

# MISES WIRE

## The Curious Case of Ilya Shapiro

Jeff Deist

June 18, 2022

It's been a memorable spring for Ilya Shapiro.

Mr. Shapiro, a longtime legal scholar and VP at the Cato Institute, was hired by Georgetown University Law Center at the beginning of 2022. In February he would join his well-known colleague Randy Barnett at the school's Center for the Constitution, and teach elective courses presumably in the area of constitutional jurisprudence.

But on January 27th, Shapiro found himself immersed in scalding hot water and potentially out of a job. His infraction took the form of a tweet concerning the nomination of Ketanji Brown Jackson to the Supreme Court:

A twitter furor ensued, accusing Shapiro of everything from rank racism to white supremacy to the worst misogyny and sexism. Intersectionality, we might say, had a field day.

The Dean of Georgetown Law, one William Treanor, responded in the most predictable way imaginable and promptly placed Shapiro on "administrative leave-- taking pains to point out that Shapiro was not yet an employee when the offending tweet issued.

In Shapiro's strong defense, he neither said nor intended anything racist. By any reasonable good faith interpretation, he intend to convey his opinion that Sri Srinivasan was both more qualified for the Supreme Court and would be a better jurist than Brown Jackson. This does not imply Brown Jackson was "lesser" because she is a black woman, or that black women *generally* would be lesser jurists. And let us not forget it was *Joe Biden*'s insistence on viewing potential nominees only through an atavistic racial lens that prompted Shapiro's tweet in the first place. So this rush to attack Shapiro and have him summarily fired simply show the demented political culture of America today, where career cancellations are everyday skirmishes in trench warfare.

We side with Mr. Shapiro. Clearly both Georgetown Law and Dean Treanor, not to mention many of its faculty and students piling on, were abjectly wrong to impugn his motivations and character. And the Maoist denunciation rally which followed, along with placing Shapiro on leave, were obvious indications of where Georgetown stands on truth seeking and academic inquiry. The law school's unholy investigation and subsequent explanation of Shapiro's reinstatement-- effectively conditional pending bias and "cultural competence"(!) training-- made his position untenable. In legal parlance, Shapiro may as well have been "constructively" fired.

But despite how common it has become to have 180 character tweets potentially derail whole careers, a few compelling details in Mr. Shapiro's case warrant discussion.

First, why would a school like Georgetown consider hiring Shapiro in the first place? Given its CIA-friendly school of "foreign service" (sic), its hostility to its own Catholic founding, and its plainly woke-Left law faculty, why hire a (relative) constitutional radical who might be seen as rightwing? The answer, I'm afraid, is to provide a safe veneer of intellectual cover. Shapiro may be a Federalist Society darling, but he holds quite conventional views (as does Mr. Barnett) on important issues like vaccine mandates, the Fourteenth Amendment and its infirm Incorporation Doctrine, and presidential war powers in Iraq. His radicalism is mostly of the economic type, and fairly anodyne from the perspective of hardcore libertarianism. He is not an anti-democrat or a Rothbardian abolitionist: if he were Georgetown would *never* hire him.

Second, he injured himself by violating two express rules of twitter mobbing: never apologize and never quit. Shapiro won no reprieve by apologizing, deleting the tweet, and terming it "inartful." When you're explaining, you're losing. And resigning is always the wrong choice when the goal is to expose the cancelers for what they are. Make the bastards fire you!

Third, to its great discredit the Cato Institute utterly failed to defend Shapiro throughout his ordeal. Though he spent 15 years there and reached the status of VP, the organization could not muster even a simple tweet defending the broader idea of academic freedom. As Tom Woods put it, "Checked to see whether a certain DC libertarian org said a word on its Twitter feed about its erstwhile scholar Ilya Shapiro, who has been absurdly treated by the mob. Not one word. Run afoul of the mob and cowards and collaborators like this will drop you like a hot potato." Cato remains terrified of associating with any issue or person remotely deemed racist (or even "racist"). And it takes pains always to identify as standing against the Right, even though its many progressive critics constantly bash it as a rightwing, Koch-funded apologist for Big Capital.

Finally, "failing upward" is an uncanny Beltway phenomenon. Though no fault of his own, Mr. Shapiro truly landed on his feet in perfect DC fashion with a brand new job at the Manhattan Institute. Ostensibly "private" Georgetown University even paid him not to work, which routinely happens in government and big bureaucracies but almost never in real businesses. Of course Mr. Shapiro deserves and is qualified for the new position, and his employer should be commended for its willingness to hire him and strike a blow against cancel culture. Let's hope the example spreads.

We can only speculate, however, how someone associated with the Mises Institute would have been treated for the same tweet as Mr. Shapiro. Far worse, almost certainly. But given his shabby treatment, Mr. Shapiro surely understands the Beltway is no place for loyalty, honorable conduct, or even basic professional courtesy. We wish him well in his new job.