

TAMMI ROSSMAN-BENJAMIN

# Why DEI Programs Can't Address Campus Antisemitism



OR MORE THAN a decade, Jewish students on American campuses have been targets of abusive conduct because of their support, or perceived support, for Israel. The incidence of such behavior has increased dramatically over the last few years in not only quantity but also severity,

as the anti-Israel activism of students and faculty has expanded to include verbal and physical attacks on Israel's on-campus supporters.

Yet, while universities have promptly and vigorously addressed harassment directed at some identity groups, they have done little or nothing about the far more frequent acts of anti-Zionist harassment perpetrated on their campuses.

Desperate to find ways to keep Jewish students safe, many in the

Jewish community have pinned their hopes on the White House's recently released U.S. National Strategy to Counter Antisemitism, which describes itself as "the most ambitious and comprehensive U.S. government-led effort to fight antisemitism in American history."

At first blush, there's cause for hope.

For one thing, the White House report acknowledges for the first time the significant harm anti-Zionist harassment inflicts on Jewish students, noting they have been "derided, ostracized, and sometimes discriminated against because of their actual or perceived views on Israel."

The report also proposes concrete steps to tackle campus antisemitism, among them urging higher-education institutions to integrate antisemitism awareness and training into their diversity, equity, and inclusion (DEI) programs, including their required anti-discrimination and -harassment training programs.

The advantages of the report's recommendation seem obvious, given the rapidly growing influence of campus-based DEI programs. Once a relative rarity, well-funded and -staffed DEI offices now exist on most U.S. campuses and offer programming designed to educate the campus community about bigotry and how to fight it. Many campus DEI offices are also tasked with handling bias complaints, enforcing the school's discrimination and harassment policy, and ensuring compliance with federal anti-discrimination laws.

It's therefore not unreasonable to suppose that incorporating antisemitism education and training into such a firmly ensconced DEI infrastructure *could* bring much-needed attention to the harassment that Jewish students are confronting on their campuses.

But will it? And what are the chances it could backfire, harming Jewish students instead of helping them?

It turns out there are numerous problems involved in trying to address antisemitism within a DEI framework.



The “diversity” element of DEI suggests that DEI programs are intended to foster appreciation of the full range of diverse identities found on campus, including Jewish identity. As a practical matter, DEI programs limit their “equity” and “inclusion” efforts to certain identity groups, which rarely include Jews. The reason for this harks back to why DEI programs were originally established and have recently proliferated.

The earliest campus-based DEI programs, often known as affirmative-action or equal-opportunity programs, were directly tied to civil rights legislation, especially Title VI of the 1964 Civil Rights Act. Title VI prohibits discrimination based on race, color, and national origin in institutions that receive federal funds, which includes almost every college and university. Enacted in response to escalating racial tensions, with the goal of reducing social inequality, affirmative-action and equal-opportunity programs focused on black students and other historically marginalized and underrepresented racial and ethnic groups, including Hispanic, Asian-American, and Native-American students. Not surprisingly, these same groups became the priority of DEI programs established to ensure compliance with Title VI.

While civil rights law continues to play an important role in how DEI programs operate, they have since evolved and expanded, especially in the last decade. With the establishment and rapid growth of the Black Lives Matter movement and the popularization of critical race theory, there has been an explosion of interest among colleges and universities in establishing or expanding DEI programs not just to reduce social inequality, but to fight the systemic injustice that leads to it. Although the same identity groups remain the focus of DEI efforts, those efforts now view them through the lens not of social inequality but of systemic oppression.

How do Jewish students fit into this picture? Until 2004 they were not afforded Title VI protections from discrimination, because they were regarded solely as members of a religious group—not a protected category under Title VI. As a result, campus affirmative-action or equal-opportunity programs had no reason to include Jewish students in their efforts. But even after 2004, when Jewish students were deemed eligible for Title VI protection as members of a national origin group, neither they nor antisemitism was integrated into most DEI initiatives, despite an increasingly hostile campus environment.

The blindness of DEI programs to Jewish students and antisemitism is likely the result of two factors.

First, although Jews were once a historically marginalized and underrepresented group in American higher education, that is certainly no longer the case. Consequently, despite having endured thousands of years of oppression, including one of history's largest genocides, and even now suffering more hate crimes in America than any historically marginalized and underrepresented group except African Americans, Jews are not *viewed* as oppressed at all within a DEI framework. On the contrary, they are generally seen as white, privileged oppressors who do not merit the attention of DEI programs.

Second, even if Jewish students manage to secure a seat at the DEI table, a thornier problem awaits. Although a growing number of DEI officials are willing to respond to and educate the campus community about acts of classical antisemitism, such as swastikas painted on a Jewish fraternity house or neo-Nazi fliers distributed on campus, many of those same officials are unwilling to acknowledge and address anti-Zionist-motivated harassment. Yet this is by far the predominant form of antisemitism facing Jewish students today.

The disparate treatment of these two types of antisemitism is very much related to the ideological leanings of most DEI programs.

Because instances of classical antisemitism are often perpetrated by individuals associated with white-supremacist groups, who are also perpetrators of racist attacks on many historically marginalized groups, calling out and educating about this type of antisemitism actually kills two birds with one stone.

On the other hand, many instances of anti-Zionist harassment on campus are perpetrated by members of identity groups served by DEI programs. In addition, many DEI staff themselves harbor virulently anti-Israel sentiments, as demonstrated in a 2021 report examining the social-media postings of DEI staff at major universities. Drawing heavily on ideologies undergirding most DEI programs, these postings portrayed Israel as a racist, settler-colonial state, linked the plight of Palestinians to the struggles of oppressed minorities in America, and implied that it was the duty of antiracist activists to support the liberation of Palestine “from the river to the sea,” a rallying cry for the elimination of the Jewish state.

Against this backdrop, it’s not hard to see why so many DEI programs are loath to acknowledge the antisemitic nature of anti-Zionist behavior that so often leads to the harassment of Jewish students. But that hasn’t stopped Jewish advocates from trying.

The primary approach to getting anti-Zionist-motivated harassment onto the DEI radar has been to make the case that Zionism—understood as the religious, historical, and ethnic connection of Jews to the Land of Israel—is an integral component of Jewish *identity*, a protected category under federal anti-discrimination law. An essential tool pressed into service by advocates of this approach is the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, which contains several examples linking anti-Zionism to Jew-hatred.

This approach has met with considerable backlash on many campuses. A recent study by my organization, AMCHA initiative, doc-

umented a dramatic rise in efforts to deny that Zionism is part of Jewish identity and to challenge the legitimacy of the IHRA definition — efforts that were strongly linked to alarming increases in the harassment of pro-Israel Jewish students.



Unfortunately, although the White House plan calls the IHRA definition “the most prominent” definition of antisemitism and acknowledges that “the United States has embraced [it],” the plan also “welcomes and appreciates the Nexus Document,” an alternative to the IHRA definition that considers only some forms of anti-Zionism to be antisemitic. The Nexus Document states specifically that, “as a general rule, criticism of Zionism and Israel... should not, as such, be deemed antisemitic.” In addition, the plan “note[s] other such efforts,” an obvious hat-tip to the Jerusalem Declaration, which openly challenges the IHRA definition by claiming that “it has caused confusion and generated controversy, hence weakening the fight against antisemitism.” Signed by more than 300 professors, including many Jewish studies scholars, the Jerusalem Declaration almost wholly dissociates anti-Zionism from antisemitism.

Far from straightforwardly providing support for the case that anti-Zionist harassment is a form of discrimination that falls well within the purview of DEI programs, the Biden administration’s equivocation on a definition of antisemitism will make it considerably harder for Jewish students to get DEI offices to recognize and address the antisemitism they are experiencing.

The White House’s acknowledgment of widely divergent definitions of antisemitism underscores how dangerous — even disastrous — it will be to implement the administration’s own recommendation for

integrating antisemitism awareness and training into DEI programming. If scholars of antisemitism can't even agree on a definition of antisemitism, how can DEI officials be expected to understand what antisemitism is and to create effective programming to address it?

In fact, considering that many DEI staff are far more ideologically aligned with the Jerusalem Declaration than the IHRA definition, it's likely that their attempts to implement the White House recommendation will result in programming that, instead of lessening campus antisemitism, gives license to it.

The Biden team no doubt had the best of intentions in recommending that efforts to confront campus antisemitism be tied to DEI programs anchored in school policy and anti-discrimination law. However, implementing that recommendation will force-fit Jewish students into identity categories that don't accurately reflect their identities as they understand them. It is also likely to subject them to an anti-Zionist litmus test as the price of being protected from an alarming level of harassment no college student should face.

DEI is the wrong vehicle for addressing campus antisemitism. Yet on most college campuses, there are no viable alternatives. Students who do not fit into one of the identity groups prioritized in DEI programs, or whose harassers are members of identity groups prioritized over theirs, are usually out of luck when it comes to getting school officials to address harassment that targets them.

Perhaps in recognition of this double standard, the White House report calls on colleges and universities to "treat antisemitism with the same seriousness as other forms of hate." But in the absence of a policy guaranteeing every student protection no less robust than that afforded students in protected identity groups, there is simply no internal mechanism for ensuring that antisemitism will be treated fairly or adequately. And since there are no federal laws obligating schools to address the harassment of students not covered

under Title VI, few schools will be motivated to adopt policies or programs that do not consider student identity in responding to hateful behavior, including antisemitism.



If the White House is serious about confronting campus antisemitism, it must fundamentally rethink its approach. The administration should call on Congress to enact new legislation obligating schools to protect *all* students *equally* from behavior affecting their ability to express their identity and fully participate in campus life. In compliance with the new law, schools would need to establish policies that provide every student with the same stringent standard of protection prescribed under the school's discrimination and harassment policy.

Doling out protection on the basis of group identity, the stock-in-trade of DEI programs and the policies and laws on which they are based, has led to the exacerbation of group differences and an unhealthy competition for group rights on many campuses. Affording all students equal protection from behavior that no student should have to endure offers the possibility of a healthier campus climate for everyone. \*