Hands Off Higher Ed!

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THE REVIEW | OPINION

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Over the past four years, higher education has faced a devastating onslaught of ideological attacks from government actors. Seventeen states have adopted 25 laws or policies restricting ideas on college campuses, beginning in 2021 with state-level educational gag orders banning "divisive concepts" from classroom instruction. Starting in 2023, these attacks expanded to include a host of assaults on university governance and autonomy: bans on diversity, equity, and inclusion offices and on institutional statements on race, gender, and identity; ideological limitations on majors, minors, and core curricula; and restrictions on tenure, shared governance, and accreditation.

In the past month, the federal government has escalated the attacks, issuing executive orders restricting diversity, equity and inclusion (or what the government determines to be DEI, since it is not defined in the order) in a host of public institutions — an order which is now under a partial stay by a federal judge; restricting curricula at

military academies and the free expression of international students; instituting a total freeze on federal grant funding (also stayed by a court) and devastating cuts to federal research funding; and publishing a "Dear Colleague" letter threatening to defund colleges over "illegal" DEI programs.

These sweeping attacks on the free expression of ideas have done profound damage to higher education. The news features a constant, demoralizing stream of closed cultural centers, canceled research projects, censored general-education curricula, eliminated majors and minors, deleted websites, and altered mission statements. In many cases, institutions have complied in advance with directives that were merely threatened or suspected rather than enacted, or have overinterpreted vague laws out of an abundance of caution, going far beyond the prohibitions in the actual statute and doing the censors' work for them. Faculty, staff, and students are operating in a constant state of fear. And all this has happened before the projected dismantling of the Department of Education or the actual enforcement of most of the new federal policies and directives.

If it hopes to overcome the present crisis, the higher-education sector must pursue simultaneous strategies of reform, persuasion, and defense. On the reform front, institutions must focus on the very real roots of public discontent with higher education: Charge lower tuition, promote greater intellectual diversity, build stronger relationships with local communities and employers, and do a better job helping students make progress toward completion and building pathways into the work force. Similarly, higher education must do a better job of reminding Americans of what it does and why it matters: its role as an engine of social mobility for students, a driver of innovation in agriculture, medicine, and technology, a pillar of local economies, and a hub of arts and culture.

But it is time to face facts: We are past the point at which reform and persuasion, by

themselves, are sufficient to turn the tide. For higher education to survive the current onslaught, it must fight. And on that front, those of us who work to defend higher education from these attacks must admit that our efforts, thus far, have been insufficient.

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In the past four years, higher education has too often made itself an easy foil for culture warriors looking for soft targets. We have treated the threat as a local and parochial one, rather than recognizing it as a centrally directed campaign led by national conservative think tanks. We have been unable to speak with one voice in smart and strategic ways, too often leaving individual institutions to fend for themselves in hostile territory. We have been unsuccessful at imposing real political consequences on those who seek to eviscerate the nation's institutions of higher learning for sport. And we have been too willing to sacrifice parts of the sector to protect the rest, showing weakness and guaranteeing a loss for the whole enterprise. In a very real sense, the attacks of today are here because we did not do enough to repel those of yesterday.

Time is running out. If we believe in the mission of higher education — to develop, evaluate, implement, transmit, and teach knowledge and ideas — we must mount a robust, muscular, and unified defense of the sector. To do that, we must answer the questions that matter most: What are we fighting for, and what do we have to do to win?

There is one throughline that links all the various government attacks on higher education — restrictions on faculty teaching about race and identity, bans on DEI, limitations on university governance, politically motivated cuts to research budgets. That is the principle of university autonomy, recognized by international bodies as fundamental to the enterprise of higher learning.

To be clear, autonomy does not preclude accountability for public higher-education institutions, or prevent the government from having a say in how colleges are run. Effective university leaders form partnerships with government officials on a host of issues: student access and completion, community relations, research efforts, public safety, musical performances, job and internship placement, and more. Autonomy from government control comes into play only in the realm of ideas.

In essence, autonomy is the principle that the government has no role in determining what ideas are permitted on a college campus, or what conclusions faculty, staff, or students can draw or promote regarding those ideas. Autonomy extends not just to the academic freedom of faculty but to ideas everywhere on campus: the choice of a university to maintain a DEI office or programming; of a president to delegate curricular decisions to faculty or to maintain faculty tenure; of an accreditor to have DEI standards; of a university communications office to issue a public statement on a topic related to the institution's mission; or of faculty to receive government research funds without ideological restrictions on their research topics.

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Unlike other types of public institutions, public colleges cannot fulfill their core function without ideological autonomy. The fundamental premise of higher education is that the careful, dedicated, and unrestricted study of ideas generates invaluable knowledge that benefits our society. Following this premise, colleges have developed life-saving cancer treatments, cured blighted crops, invented the internet and email, and more — all while educating students to think critically and to understand the complex world around them.

Government censorship has a profound chilling effect on all activities of this type. The boundaries of ideas are not clearly drawn things, and when the government issues directives banning them, people and institutions scrambling to comply have difficulty knowing exactly what is banned. They wind up doing the censors' work for them, with every effort to err on the side of caution magnifying the censorship further beyond the requirements of the law. Apply that chilling effect to a broad attack on speech, funding, and governance, and you end up with the blanket diminishment of colleges that is on display today.

The idea of a university is unalterably opposed to the idea that the government has a monopoly on truth — that the views of politicians should be declared official, unquestionable fact and enforced by decree. Having the government suggest, as it did in the "Dear Colleague" letter, that the discussion of a scholarly analysis of race is a "false premise" that "toxically indoctrinated students," or that teachings of particular ideas "deny students the ability to participate fully in the life of a school," is so profoundly antagonistic to the mission of colleges that it should send shock waves through the sector. No teaching, no research, no intellectual freedom is possible under a government that presumes to determine the answers to scholarly questions.

Even if the government had the right to dictate ideas on campus, doing so would be a catastrophe. Under such a regime, classes might continue to meet, papers might

continue to be published, but higher education as a site of knowledge creation and transmission would simply cease to exist. Nothing on a college campus is more worth fighting for than the freedom of ideas from government control.

It has become fashionable to blame the cowardice of college presidents, and their lack of full-throated defenses of higher education's independence, for the situation in which the sector finds itself. Certainly, presidents bear responsibility when they capitulate to jawboning or threats, preemptively dismantle valuable programs without a law requiring that they do so, or overinterpret and overenforce the laws that are actually on the books. But expecting individual presidents to stick their necks out in defense of the sector is unreasonable and will only ensure those courageous presidents' tenures are short ones. We need concerted, coordinated action, not individual acts of heroism. Left to face these threats individually, America's 4,000 college presidents are fish in a barrel. United by a single strategy, they could be a powerful force.

What would an effective defense of higher education look like? It would begin with a sectorwide, centrally coordinated, zero-tolerance policy for ideological censorship. Threaten a university's funding if it retains its DEI office? All university presidents in the state would publish a joint statement denouncing political meddling in education and declaring their refusal to comply. Ban teaching about race and gender in public colleges in one state? Colleges in other states would offer in-state tuition for students whose state has censored their education. Cut federal funding for research on ideological grounds? Colleges' donors would withhold political contributions to legislators who voted for the cuts, and put them toward shrinking the funding gap for institutions.

While they might compete for students and resources in other contexts, on ideological

issues, the higher-education sector would embrace an ethic of NATO-style solidarity: An ideological attack on one institution or stakeholder is an attack on all. Community colleges would loudly protest an executive order announcing investigations into DEI programs at elite research institutions; small liberal-arts colleges would denounce laws closing cultural centers at regional publics. Private colleges would oppose curricular restrictions at public institutions; public colleges would lobby against restrictions on tuition-equalization funding for private colleges. Staff would defend faculty tenure, and faculty would defend DEI offices. National organizations would rush aid and support to states facing legislative threats; state actors would collaborate in response to national challenges.

Even when it loses ground to censorial government actors, the sector would work to ensure that every inch of turf the censors take is as slow and painful as possible. Mindful that time — in the form of legal injunctions and electoral changes — is a weapon that can be used to higher education's advantage, colleges would cease complying with lawmakers' ideologically motivated jawboning and threats unless accompanied by the force of actual laws. In the face of enacted legislation, university general counsels would avoid overinterpreting vague and sweeping prohibitions, following the letter of the law rather than trying to discern its spirit. And university leaders and their allies would keep up a never-ending drumbeat of public criticism, procedural hurdles, and legal challenges, aiming to harry and outlast the censors through sheer tenacity.

Finally, higher education would reverse-engineer the communications strategy of our opponents, assembling a sustained communications campaign to make an affirmative case for the value of the sector, with the goal of moving public opinion within three to five years' time. Leaders would advance this argument on behalf of the sector as a whole, not simply for individual colleges. A phalanx of commentators and public validators to drive the message in print and on social media, the use of free advertising

during nationally televised college sporting events, and more: all the hallmarks of a serious national campaign that could begin to undo the damage caused by years of negative earned media aimed at the higher-ed sector by opportunistic culture warriors.

American higher education is at war. To survive, we must understand the mortal nature of the threat we face, put aside our differences to mount a unified defense of the freedom to learn, and do what it takes to win. Let's get to work.

We welcome your thoughts and questions about this article. Please email the editors or submit a letter for publication.

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