Yet to yield a little is, in such matters, to run the risk of sacrificing all. . . .

We cannot accept an educational system that is subject to the irresponsible push and pull of contemporary controversies; and we deem it to be the duty of all elements in the academic community—faculty, trustees, officials, and, as far as possible, students—to stand their ground firmly even while they seek, with patient understanding, to enlarge and deepen popular comprehension of the nature of academic institutions and of society’s dependence upon unimpaired intellectual freedom.⁷

The Trump administration and many Republican-led state governments appear poised to accelerate attacks on academic freedom, shared governance, and higher education as a public good. They will attack the curricular authority of the faculty on a number of fronts, including professors’ ability to undertake “teaching, research, and service that respond to the needs of a diverse global public.”⁸ It is the higher education community’s responsibility not to surrender to such attacks—and not to surrender in anticipation of them. Instead, we must vigorously and loudly oppose them.

It will be vital, then, that we ensure our ability to resist the onslaught. We encourage AAUP chapters and conferences, unions, and faculty senates across the nation to take the following actions:

1. Review handbooks and contracts to strengthen and reinforce faculty rights in the areas of curricular reform and course approval; academic program discontinuance; and faculty appointments, reappointments, promotions, and dismissals.
2. Review and reform policies to strengthen faculty oversight in areas currently being used to exercise excessive and undue discipline against faculty,

4. Historian Timothy Snyder developed the concept of anticipatory obedience in *On Tyranny: Twenty Lessons from the Twentieth Century* (Crown, 2017).

5. Ryan Quinn, “Lawmaker Claims Credit for Antisemitism Review at Florida Universities,” *Inside Higher Ed*, August 9, 2024, <https://www.insidehighered.com/news/faculty-issues/academic-freedom/2024/08/09/lawmaker-claims-credit-antisemitism-review-florida>; Emma Pettit, “Do These Courses Contain Antisemitic Content?,” *The Chronicle of Higher Education*, October 11, 2024, <https://www.chronicle.com/article/do-these-courses-contain-antisemitic-content>.

6. Texas AAUP-AFT, “University of North Texas Censors Course Content,” *Academe Blog*, November 19, 2024, <https://academeblog.org/2024/11/19/university-of-north-texas-censors-course-content>.

7. “Academic Freedom and Tenure in the Quest for National Security,” *AAUP Bulletin* 42, no. 1 (Spring 1956): 97.

8. “Diversity, Equity, and Inclusion Criteria for Faculty Evaluation,” AAUP, October 2024, <https://www.aaup.org/report/diversity-equity-and-inclusion-criteria-faculty-evaluation>.

staff, and students. These include Title IX and Title VI policies and procedures, acceptable-use policies regarding institutional resources, events and outside speakers policies, and campus free speech and protest policies, among others.

3. Organize locally, regionally, and nationally. The erosion of faculty rights goes hand in hand with attacks on tenure, faculty unions, and academic governance.
4. Strengthen local capacity to protect tenure and academic freedom by establishing or staffing a Committee A on Academic Freedom and Tenure in every chapter and state conference.
5. Strengthen local capacity to protect faculty governance by promoting AAUP resources on governance, including the *Statement on Government of Colleges and Universities*, within chapters, to faculty senates, and across institutions. Ensure the inclusion of protections for faculty members' intramural speech concerning the governance of their institutions.

Now is not the time to be complacent. Now is the time to act. ■