7-1-1993

Hackney, Sheldon: Humanities Chairman Nomination Hearing (1993): News Article 11

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What Sheldon Hackney Actually Said

July 1, 1993

On the first day of his confirmation hearings to chair the National Endowment for the Humanities, Sheldon Hackney was asked for the third or fourth time to reflect on his handling of the infamous Penn "water buffalo" case. He said something that would surprise the supporters of those campus speech codes he is thought to personify.

"Though I believe civility on campus is important, and that we should have a statement of standards," he said in response to a question from Republican Sen. Dan Coats, "I now think it is a mistake to try to enforce that through judicial proceedings. It just doesn't work too well, and I think it ought not to be tried."

Whether that marked shift in opinion is a matter of "confirmation conversion" or sincere rethinking, it does seem unlikely that this nomination is headed the way of a Carol Iannone (the literature scholar whose rejection two years ago still stings the conservatives on the panel) or a Lani Guinier. After grilling Hackney at length, Republican senators Nancy Kassebaum and Orrin Hatch both said they plan to support his nomination on the Senate floor. Coats, though reserving judgment, told Hackney that the political correctness question "is an important debate we should have, but I don't think it should center around your nomination."

But whatever the outcome, this first round was a good view of the odd and trivial ideological stew that's served up in these now familiar confirmation fights—a mix of insistent attack slogans on the one hand and intensely diligent line-reading by the victim on the other.

Coats may have come closest to diagnosing the situation when he commented, apropos of his previous meetings with Hackney, "I've appreciated your answers on political correctness—you've become a symbol of it, unfortunately for you, but fortunately for the nation because at least now we're going to have a talk about it."

Well, yes and no. Asked by Kassebaum "whether you think political correctness contributes to the free exchange of ideas," Hackney first noted that the term "means different things to different people," then that it "is present on campuses and can be a problem" and "would be a serious problem if it were to capture a campus." Finally he talked for a while about the type he considers most problematic: "The rather radical form of relativism, if you will, the notion that every thought is a political thought, and that every statement is a political statement, so that there can be no objective test of truth. I myself recognize that relativism exists . . . but that is not to say there are not tests of truth that should be applied. Some answers are always better than others."

The mention of a test of truth spotlights the thinness, approaching uselessness, of most of the fierce comments exchanged beforehand. Despite sustained commentary from mostly conservative quarters on Hackney's general nefariousness, the exact argument has been blurry throughout as to *why* he represents the dread political correctness or, for that matter, the other ills of despised academe.

The argument starts, of course, with the two famous Penn incidents: the "water buffalo" case in which an Israeli-born freshman was subjected to a lengthy disciplinary proceeding—eventually dropped by the complainants—for shouting this ambiguous and apparently Hebrew-origin term at a group of black sorority sisters; and the allegedly weak-kneed response from Hackney after a black students' group inexcusably confiscated an entire press run of the Daily Pennsylvanian because they were angry at a columnist.

Hackney has taken the most barbs for having written, in a statement the day after the incident with the newspapers, that "two important university values, diversity and open expression, seem to be in conflict."

George Will in these pages called the reaction "mild," "understanding," almost condoning" and "clearly craven"; Charles Krauthammer said it was "spineless moral equivalence between writing a newspaper and destroying a newspaper." The Wall Street Journal editorialized on the morning of the hearing that Hackney's statement was "awash in pious evenhandedness."

The full text, while turgid, gives a different view. The line about values "seeming to be in conflict" is followed two sentences later by this one on freedom of speech: "The Daily Pennsylvanian enjoys all the protections of the First Amendment. . . . In addition, because of the overriding importance of freedom of expression to the very purposes of the University, Penn has explicit Guidelines on Open Expression that govern and affirm the expression of divergent views in the University community. Of course, any alleged violations of this or other university policies will be investigated. . . ."

A couple of paragraphs later, Hackney reiterates: "As I indicated above, two important University values now stand in conflict. There can be no compromise regarding the First Amendment right of an independent publication to express whatever views it chooses. At the same time, there can be no ignoring the pain that expression may cause."

"We cannot afford to continue to pose [the two] as incompatible alternatives," he adds. "Penn must be both a diverse and welcoming community for all its members and one in which freedom of expression is the supreme common value."

Hackney made use of his hearing to apologize repeatedly for the statement's length, muddle and what Hatch described as "mushiness"; at the same time, he referred at every possible opportunity to free speech as the "paramount value." So insistently did he sound his theme that the hearing doesn't, in the end, say all that much about the broad views of Sheldon Hackney or the intellectual atmosphere at Penn. But it does say a good deal about the difference between an actual debate about serious matters and a pre-confirmation battle conducted mostly by spitball.

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