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Hackney, Sheldon: Humanities Chairman Nomination Hearing (1993): News Article 27

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Interpreting 'slurs' gets a little twisted

A quiz. Which of the following is an ethnic slur? (A) Calling someone a "water buffalo."

(B) Spray-painting swastikas all over public and private property. The correct answer: calling someone a water buffalo.

Because, indeed, the University of Pennsylvania is prosecuting a student for racial harassment for calling a group of female African-American students water buffalo.

And three Upper Dublin youths will not face charges of ethnic intimidation after smearing the heavily Jewish community with a symbol of racial hatred so specific that it is, by definition, anti-semitic.

As humorist Dave Barry would say, I'm not making this up.

If you've missed these unfolding dramas, here are the details.

On Jan. 13, Penn freshman Eden Jacobowitz shouted out his window to a group of noisy African-American women who were making it impossible to study. "Shut up you water buffalo. If you're looking for a party, there's a zoo a mile from here."

Jacobowitz is an Orthodox Jew, a former yeshiva student, and the term "water buffalo" translates from the Hebrew *behameh* — literally into water oxen, and colloquially into "you fool."

"I heard it in my yeshiva regularly," said Jacobowitz. "There's no racial context whatsoever. Ninety percent of the time, it's used on Jews."

Despite voluminous evidence supporting Jacobowitz's explanation amassed by history professor Alan Kors, the judicial inquiry officer charged with policing the university's racial harassment policy decided that "water buffalo" was a racial epithet and upheld charges filed by five of the women.

"From the start, when he first heard that they'd taken the comment as racist, Eden cried," Kors said. "He was appalled, and he begged, 'Can I talk to them? Can I explain?' and then he was told, that's not enough."

Kors said he spent months trying to get the university to come to its senses, appealing everywhere, from the office of President Sheldon Hackney on down, but political correctness would be served.

"I think that, faced with a rise in racial tensions on campus, they have the wrong person and they were going to scapegoat him," Kors said.

Jacobowitz had to postpone a final exam from yesterday to next week because "I can't concentrate."

OK. On to Upper Dublin.

About a month ago, a public park across the street from a synagogue was smeared with swastikas. Then the Nazi symbol started showing up all over the township

— along with the word "Nazi" — terrorizing Jewish families.

"A lot of people were calling us and showing tremendous anxiety," said Barry Morrison, regional director of the Anti-Defamation League of B'nai B'rith.

Morrison and Jewish leaders met with police and township officials about the incidents.

Finally, this week, three juveniles were arrested and charged with criminal mischief and vandalism — but not with ethnic intimidation.

Patrol Commander Mike Murohy said the law requires ethnic intimidation to be directed at a specific person or persons, and in this case, it wasn't.

"They weren't targeting Jewish people. The targets were hit at random — they were all

targets of convenience. Some [residences] were Jewish, some weren't.

"In their statements, there was nothing to indicate anything anti-semitic or ethnically intimidating involved... They were looking for something that was going to create controversy in the municipality, and they came up with that as something that would get the most rise out of people."

I don't buy the youths' explanation one bit. But the ADL's Morrison is impressed with the police diligence that led to the arrests and leaders of the Jewish community, he said, are not unhappy with the outcome.

Still, if there was ever a case for bringing charges of ethnic intimidation, this is it — the Jewish community was indeed, intimidated.

And that, say First Amendment defenders, is the point: there is no case for prosecuting speech based on its content — because it inevitably leads you down the road to water buffalo.

"No matter how careful we are to try to define what we mean by ethnic intimidation, there'll be areas in which reasonable people will disagree," says Deborah Leavy of the ACLU.

"The ACLU believes there is no speech for which people should be punished. The act of vandalism is an act. The message of anti-semitism, as despicable as it is, is nevertheless protected by the First Amendment."

Anyway, perhaps something positive will come out of these controversies, intentionally or not.

The teen-agers who drew the swastikas, for instance, drew them backwards, presumably out of ignorance. According to Patrol Commander Murphy, a backwards swastika is a Hopi Indian symbol for good luck.

And perhaps the University of Pennsylvania will realize now ridiculous it is to prosecute Jacobowitz and not only drop charges, but reconsider the policy under which such spurious charges could stick.

End of quiz. ■



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