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"We Are the Power We Have Been Waiting For": Academic Freedom, Ideological Hegemony, and the Work of Refusal in Florida

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Abstract

This essay examines how contemporary attacks on academic freedom increasingly operate not through transparent legislation but through ambiguity, unwritten mandates, and anticipatory obedience. Drawing upon my experience resisting verbally conveyed state-mandated censorship at the University of North Florida, I argue that Florida's current political climate reveals a broader effort to reshape higher education through ideological hegemony and procedural opacity. What began as a demand that faculty remove the terms diversity, equity, inclusion, and culture from teacher education materials exposed a governance structure in which unwritten expectations carried the force of law while also circumventing both constitutional protections and long-standing principles of shared governance. Situating this experience within First Amendment jurisprudence, vagueness doctrine, Gramscian hegemony, and scholarship on anticipatory compliance, I explore how fear and ambiguity compel faculty toward self-censorship far beyond explicit state demands, arguing that recent attempts to redefine curricular ownership and faculty authority reflect a growing effort to hollow out academic freedom itself.

Refusal in an Age of Ambiguity

In April 2025, at a national protest defending higher education, cultural historian Davarian Baldwin declared, "We are the power that we have been waiting for." His statement captures a fundamental truth about academic freedom in the present moment: It is sustained not by abstract principles but by academic workers, professional organizations, and unions willing to enact it. In August 2025, my own experience confronting state-mandated censorship at the University of North Florida would unexpectedly illustrate this principle. What began as a refusal to comply with what I was later to discover were unwritten directives banning certain terms from my course syllabi eventually gained national attention, appearing in outlets such as *Inside Higher Ed*, *The Chronicle of Higher Education*, *The Progressive*, and even the front page of *The New York Times* (Bader 2026; Patel 2026; White 2025; Whitford 2025). The visibility of that conflict was never my initial goal. Rather, it emerged gradually as I sought ways to push back against policies that I believed

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violated both academic freedom and the shared governance principles long recognized by the AAUP.

In calling upon faculty to assert their power to resist oppressive policies, Baldwin no doubt means for those actions to be collective in nature; they speak to our collective power to foment resistance and change. And there is of course great truth in that notion. But there can also be great power in and sometimes a necessity for university faculty to act unilaterally, especially in the current era. While there are often strong reasons to wait for procedural processes (such as union grievances, lawsuits, and organizing for action as a group) to take their course, there are also times when the significance and velocity of events demand that an immediate action be taken by an individual faculty member. In a nation roiled by ever more overt attempts to squelch academic freedom, waiting for others to join righteous causes before we ourselves act may result in the further silencing of us all. Sadly, we also cannot assume that our faculty peers will rise to the challenge of pushing back against assaults on academic freedom. Such are the contexts today in deeply red states where, instead of pushing back against censorship, many faculty members are self-censoring their speech, their scholarly work, and their teaching out of a fear of the government or their university administrations (Sarat 2026; Stripling 2026). My experiences in pushing back against state censorship mandated through verbally conveyed "new rules" speak to the dystopian vision represented by W. B. Yeats's (1920) seminal line in "The Second Coming": "The best lack all conviction while the worst are full of passionate intensity." Far-right policymakers are no longer hiding their intent to assert ideological control of our public and even our private universities. Yet many university faculty, fearful of angering those lawmakers or their university administrations, stay silent in the hope that they can "ride out" the political moment. If we are indeed the power we have been waiting for, individual faculty members must sometimes take risks by "going it alone."

My fight against unwritten rules from the state of Florida that demand the censoring of four specific terms from our teacher education courses speaks to three relevant issues related to academic freedom and the service of democracy. First, as I outline below, my experience shows that in the current era, state policymakers, university administrators, and even many university faculty seem willing to ignore AAUP principles and shared governance norms. The ideas of shared governance and even academic freedom appear to be sacrosanct until threats become real, at which point they become little more than idealistic notions. Second, my fight against state censorship highlights the chilling effect that vaguely worded rules (or in my case unwritten rules) have on an increasingly scared faculty; oppressive regimes can, by threatening faculty and by keeping their own demands vague, co-opt some faculty into complicity with oppression. Third, my experience demonstrates a current widespread effort by far-right states to impose ideological hegemony by forcing state universities to teach in ways that merely reinforce the status quo (American exceptionalism, white Christian nationalism, the unquestionable correctness of meritocracy and free market capitalism). When policymakers in states like Florida feel threatened by some of the ideas being explored in our university classrooms, they create official and

unofficial policies to silence those discussions, sometimes circumventing state law to make that happen.

What unfolded in Florida reveals not simply censorship but governance through ambiguity and surveillance—a system in which unwritten expectations carry the force of law and in which faculty are being policed in unprecedented ways (Patel 2026; Sarat 2026). The result of this is that many faculty members in places like Florida are internalizing discipline before it can be imposed on them.

Academic Freedom and Constitutional Protection

Today, there is a concerted effort underway to undermine conventional and legally bound notions of academic freedom and constitutional protection. These state-led efforts work to circumvent the AAUP's 1940 *Statement of Principles on Academic Freedom and Tenure*, which affirms that faculty are entitled to freedom of speech in the classroom in order to teach in their areas of expertise, subject only to professional standards (AAUP [1940] 2025). My experience also highlights the state's willingness to ignore the 1966 *Statement on Government of Colleges and Universities*, which establishes that primary responsibility for curricula lies with faculty. These principles are not merely conventional; they are grounded in constitutional doctrine.

The Supreme Court has repeatedly affirmed that academic freedom is "a special concern of the First Amendment" (*Keyishian v. Board of Regents*, 385 U.S. 589 (1967)). In *Sweezy v. New Hampshire* (354 U.S. 234 (1957)), the court emphasized the essentiality of freedom in universities as a precondition for democratic life. Equally important is the court's jurisprudence on vagueness. In *Grayned v. City of Rockford* (408 U.S. 104 (1972)), the court explained that vague laws offend due process because they fail to provide fair notice and invite arbitrary enforcement. In *Baggett v. Bullitt* (377 U.S. 360 (1964)), the court invalidated vague loyalty oath requirements precisely because they forced individuals to "steer far wider of the unlawful zone" than necessary, producing a chilling effect.

The chilling effect doctrine recognizes that speech can be suppressed without formal punishment. Ambiguity alone can deter expression.

Backroom Governance and Unwritten Rules

When my colleagues and I returned to the University of North Florida campus for our first Department of Teaching, Learning, and Curriculum meeting of the new academic year (2025–26), our department chair informed us that over the summer he had been instructed to remove three terms—*diversity*, *equity*, and *inclusion* (DEI)—from our programs' respective course descriptions and course objectives. He noted that he had been told that he had to do so per new state rules. Further, he stated that for our courses to be approved by the state (a requirement for university-based teacher education), our faculty needed to remove these terms from our syllabi, regardless of the context in which they were being used. We were told a week after that we would also be

required to remove the term *culture* from our course descriptions, course objectives, and syllabi in order for our courses to be approved by the state.

When a few of us questioned the chair about the fact that the administration had unilaterally made changes that typically require a dedicated faculty governance process, he said he agreed and that he felt that the university's Academic Programs Change (APC) (University of North Florida 2025) process had been ignored. APC, a faculty-driven process of checks and balances for course and program changes, has long been required for significant changes to university courses, so much so that my colleagues and I spend considerable time and energy getting needed changes through the APC system. Recognizing that APCs were required for the kinds of changes demanded by the university's administration, my chair had, over the summer, expressly noted to his superiors in the dean's office and the academic affairs office that the APC process was required (this information was obtained from internal emails I obtained through a public records request). Yet officials in academic affairs responded both that state deadlines to make the changes superseded normal processes and that the nature of the changes did not necessitate faculty involvement (the first point being moot and the latter point clearly a severe departure from the university's standard operating procedures).

As a former president of our union chapter, the United Faculty of Florida (where we had long focused on academic freedom), and as someone who eschews censorship in any form, I immediately wrote to university administrators requesting the written rule prohibiting those terms. Though I had previously trusted the university's administration to be honest and direct concerning rules coming from the state capitol, I also worried that in Florida's current political climate, the university may have engaged in proactive efforts to appease the state that would exceed any actual mandate.

In his response to my request, the dean of my college (the Silverfield College of Education and Human Services) sent me a statute and a formally promulgated regulation (he specifically cited 6A-5.066 and Statute 1004.04.11.e.1). Interestingly, neither of these documents list any prohibitions on specific language or terminology in course materials or elsewhere; rather, they simply reiterated the state's position that university faculty must not advocate for or promote the notion that systemic racism is inherent to US institutions in the past or today. These documents in no way compelled the specific censorship of the terms *diversity*, *equity*, *inclusion*, and *culture* that we were seeing. So I asked again for any such rule, this time not just from the dean but from the university president and from the university's Office of Legal Counsel. Their collective lack of response, my own investigations, and an investigation by our chapter of the union confirmed that no written prohibition existed.

Instead, I was finally told by the dean that the "new rules" prohibiting the four terms had been verbally conveyed to the state's deans of colleges of education and to select upper administrators by staff from the Florida Department of Education and the Florida Board of Governors. The dean even noted in his email that he believed that the verbal demand may be "in the process" of being codified by state entities. In short, I learned that the university had acted to

censor our faculty based not upon any state statute or official rule but rather upon a backroom discussion that itself was never publicly announced and for which there were no meeting minutes taken. At this point, constitutional vagueness doctrine and administrative law converged.

Under the Florida Administrative Procedure Act (Fla. Stat. § 120.54 (2025)), state agencies must follow formal rulemaking procedures—including notice and publication—before imposing binding requirements. Agencies may not create enforceable standards through informal verbal communication. So, if these curricular prohibitions were operative, they had not been lawfully promulgated. The state was, in effect, bypassing its own rulemaking process. I was to learn over the coming months that the implementation of censorious verbal rules was a new tactic being employed in many far-right states once it became clear that official legislation attempting to do the same things was getting held up in federal court. Conservative policymakers, unable to enforce "positively dystopian" rules relating to specific banned content at our universities (see Judge Mark Walker's injunction on portions of the Stop WOKE Act in *Pernell v. Florida Board of Governors*, 641 F. Supp. 3d 1218 (N.D. Fla. 2022)), were instead circumventing their own legal processes to get the same results.

From a constitutional standpoint, the problem was equally severe. A prohibition that cannot be read is necessarily opaque. It allows for no interpretation by those affected by it. It provides no fair notice yet invites arbitrary enforcement. Worst of all, vague verbal rules applied in a state as hostile to higher education as Florida compel faculty in the state to self-censor broadly in order to avoid unknowable sanctions—precisely the concern articulated in *Baggett*.

Coercion by Proxy and Anticipatory Obedience

Seeing no legal basis for the prohibition—and believing that removing the terms *diversity*, *equity*, *inclusion*, and *culture* undermined teacher preparation—I refused to alter my syllabus. Within days I informed my department chair that I would not submit revised syllabi because of my belief that faculty members could not be held accountable to rules that did not exist in writing.

The chair, who was sympathetic to my beliefs, did not respond. Yet the college's dean soon contacted me to demand my compliance. He argued that because teacher-education courses required state approval, I had no choice but to comply. When I continued to resist, he called me into a meeting with him (a meeting on which the associate provost sat in) to warn me that were I not to make the changes to my syllabi, my students' courses might not count toward their degrees. This is another kind of hegemonic pressure, one that operates through student vulnerability; in this instance, faculty were positioned as risking harm to students if they refused to comply. Such tactics intensify chilling effects by transforming principled resistance into apparent irresponsibility. What I experienced here was a kind of intentional reframing of an issue that positions one actor (in this case the university) as being responsive to students' needs and those who resist as putting their own interests above those of their students (see Lakoff 1996).

Perhaps the most troubling aspect of this episode was anticipatory self-censorship. Numerous faculty peers revised courses and programs far beyond the demands of the unwritten directive.

These actions were motivated not by law but by fear. Historian Timothy Snyder (2017) describes this dynamic as "anticipatory obedience"—when individuals comply before coercion becomes explicit. In constitutional terms this represents a realization of the chilling effect; in hegemonic terms it reflects manufactured consent.

As one colleague told me, "I respect what you're doing, but I just want it to all go away." The university president later warned that my actions were "doing harm" to the institution by drawing public attention to the conflict. Almost all of my colleagues removed the targeted terms entirely from nonsyllabus course materials and lectures. One colleague lamented in later department meetings and even in a meeting with the university president that she now felt unsafe discussing diversity with her students even though one of them—a future teacher—had asked about a specific diversity-related issue in our pre-K–12 classrooms. Another colleague changed the title of a graduate sociolinguistics course (for our Teaching English to Speakers of Other Languages program) from Language and Culture to Principles and Practices. The leaders of our doctoral programs just this spring altered doctoral course descriptions at the dean's "strong suggestion" to avoid potentially becoming targets for the state. And faculty members within my department—which had long touted itself as proudly teaching for social justice—overwhelmingly voted to approve these language and content changes to our programs.

When discourse communities alter their language preemptively, hegemony deepens. Universities cease to be pluralistic spaces of contestation and become mechanisms of normalization. Yet at my university, fearful faculty members and administrators chose to become complicit in oppression rather than to push back against a hostile state government.

Ideological Hegemony and the "Positively Dystopian" State

In enjoining portions of the Stop WOKE Act in *Pernell v. Florida Board of Governors* (2022), Federal Judge Mark Walker confronted similar issues. His description of the law's attempt to restrict discussion of certain concepts as "positively dystopian" is striking not merely rhetorically, but jurisprudentially. Judge Walker recognized that the state was attempting to regulate ideas themselves—targeting specific viewpoints for suppression. The opinion emphasized that the First Amendment does not permit the government to silence speech because it disfavors the message. The dystopian element lies in asymmetry: Certain ideas are banned while others are mandated. In Florida, teaching about American exceptionalism is mandated, while teaching about systemic racism (to include redlining, Jim Crow laws, and the Thirteenth, Fourteenth, and Nineteenth Amendments) is banned. Teaching about the "evils of communism"—and with that a reframing of the actions of Senator Joseph McCarthy—is interwoven throughout the state's social studies curricula, while addressing existing social, racial, gender-based, and other inequities and exploring students' cultures are banned.

To understand the broader pattern we are now seeing in states with far-right legislatures, we must turn to the concept of hegemony. Antonio Gramsci (1971) described hegemony as the normalization of a dominant worldview such that it appears natural or inevitable. Hegemony

does not operate primarily through force; it organizes consent. And there are few more powerful tools for doing this (hegemons) than our public educational institutions.

Louis Althusser (1971) identified educational institutions as "ideological state apparatuses"—institutions that reproduce dominant ideology through routine practice. Educational spaces can function as either sites of critique or instruments of ideological consolidation. These notions are at the forefront of legislative attempts to co-opt schools for the reification of the status quo. Florida has led the nation in banning books in our K–12 schools—to include teachers' personal classroom libraries—based upon criteria set out by the ironically named Moms for Liberty (Brown 2026; Caputo 2025). At the same time, legislative efforts such as Senate Bill 266 and the Stop WOKE Act have targeted diversity, equity, and inclusion initiatives, frequently framing DEI as anti-American and redefining culture as homogeneous (S.B. 266 (2023)). In the most recent attempt by the state to ban public institutions from delving into DEI issues, Republican State Representative Dean Black made the paradoxical claim that "considering diversity, equity and inclusion 'promotes division and is tearing us apart as a society'" (Dixon 2024).

To be clear, this is hegemonic asymmetry. And unlike most forms of hegemony in which ideology is couched in myriad forms of creative framing, this type is overt. It is publicly pushing some ideas as good for our society and others as bad. Michael Apple (2004) calls this "official knowledge"—curriculum aligned with dominant political interests. Pierre Bourdieu (1991) reminds us that controlling language means controlling symbolic power. When certain vocabularies are prohibited and others institutionalized, education becomes an engine of ideological reproduction.

A Two-Pronged Approach to Pushing Back

In response to my university's overt and tacit attempts to downplay the importance of the issues by portraying me as being noncompliant, I chose visibility.

My first action was to file a grievance against the university for having violated my academic freedom by censoring my course materials and associated course syllabi. I did so knowing that filing a grievance was an effort in futility. Senate Bill 266 had, just two years before, made university presidents the ultimate judge of grievances against the university (in lieu of outside arbitration). And as my university's president had a track record of appeasing state policymakers, the ultimate outcome of the grievance was to me a foregone conclusion. But I also recognized two things: The grievance had to precede potential legal action against the university or the state and the grievance would force university administrators to discuss with me their beliefs about censorship, academic freedom, and faculty governance. From that I could take information that would further my efforts to inform the public as to what was taking place in our state universities.

While filing a formal grievance against the university was one avenue of resistance, I also recognized that internal processes alone were unlikely to challenge the broader political dynamics shaping higher education in Florida. If unwritten censorship rules were operating outside formal legal channels, exposing those dynamics publicly seemed essential.

To that end, I began reaching out directly to journalists. I researched education reporters at major national news outlets and wrote to them explaining the situation. My hope was that someone might recognize the implications such actions held for academic freedom and the rule of law.

Those initial efforts were modest. Before national outlets took notice, I began writing op-eds for newspapers across Florida and speaking with local media outlets about the issue. These early engagements were often small in scale—local radio interviews, regional newspaper opinion pieces, conversations with journalists covering state education policy—but they allowed me to begin articulating the broader stakes of what was happening.

Over time, these efforts began to build credibility and visibility. As the story circulated within Florida media circles, journalists from larger outlets started to take notice. Reporters from *Inside Higher Ed* and *The Chronicle of Higher Education* soon contacted me to learn more. Eventually, the issue gained wider attention, culminating in coverage on the front page of *The New York Times* as well as reporting by outlets such as *The Progressive* and organizations like PEN America (these articles are available at White n.d.).

This visibility was deliberate. It meant painting a target on my back. It risked hostility from legislators, administrators, and bureaucrats who would have preferred that the issue remain obscure. It made me persona non grata among high-level university administrators with whom I had long worked (I had served as president of the UNF Faculty Association, our university faculty governance body, and as a member of the university's board of trustees). I am still feeling the consequences of having gone public in critiquing their decision to adhere to unwritten state rules. But I also believe that public exposure disrupts hegemony. It reveals asymmetry and hypocrisy and forces procedural irregularities into view. It redistributes risk. Academic freedom must sometimes be defended loudly, even if by only one person.

Academic Freedom and the Question of Curricular Ownership

The grievance I filed with the university was premised on two distinct but related violations of academic freedom. First, I argued that banning the four terms—*diversity*, *equity*, *inclusion*, and *culture*—through unwritten rules constituted censorship that directly infringed upon my academic freedom in the classroom. Second, I argued that the university had independently abridged my academic freedom by unilaterally altering course materials and program descriptors without following the established faculty governance processes normally required for curricular changes. During the grievance process, however, another issue central to academic freedom emerged as a point of contention: Who ultimately owns and controls the curricula that faculty create?

In his ruling and during the grievance hearing itself, the university president, as final arbiter of the dispute, articulated a view of curricular authority that represented a stark departure from traditional understandings of academic freedom and shared governance. He argued that "the university owns" all course content and therefore retains the right to alter that content without

faculty input. Faculty, he explained, maintain academic freedom only in how they teach the material, not in determining what material constitutes the curriculum itself. Even while acknowledging that faculty members are hired precisely for their disciplinary expertise and that universities rely upon them to design curricula in the first place, he maintained that once created, those materials become institutional property subject to unilateral administrative revision.

This interpretation stands in clear tension with long-standing AAUP principles. The *Statement on Government of Colleges and Universities* explicitly assigns primary responsibility for curriculum to the faculty (AAUP [1966] 2025). Under this framework, faculty governance is not a procedural courtesy but a structural safeguard protecting academic freedom from administrative or political interference. If universities can claim unilateral ownership of course content after faculty create it, then the faculty role in curriculum design becomes merely provisional—an initial act of labor that administrators or external political actors may subsequently revise without faculty consent.

The president's argument also closely mirrors a position increasingly advanced by far-right policymakers who seek greater political control over university instruction. By redefining academic freedom as the freedom only to determine pedagogical style—while reserving substantive control over course content to the institution or the state—this view effectively strips academic freedom of its core meaning. It transforms faculty from scholars responsible for the intellectual substance of education into technicians tasked merely with delivering administratively sanctioned material. Sadly, the president's claim that faculty do not meaningfully retain authority over the curricula they create exemplifies a broader neoliberal condition in higher education in which academic labor itself becomes increasingly disposable, detachable from the individuals whose expertise produced it in the first place.

In my case, this logic provided the institutional justification for altering course descriptors and objectives without faculty participation. What began as an unwritten state demand to censor specific language thus evolved into something broader: an assertion that faculty possess no meaningful authority over the very curricula they create. The issue at stake was therefore not only whether certain terms could be banned from syllabi but whether faculty retain real ownership over the intellectual content of university education.

Seen in this light, the censorship dispute revealed a deeper structural shift. If curricular ownership rests solely with the institution, then academic freedom becomes radically narrowed.

Faculty members may decide how to teach but not what is taught. Such a model collapses the distinction between higher education and centralized ideological instruction. It also erodes the shared governance framework that has historically protected universities from precisely the kind of political interference now emerging in states like Florida.

Refusal as Democratic Practice

"~~We are~~ I am the power that ~~we~~ I have been waiting for."

In Florida, exercising that power required more than simply objecting to censorship. It required insisting on written rules, invoking administrative law, resisting unwritten mandates,

confronting hegemonic asymmetry, speaking publicly, and ultimately challenging the erosion of faculty authority over the curriculum itself. It also involved a willingness to take personal and professional risks.

What began as a dispute about four censored terms ultimately revealed something more troubling: a growing effort to redefine academic freedom in ways that strip faculty of authority over the intellectual substance of university education. If faculty members are free only to decide how to teach but not what is taught, then academic freedom has been hollowed out. It becomes procedural rather than substantive—an empty promise that leaves curricular power in the hands of administrators or political actors.

The events in Florida illustrate how censorship, administrative overreach, and the erosion of shared governance can reinforce one another. Unwritten directives from the state created ambiguity. Fear produced anticipatory obedience among faculty and administrators. And institutional claims of curricular ownership provided a mechanism for enforcing ideological conformity while avoiding formal legal scrutiny.

Hegemony thrives when asymmetry feels natural. Vagueness thrives when ambiguity feels safer than clarity. Censorship thrives when silence feels prudent. It is only when faculty refuse these dynamics that academic freedom survives.

Refusal does not always begin with sweeping collective action. Sometimes it begins with a single, deceptively simple demand: Show me the rule. And when the rule cannot be shown—when censorship rests on unwritten directives, political pressure, or administrative convenience—academic freedom requires faculty to refuse to pretend that such rules legitimately exist.

In the present moment, defending academic freedom means defending not only the freedom to speak but also the faculty's authority to determine what knowledge universities produce and transmit. Without that authority, universities cease to function as spaces of intellectual inquiry and instead become vehicles for ideological governance.

If we are indeed the power we have been waiting for, then the defense of academic freedom must begin with faculty members willing to exercise it.

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Artificial Intelligence Tool: ChatGPT Plus; *Writing—Review and Editing*: To bring my original draft to the word limit for this journal and to seek areas of potential repetition of ideas, I used ChatGPT Plus to suggest areas to be cut from the manuscript prior to submission.

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