



April 20, 2011

Cary Nelson and Kenneth Stern Pen Open Letter on Campus Antisemitism

On April 20, 2011, AAUP president Cary Nelson and Kenneth Stern of the American Jewish Committee published an open letter on the topic of campus antisemitism, and especially how it related to Title VI regulations about discrimination in federally funded programs. The letter was written in response to several recent allegations of antisemitism at campuses around the country. The full text of the letter is included below.

Antisemitism on Campus

Recently, there have been allegations of antisemitism at three universities—the University of California at Berkeley, the University of California at Santa Cruz, and Rutgers. Any claim of bigotry must be treated with the utmost seriousness, not only because hatred harms its victims, but also because it can undermine academic freedom: students become afraid to be who they are and thus say what they think. Conversely, a climate which values academic freedom can unleash the best responses to bigotry, by promoting critical thinking and clear ideas.

Yet some, in reaction to these recent incidents, are making the situation worse by distorting the provisions of Title VI of the Civil Rights Act of 1964, and what has been called the “working definition of antisemitism.” Opposing anti-Israel events, statements, and speakers, they believe the only way to “protect” Jewish students is by imposing censorship.

There has been a debate in recent years about whether Title VI, which prohibits discrimination on the basis of race, color or national origin in federally-funded programs, extends to Jewish students when antisemitic intimidation or harassment is directed at them based on the perception of ethnic, as opposed to religious, identity. In October 2010, the Office for Civil Rights of the Department of Education [issued a letter](#) clarifying that in certain limited contexts, antisemitic behavior or intimidation (the letter gave examples of swastika daubings and Jew-baiting bullying) is clearly based on a perception of ethnicity or national origin and is therefore covered by Title VI. “Harassment” encompasses both “different treatment” and the “existence of a racially hostile environment,” meaning that the offending conduct is so severe or pervasive that, in order to continue their education, a student has to suffer an educational environment that a reasonable person would consider intimidating, hostile, or abusive.

While some of the recent allegations (such as charging pro-Israel Jewish students admission to a university event while allowing others to attend for free) might well raise a claim under Title VI, many others seek to silence anti-Israel discourse and speakers. This approach is not only

unwarranted under Title VI, it is dangerous.

Six years ago the European Monitoring Centre on Racism and Xenophobia (EUMC) created a “working definition” of antisemitism. Some European countries had no definition of antisemitism, and the few which did had different ones, so it was very difficult for monitors and data collectors to know what to include or exclude. The “working definition,” while clearly stating that criticism of Israel in the main is not antisemitic, gives some examples of when antisemitism may be in play, such as holding Jews collectively responsible for acts of the Israeli state, comparing Israeli policy to that of the Nazis, or denying to Jews the right of self determination (such as by claiming that Zionism is racism). In recent years the US Department of State and the US Commission on Civil Rights have embraced this definition too.

It is entirely proper for university administrators, scholars and students to reference the “working definition” in identifying definite or possible instances of antisemitism on campus. It is a perversion of the definition to use it, as some are doing, in an attempt to censor what a professor, student, or speaker can say. Because a statement might be “countable” by data collectors under the “working definition” does not therefore mean that Title VI is violated. To assert this not only contravenes the definition’s purpose (it was not drafted to label anyone an antisemite or to limit campus speech), it also harms the battle against antisemitism.

The purpose of a university is to have students wrestle with ideas with which they may disagree, or even better, may make them uncomfortable. To censor ideas is to diminish education, and to treat students as fragile recipients of “knowledge,” rather than young critical thinkers. When the disquieting ideas are bigoted, it is incumbent on others on campus to speak out. University leadership should say something when appropriate too (not in every instance, because its role is not to be a quality control on campus debate).

Universities can do many other things to combat bigotry, from surveying students to see if and how they are experiencing bigotry, to offering courses on why and how people hate, to bringing in outside scholars and others to speak on relevant topics. Title VI is a remedy when university leadership neglects its job to stop bigoted harassment of students; it is not a tool to define “politically correct” campus speech.

Antisemitism should be treated with the same seriousness as other forms of bigotry. But one should not, for instance, suggest that a professor cannot make an argument about immigration simply because some might see any such argument as biased against Latino students. Nor was Title VI crafted with the notion that only speakers who are “safe” should be allowed on campus.

By trying to censor anti-Israel remarks, it becomes more, not less, difficult to tackle both antisemitism and anti-Israel dogma. The campus debate is changed from one of exposing bigotry to one of protecting free speech, and the last thing pro-Israel advocates need is a reputation for censoring, rather than refuting, their opponents.

The “working definition” is a useful tool to identify statements that merit attention on campus, but deciding whether a given remark is antisemitic can require careful attention to rhetoric, context, and even intent. As the AAUP has suggested, even objectionable statements can have content worthy of debate. Most individual remarks, moreover, do not rise to the level of creating hostile environments.

Cary Nelson is the president of the American Association of University Professors.

Kenneth Stern is the American Jewish Committee’s director on antisemitism and extremism, and was the lead drafter of the EUMC “working definition.”