

Brad DeLong's Grasping Reality

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Kreis: Actions Have Consequences—Noted

Shorter Anthony Michael Kreis: think very hard whether you want to make this point now, in this context, with these peoples' lives at stake, rather than wait and choose another test case in which there will be less collateral damage:

Anthony Michael Kreis: <https://twitter.com/OrinKerr/status/1282030010908446725>: 'I find it profoundly troubling to see junior law profs use their time and scholarly work to undermine exceedingly reasonable public health measures designed to save lives. YOLO I guess.'

Orin Kerr: 'Anthony, can I ask a question about your subtweet? I gather that xxxx believes he is acting in the public interest by being an activist law professor—challenging government action that may be popular but that he sees as illegal and disturbing. If that's right, is your objection that another junior lawprof could disagree so much with your view of the public interest? To the specific legal arguments he is making? The idea of law professors taking their views to the courts? Some combo? Thanks.'

Anthony Michael Kreis: 'That's perfectly fine. I've had lots of criticism for my law reform work. I invite it by taking positions that impact the public—we all do. There's nothing wrong with that. I'm merely criticizing the choice to pursue this of all things, especially with life or death consequences. My attempt to not call him out by name and start a huge thing, but still make clear to those who knew what I was talking about, may have given the misimpression this is about jr folks—it isn't. This is just about value judgments as shown by our choices. I just vigorously disagree.'

Orin Kerr: 'There's another part to it, though. Ilan is taking an extreme minority view from within the academy. One way to read your tweet is that you want to make sure he pays a personal price for dissenting.'

Anthony Michael Kreis: 'I don't want people to die. This isn't about him.'

Orin Kerr: 'I don't want people to die, either. But your initial tweet framed this in very personal terms, making it seem like it was about him. (A subtweet, but I think everyone knew who you had in mind.)'

Anthony Michael Kreis: 'I was trying to identify what I was talking about without dragging his name into. As I indicated in a response to my initial tweet, I didn't want to start a big thing. But someone snitch tweeted and it blew up. My attempt to dissent without calling out failed. I'm sorry for that.'

Orin Kerr: 'That's fair, and I appreciate the clarification. Although given how few people agree with Ilan's position, maybe you were concurring, not dissenting. :).'

.#moralresponsibility #noted #orangehairedbaboons #2020-07-15

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