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**Addressing Antisemitism Within and Through the Educational Systems  
in the United States**

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The challenge for educational systems in the United States is to address antisemitism both *within* and *through* education (Organization for Security and Co-operation in Europe [OSCE], 2018). That is to say, educators must teach *about* antisemitism, but they must also eliminate Jew-hatred from *within* the institutions themselves. This remains a significant challenge because of the political complexity of modern antisemitism, the difficulty of properly identifying antisemitic incidents, and the divisions within the American Jewish community. Nevertheless, both educators and policymakers must recognize the subject's unique complexities, well-established definitions, the human rights dimension, and the relationship to both Holocaust education and Jewish studies. Although this should be viewed as an integral aspect of civics, civil rights, human rights, global citizenship, and democratic education, antisemitism must also be viewed as a unique phenomenon, with distinctive characteristics and unusual lethality (Marcus, 2015, pp. 106–119). In recent years, government officials and some university leaders have made important progress in addressing antisemitism, especially on college campuses, but much work remains to be done.

**Addressing Antisemitism in Higher Education**

President Joe Biden promised, in his presidential campaign, to undertake a “comprehensive approach to battling anti-Semitism” (Biden, 2020). He was right to do so. To succeed, he must overcome obstacles that have stymied prior efforts: ignorance of the extent and nature of contemporary antisemitism; inability to recognize bigotry on one's own side of the political spectrum; perceptions that Jewish Americans enjoy white privilege and do not need civil rights protections; and failure to identify antisemitism when it is disguised as anti-Zionist political animus (Marcus, 2016).

Since 2004, when I first headed the US Department of Education's Office for Civil Rights (OCR), OCR's policy has extended civil rights protections to Jewish American and other ethno-religious minority students (Marcus, 2004). This policy was affirmed by the Obama administration's subregulatory guidance (Ali, 2010), as well as by the Trump administration's Executive Order on Combating Anti-Semitism (Executive Office of the President, 2019). Now, under OCR's guidance, if a Jewish student experiences “conduct

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[that] is sufficiently severe, pervasive, or persistent so as to interfere with or limit” their “ability to participate in or benefit from the services, activities, or opportunities offered by” a college, the administration can be found liable under Title VI of the Civil Rights Act of 1964 for tolerating a “hostile environment” (Ali, 2010).

The problem is that government officials and university administrators have difficulty recognizing antisemitism, especially when it is disguised as anti-Zionism. Moreover, administrators are often reluctant to address such incidents for fear of political backlash, especially among left-leaning faculty and students who may identify with the anti-Zionists. It does not help that the Jewish community is often divided, while others may perceive Jewish students as privileged. Too frequently, anti-Zionism is dismissed as a political opinion when, in fact, it is rooted in ancient anti-Jewish prejudice and targets commitments that are deeply rooted in Jewish identity.

For these reasons, the Executive Order on Combating Anti-Semitism requires executive departments and agencies charged with enforcing Title VI to consider the working definition of antisemitism adopted on May 26, 2016 by the International Holocaust Remembrance Alliance (IHRA), as well as the “Contemporary Examples of Anti-Semitism” identified by IHRA (collectively, the IHRA definition), to the extent that any examples might be useful as evidence of discriminatory intent (Executive Office of the President, 2019).

Going forward, it is important for the Biden administration to build upon progress from the last three administrations. At a minimum, OCR should continue to use the IHRA definition—under appropriate circumstances—to determine whether conduct alleged to violate federal civil rights standards is or is not motivated by antisemitic intent. This important but limited use of the definition poses no threat to free speech, because it is focused only on the motivation of illicit conduct. Indeed, it bolsters free speech by providing additional tools to address conduct that either limits Jewish speakers or punishes students and student groups that express Zionist aspects of their Jewish identity.

The Executive Order on Combating Anti-Semitism has not been rescinded by the Biden administration, unlike many of the orders of the previous president. Although White House officials have archived it with the rest of the Trump administration’s executive orders (as of this writing), it remains within the code of federal regulations. In addition, guidance clarifying the Executive Order on Combating Anti-Semitism remains one of the active policies on the portal of the Department of Education, indicating that OCR considers it to reflect the current policy position of the agency (U.S. Department of Education, 2021). To this extent, it remains legally in effect. The Biden administration should leave no doubt about its commitment to combat antisemitism, by providing greater clarity through proactive investigations, technical assistance, and public education, especially through OCR’s newly formed Outreach, Prevention, Education, and Non-discrimination (OPEN) Center. Just as each of the past three administrations

added to what their predecessors had done before, the incoming administration should do so as well.

University leaders should avail themselves of the substantial tools that exist for addressing campus antisemitism, including the Louis D. Brandeis Center's *Best Practices Guide for Combating Campus Anti-Semitism and Anti-Israelism*. Few research centers provide significant and pertinent academic resources; they include the Institute for the Study of Global Antisemitism and Policy, Indiana University's Institute for the Study of Contemporary Antisemitism, and the Yale Program for the Study of Anti-Semitism. Scholars for Peace in the Middle East and the Academic Exchange Network provide scholarly exchange. Several organizations are involved in combating antisemitism in education. In addition to the Louis D. Brandeis Center, these include groups such as the American Jewish Committee, AMCHA Initiative, Anti-Defamation League (ADL), Hillel International, Israeli American Council, and StandWithUs. Newer and smaller groups are constantly in formation. Although some coordinating functions are provided by the Israel on Campus Coalition, the Conference of Presidents of Major Jewish American Organizations, and other networks, these organizations generally function independently of one another.

The Brandeis Center's approach stresses ensuring civility, resolving problems, preventing discrimination, fighting crime, protecting speech, preventing disruption, responding to speech with more speech, and understanding and defining antisemitism (Marcus, 2017). To the extent that freedom of expression is implicated, administrators must adhere to federal and state law, as well as the doctrine of academic freedom. In all cases, however, administrators should follow these general principles: First, the correct response to hate or bias is never to do nothing. Second, university leaders should not invoke constitutional considerations in a selective or biased manner. Third, even where regulatory response is legally valid, it may be insufficient, and nor is it always the most prudent path. Finally, administrators can make considerable progress by incorporating the IHRA definition of antisemitism.

Some US universities have begun to use the IHRA definition, although American adoption of this definition lags far behind that of the United Kingdom and other countries. Some universities that have adopted the IHRA definition or that officially recognize antisemitism include Western Washington University (Fields, 2018), Florida State University (Thrasher, 2020), New York University (Wolf, 2020), and the Georgia Institute of Technology (Schechter, 2021). Over a dozen US student governments across the country also have passed resolutions adopting the IHRA definition or the nearly identical State Department's definition.

Other universities, while not yet adopting the IHRA definition, have otherwise committed to addressing anti-Zionist forms of antisemitism. This is important, because Jewish students too frequently are required—as a condition of acceptance within undergraduate culture—to shed commitments that are integral to their identity (Lewin, 2020). California

State University has formally recognized that “for many Jews, Zionism is an important part of their identity.” (Lawfare Project, 2019). In November 2020, in a joint statement with the Louis D. Brandeis Center and other organizations, the University of Illinois at Urbana went further, stating that:

For many Jewish students, Zionism is an integral part of their identity and their ethnic and ancestral heritage. These students have the right to openly express identification with Israel. The university will safeguard the abilities of these students, as well as all students, to participate in university-sponsored activities free from discrimination and harassment (Office of the Chancellor, 2020).

Earlier, the Regents of the University of California formally acknowledged that historic manifestations of antisemitism have changed over time, and “expressions of anti-Semitism are more coded and difficult to identify. In particular, opposition to Zionism often is expressed in ways that are not simply statements of disagreement over politics and policy, but also assertions of prejudice and intolerance toward Jewish people and culture” (Regents of the University of California, 2016, p. 2).

In the US, social change often occurs only through legal processes. This includes holding universities accountable when they fail to comply with federal and state legal protections for Jewish students. Several organizations use legal processes in this way, including the Louis D. Brandeis Center, the Lawfare Project, the Zionist Organization of America, and StandWithUs. This work is resource-intensive but highly impactful. The Jewish community has come to this approach relatively late, as funders are often less eager to support legal efforts than educational projects. As a result, this strategy has not received the consistent support that it requires. Nevertheless, it has become increasingly clear that some administrators will respond to longstanding problems only when they see that they will be held publicly and legally accountable should they fail to do so.

### **Addressing Antisemitism in Elementary and Secondary Education**

At the elementary and secondary school levels, antisemitism is also a problem, although it is not as well studied and addressed. Although anti-Zionism has not been as frequently documented at these educational levels, Jewish students still face harassment and bullying. Improved compliance must be coupled with stronger safety measures and better data-gathering. Students at private Jewish schools also remain vulnerable to the threat of violent extremism, especially by right-wing white supremacists and neo-Nazis. The Biden administration, Congress, and the states themselves must provide financial support to secure the safety of religious institutions, including Jewish schools.

There is no comprehensive data collection gathering incidents of anti-Jewish harassment and bullying in public schools. The ADL provides a useful data collection, but this is limited to voluntary reporting and the ADL’s private monitoring activities. The federal government must step in. The US Department of Education’s OCR oversees a comprehensive, mandatory collection of self-reported incidents involving a host of other offenses but not antisemitism per se. During my tenure, OCR decided for the first time to

collect this data for discrete religious offenses, such as antisemitic, anti-Sikh, and anti-Muslim harassment. It is important for the Biden administration to carry through on this policy during the next Civil Rights Data Collection in order to provide a clear, reliable portrait of antisemitic incidents, including variations among schools, districts, states, and regions.

### **Addressing Antisemitism Through Education**

A comprehensive approach to antisemitism *through* education must address cognitive, socioemotional, and behavioral conceptual dimensions at the elementary and secondary levels (OSCE, 2018, pp. 36–38). *Cognitive* learning should include origins, etiology, nature, and evolution, including common tropes, stereotypes, conspiracy theories, prejudices, and disguises. *Socioemotional* approaches should engage students' sympathy for the Jewish experience. Students may, for example, learn about Jewish American history, culture, and society during Jewish Heritage Month and throughout the year, rather than encountering Jews only as biblical figures and Holocaust victims.<sup>2</sup> Finally, students should be taught to treat one another equally and respectfully, including Jewish students. This *behavioral* dimension must be reinforced through conduct codes, disciplinary interventions, high-level oversight, compliance programs, and federal enforcement.

Addressing antisemitism through elementary and secondary education is fundamental not only to protecting Jewish students but also to combating violent extremism, advancing human rights, promoting democratic institutions, and honoring international commitments. Since 2014, the OSCE has urged participating countries, including the US, to “promote educational [programs] for combating anti-Semitism; to provide young people with opportunities for human rights education, including on the subject of anti-Semitism; and to respond promptly and effectively to acts of anti-Semitic violence” (OSCE, 2014). Some European countries have done so. For example, educators in Austria have created educational resources to address contemporary antisemitism through a program on “National Socialism and the Holocaust: Memory and the Present” (OSCE, 2018, p. 46).

Despite international admonitions, American public antisemitism education remains cursory. In recent years, efforts have been made to advance the related subject of Holocaust education. In May 2020, for example, President Trump signed the Never-Again Education Act (Public Law No. 116–141), which requires the US Holocaust Memorial Museum to develop and disseminate resources to improve understanding of the Holocaust and authorizes various Holocaust education activities to engage teachers. Antisemitism education should be coupled with Holocaust education and Jewish education, but it is distinct from both of them. Holocaust education is important for many purposes, but it is not an adequate substitute for antisemitism education (OSCE, 2018, p. 45; United Nations Educational, Scientific and Cultural Organization [UNESCO],

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<sup>2</sup> See, generally, Jewish American Heritage Month: <https://www.jewishheritagemonth.gov/>

2017). When Holocaust education is not supplemented with education about contemporary antisemitism, it is unlikely to reduce the problem; students might infer that Jew-hatred is not an issue in the United States today or could fail to grasp its contemporary variations. American educators should develop curricular tools based on the experience of the Jewish community in the US. In doing so, they may profit from the example of their European peers as well as from the numerous tools that the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has fashioned through its "Words into Action to Address Intolerance" program.<sup>3</sup>

Educators must undertake a "systematic approach, including curricula related to contemporary forms of anti-Semitism...." (OSCE, 2018, p. 15). This must include right-wing as well as left-wing forms, nationalist as well as anti-Zionist variations of antisemitism. Attention must be given to white supremacist as well as Boycott, Divestment, Sanctions (BDS) propaganda. This is difficult, because antisemitism continually replicates and often assumes guises, such as anti-Zionist harassment, which educators may misinterpret as political opinion.

### **Next Steps**

At every level, educators must address antisemitism both *in* and *through* education. Addressing antisemitism *in* education requires defining the problem clearly and articulating it expressly. This can be politically difficult but is nevertheless essential. In recent years, the federal government has taken steps in the right direction. This progress must be continued. At the university level, senior administrators should revise university policies to define and address antisemitism. At a minimum, they should catch up with European universities, which have more quickly adopted the IHRA definition. When universities fail to protect Jewish students from hostile environments, they should be held accountable; in some cases, this may require the use of legal processes, including lawsuits and the federal administrative system. At the elementary and secondary school level, more data is required to grasp the full extent of the problem. A good start would be to expand the federal Civil Rights Data Collection to include antisemitic harassment and bullying.

Addressing antisemitism *through* education requires a new approach to research and curriculum. In higher education, some university-based antisemitism programs are doing valuable research, but there are far too few of them. Universities should be encouraged to develop antisemitism research institutions with faculty tenure tracks, graduate and undergraduate course offerings, postgraduate research opportunities, academic conferences, public lectures, and research funding. In elementary and secondary education, schools should provide education about both the Holocaust and antisemitism. The growing national push for ethnic studies should be reenvisioned to include the study of Jewish Americans, not only as Holocaust victims, but also as valuable contributing members of American society. Similarly, antisemitism should be taught as an American

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<sup>3</sup> A plethora of such tools may be found on ODIHR's website: <https://www.osce.org/project/words-into-action>. The author served as an expert consultant for this project.

problem and not only a problem in Nazi Germany. Adequate progress can be made only when educators at every level address antisemitism, as well as other forms of hate and bias, in comprehensive fashion.

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