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Ohio's "Divisive Concepts" Bills and the Backlash Against Racial Justice Education

1. What are “divisive concepts”?

HB 327: “To Prohibit teaching, advocating, or promoting divisive concepts”

- Presumes right of politicians to define “divisive concepts”
- Defines them in ways that reveal political attack on social justice education
- Lays out punishments for teachers, admins, and school boards

Section 3313.6027 of Revised Code: A “divisive concept” is one that says...

❓ “One nationality, race, color, ethnicity, religion, or sex is inherently superior to another nationality, race, color, ethnicity, religion, or sex as described in the “Civil Rights Act of 1964.” (1.a)

Opens innocuously, as if the bill is just opposed to discrimination...

❓ “The United States is fundamentally racist or sexist.” (1.b)

... but then paints a picture of the majority under attack by anti-national forces.

...and...

❓ “An individual, by virtue of the individual’s nationality, race, color, ethnicity, religion, or sex, bears responsibility for actions committed in the past by other members of the same nationality, race, color, ethnicity, religion, or sex.” (1.g)



Settles by law legitimate debates about history, responsibility, and change (like reparations for slavery)

❓ “Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular nationality, race, color, ethnicity, religion, or sex to oppress another nationality, race, color, ethnicity, religion, or sex.” (1.h)



Paints educators as anti-hard work, while banning legitimate debates about the US as a land of equal opportunity

Key change in HB 327 – Worth It?



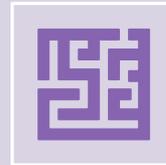
Original bill: schools can't instruct or train in "divisive concepts"



Now: schools can teach them "objectively" but can't promote them



Who determines the difference between teaching and promoting?



The basic problem: politicians defining "divisive concepts," forcing their politics onto schools

2. FAQs around CRT

HB 327 avoids reference to Critical Race Theory, but still part of national debate

**Is CRT being
taught in K-
12?**

No.

What is Critical Race Theory?

Critical Race Theory is a methodology and an approach to the study of law that emerged in the 1980s, developing from another field, critical legal studies.

CRT investigates, through the study of law, how race is embedded in the structure of US legal institutions.

CRT is taught in law schools, and its conclusions are investigated in some graduate classes in other fields.

Does CRT have influence beyond law schools?

Yes – by challenging the left/liberal paradigms

“Intersectionality” has challenged movements to understand that gender, sexuality, class, etc are intertwined with race.

“Structural racism” has challenged the notion that individual education alone can solve the problem of racism.

3. A Classic Backlash

Why the attack on CRT? Why the “divisive concepts” bills?

- ❓ Demands for racial justice in the US are always followed by a backlash from the establishment – including in the realm of ideas and education.
- ❓ See Trump’s September 2020 attack on the 1619 Project, Ethnic Studies, Howard Zinn, etc.

Ohio: A Key Site of Police Violence and Resistance

Prominent killings by police, including 12-year-old Tamir Rice in Cleveland

Many children (mostly Black) killed by Columbus police.

Tyre King (13) in 2016

Julius Ervin Tate Jr (16) and Joseph Edward Haynes (16) in 2018

Columbus statue outside of City Hall came down – perception of mayoral liberalism (despite lack of real change)

Continuing protests and critical questioning of police and white supremacy by youth

Abdirahman Salad (15)
Joseph C Jewell III (17)
in 2020

Ma'Khia Bryant (16) in 2021.

**Conclusion:
Toss out Ohio
HB 327 and the
“divisive
concepts” bills**

HB 327 is unnecessary – and harmful.

The nation and the status quo are safe, despite many heroic efforts to make change.

Telling the truth about history requires greater, not less, openness.

HB 327 circles the wagons, and targets those trying to tell the truth about race, gender, and society.

HB 327 is yet another example of how deeply entrenched racism and sexism are in our institutions.