Fahrenheit 451 updated

On the Amy Wax controversy at the University of Pennsylvania Law School.

What took them so long? That was our first question when we heard the latest news about the distinguished University of Pennsylvania law professor Amy Wax. Last summer, Professor Wax created a minor disturbance in the force of politically correct groupthink when she co-authored an op-ed for The Philadelphia Inquirer titled “Paying the price for breakdown of the country’s bourgeois culture.”

What, a college professor arguing in favor of “bourgeois” values? Mirabile dictu, yes. Professor Wax and her co-author, Professor Larry Alexander from the University of San Diego, argued not only that the “bourgeois” values regnant in American society in the 1950s were beneficial to society as a whole, but also that they were potent aides to disadvantaged individuals seeking to better themselves economically and socially. “Get married before you have children and strive to stay married for their sake,” Professors Wax and Alexander advised.

Get the education you need for gainful employment, work hard, and avoid idleness. Go the extra mile for your employer or client. Be a patriot, ready to serve the country. Be neighborly, civic-minded, and charitable. Avoid coarse language in public. Be respectful of authority. Eschew substance abuse and crime.

Such homely advice rankled, of course. Imagine telling the professoriate to be patriotic, to work hard, to be civic-minded or charitable. Quelle horreur!

Wax and Alexander were roundly condemned by their university colleagues. Thirty-three of Wax’s fellow law professors at Penn signed an “Open Letter” condemning her op-ed. “We categorically reject Wax’s claims,” they thundered.
What they found especially egregious was Wax and Alexander’s observation that “All cultures are not equal.” That hissing noise you hear is the sharp intake of breath at the utterance of such a sentiment. The tort was compounded by Wax’s later statements in an interview that “Everyone wants to go to countries ruled by white Europeans” because “Anglo-Protestant cultural norms are superior.”

Can you believe it? Professor Wax actually had the temerity to utter this plain, irrefragable, impolitic truth. Everyone knows this to be the case. As William Henry argued back in the 1990s in his undeservedly neglected book In Defense of Elitism, “the simple fact [is] that some people are better than others—smarter, harder working, more learned, more productive, harder to replace.” Moreover, Henry continued, “Some ideas are better than others, some values more enduring, some works of art more universal.” And it follows, he concluded, that “Some cultures, though we dare not say it, are more accomplished than others and therefore more worthy of study. Every corner of the human race may have something to contribute. That does not mean that all contributions are equal. . . . It is scarcely the same thing to put a man on the moon as to put a bone in your nose.”

True, too true. But in a pusillanimous society terrified by its own shadow, it is one thing to know the truth, quite another to utter it in public.

For his part, Theodore Ruger, the Dean of Penn Law School, tried to have it both ways. He didn’t, on that occasion, discipline Professor Wax or seek to revoke her tenure. But he hastened to disparage her observation as “divisive, even noxious,” and to “state my own personal view that as a scholar and educator I reject emphatically any claim that a single cultural tradition is better than all others.”

What a brave man is Ted Ruger. Uriah Heep would have been proud.

There were other efflorescences of outrage directed at Professors Wax and Alexander last autumn. But since the metabolism of outrage and victimhood is voracious as well as predatory, fresh objects of obloquy were soon discovered. Attention drifted away from Amy Wax.
Until a few weeks ago, that is. At some point in March, a social justice vigilante came across an internet video of a conversation between Glenn Loury, a black, anti–affirmative action economics professor at Brown University, and Professor Wax. Titled “The Downside to Social Uplift,” the conversation, which was posted in September, revolved around some of the issues that Professor Wax had raised in her op-ed for the *Inquirer*. Towards the end of the interview, the painful subject of unintended consequences came up. The very practice of affirmative action, Professor Loury pointed out, entails that those benefitting from its dispensation will be, in aggregate, less qualified than those who do not qualify for special treatment. That’s what the practice of affirmative action means: that people who are less qualified will be given preference over people who are more qualified because of some extrinsic consideration—race, say, or sex or ethnic origin.

Professor Wax agreed and noted that one consequence of this was that those admitted to academic programs through affirmative action often struggle to compete. “I don’t think I’ve ever seen a black student graduate in the top quarter of the class,” Professor Wax said, “and rarely, rarely in the top half.” Professor Wax also observed that the *Penn Law Review* had an unpublicized racial diversity mandate.

Uh-oh. It took several months for the censors to get around to absorbing this comment. But last month they finally did and the result was mass hysteria. From Ghana to Tokyo to Israel, students associated with Penn Law School were furiously trading emails, tweets, and other social media bulletins about Amy Wax. The university’s Black Law Students Association, whose president, Nick Hall, was instrumental in publicizing the video, went into a swivet. What, they demanded of Dean Ruger, was he going to do about Professor Wax’s outrageous comments?

In a word, capitulate. Then preen. Dean Ruger announced that Professor Wax would henceforth be barred from teaching any mandatory first-year courses. “It is imperative for me as dean to state,” he thundered, “that . . . black students have graduated in the top of the class at Penn Law, and the Law Review does not have a diversity mandate.” Did he offer any data to back that up? No. Perhaps Penn doesn’t keep track. But Dean Ruger may wish to consult a study published in the *Stanford Law Review* in 2004 which showed that in the most elite law schools, 52 percent of first-year black students pooled in the bottom tenth of their class, compared to 6 percent of whites. Only 8 percent of first-year black students were in the top half of their class.

Lack of data, however, is no impediment to declaring one’s higher virtue while simultaneously caving in to the atavistic forces of political correctness. Amy Wax, intoned Dean Ruger, is “protected by Penn’s policies of free and open expression as well as academic freedom.” Nevertheless, she will be treated as a toxic personality, too dangerous for Penn’s tender shoots embarking on a career in law. “In light of Professor Wax’s statements,” Dean Ruger wrote in a community-wide email,

black students assigned to her class . . . may reasonably wonder whether their professor has already come to a conclusion about their presence, performance, and potential for success in law school and
thereafter. They may legitimately question whether the inaccurate and belittling statements she has made may adversely affect their learning environment and career prospects. . . . More broadly, this dynamic may negatively affect the classroom experience for all students regardless of race or background.

As Jason Richwine noted in a column for *National Review*, Dean Ruger’s protest is “almost Orwellian in its blame-shifting.” All of the issues he lists “are the direct result of Penn’s affirmative-action policies. Those policies generate a racial skills gap in Penn’s first-year law class, and Professor Wax has merely voiced what every rational observer already knows.” Moreover, grading of first-year students at Penn is blind: professors do not know which grade is assigned to which student.

Doubtless Dean Ruger hoped that by scapegoating Amy Wax he would effectively mollify the beast of political correctness. Not likely. As could have been predicted, his capitulation and nauseating Two-Minutes-Hate display of politically correct grandiosity merely sharpened the appetite of the racial grievance mongers. Dean Ruger publicly castigated and in effect demoted Amy Wax. But that was not enough for Asa Khalif, a leader of Black Lives Matter Pennsylvania, who is demanding that she be fired outright. Indeed, he told *The Philadelphia Tribune* that Penn has one week to comply. “None of what this racist is doing is new to anyone familiar with her,” Khalif said. “Many people have known about her for years. Not just black and brown people, but people who don’t believe she can fairly grade or teach people who don’t look like her. . . . We are unwavering in our one demand that she be fired.”

As we write, L’affaire Wax is still unfolding. Who knows to what lengths Mr. Khalif and his Black Lives Matter thugs are willing to go? Who knows what ecstasies of groveling condemnation Dean Ruger or other Penn administrators may indulge? One thing, however, is clear. The truth is a dispensable commodity at our elite colleges and universities. When it clashes with the imperatives of political correctness, the truth loses. Like the firemen in Ray Bradbury’s *Fahrenheit 451*, most of those populating the higher education establishment are busy destroying the very things they had, once upon a time, been trained to cherish and protect.