

Brad DeLong's Grasping Reality

A Semi-Daily Journal. Trying to grasp reality with both hands since 1999...

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LawProfBlog: I Was Brave, Once—Noted

LawProfBlog: _I Was Brave, Once <https://abovethelaw.com/2020/07/i-was-brave-once/>: ‘There was an outpouring of conservative support, the likes I haven’t seen since I and others tweeted that it was a terrible idea for a law student to clean his gun on screen during a zoom class.... The original outrage was about a subtweet...

...This post isn’t about the Arizona case or either of those two professors: It is the notion of academic bravery....

I’ll be defending Godzilla. Godzilla entered the United States, and immediately started wreaking havoc in San Francisco. The military sought to bomb Godzilla and kill him. I thought to myself: What a perfect time to bring an action via the Endangered Species Act! Who could be more oppressed than Godzilla? He suffers from being unique, way beyond the “discreet and insular” minority contemplated in Carolene Products. And he doesn’t have a voice (okay, literally, he roars and that’s it). And like Anakin Skywalker, he brings balance to the Force (if you have seen the most recent movies)....

My legal practice as an academic clearly does not demonstrate my core values. Sometimes you just got to take the hard cases for higher principles. Don’t judge me! There are bigger issues at stake!... It’s weak tea to complain about my moral core. If I had a dime for every time someone cried about their baby getting stomped by Godzilla! They just don’t understand that I’m the underdog fighting against a big bad oppressor who is trampling (pun intended) upon (my interpretation of) the Constitution. Many of my friends have been crushed by Godzilla! My mother, too! That’s just how much I love (selected parts) of the Constitution. I’m willing to have others sacrifice for me. I’m very brave, and my scholarly impact score soars!

And, I’m brave because I don’t see anyone else in the cowardly academy defending Godzilla....

Yes, the law DOES require lawyers and law professors to take controversial and adversarial positions. And no one is saying Our Hero shouldn’t be able to defend bar owners or that he should be punished for it.... However, what we are defending should transcend political football teams. It says something about the principles of a law professor who defends the right to peacefully assemble, both when the neo-Nazis seek to march and when antifa seeks to do the same. It says something about the lawyer’s principles, too, if their practice is based only on defending neo-Nazis. We might call the former principle consistency, and it often is missing when law professors choose political football teams.

Silence says something, too. For example, one might be silent when a law professor is being bullied for advocating gender equality, yet outraged when someone questions whether it is a good idea to open bars given all the evidence of bar patrons and COVID-19 being perfect companions. And it might say something if we are silent when students are forced to take a bar exam during a pandemic all the while applauding someone who seeks to open bars for alcohol. It might say something when we vigorously defend the gun-cleaning student and stay silent as students seek desperately not to have to risk their health to take the bar exam...

.#moralresponsibility #orangehairedbaboons #2020-07-14

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>About Brad DeLong

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