

Akhil Reed Amar of Yale University was awarded a 2024 Barry Prize for Distinguished Intellectual Achievement. In [this video](#), William Allen of Michigan State University interviews Professor Amar. They discuss how the discipline of law, and the mission of the university itself, facilitates the thriving of a just and humane social order.

### **William Allen, Michigan State University**

I've spent a long time appreciating you very much for your work. So, the first question I have is, what are some recent examples in your field of people who have shown intellectual courage?

### **Akhil Reed Amar, Yale University**

I self-identify as left-of-center. I tend to vote for people in the Democratic Party. So, I'm going to pick two friends of mine who are right-of-center and who have shown themselves to be profiles in courage. One is my coteacher, Steve Calabresi. He is the cofounder and cochair of the Federalist Society. He and I have been friends ever since college. When we were in college, we were rivals. He and I both wanted to be president of the Yale Political Union. He won, I lost. He won fair and square. I said, I'm going to keep an eye on that fellow. That guy's pretty good. He beat me fair and square. Steve and I have cotaught at Yale Law School for 10 or 11 years.

Most members of the Federalist Society voted for Donald Trump. So, Steve heads an organization that is Trump-leaning. Yet Steve has been a real profile in courage in defending the idea of birthright citizenship. He and I wrote something together about this many years ago, and he stands by it. The Trump executive order on this topic is an attack on the constitutional idea of birthright citizenship, as I understand it, and as Steve understands it. He has not run away from his earlier position. It's admirable that he is standing by his long-standing, and, I would say, clearly correct views.

I'm going to pick another person. This person is not my coteacher, but a former student of mine. His name is Will Baude. He's a professor at the University of Chicago Law School. He's a Federalist Society affiliate, though he probably isn't a member. He has impeccable conservative credentials. He was one of John Roberts's favorite law clerks. Yet Will strongly argued in favor of taking seriously Section 3 of the 14th Amendment, which, as Will explains in a landmark article coauthored with Michael Paulson, supports the position that Donald Trump was constitutionally ineligible to serve as president. That position was unanimously rejected by the Supreme Court, by John Roberts and his colleagues. Will, as did Steve, stuck by his position, which I think has a lot of intellectual integrity behind it, and good for Will.

### **Allen**

Those are very powerful examples.

Let's go on with this question. What are some underappreciated ways the work done in your field contributes to human understanding and well-being?

### **Amar**

I do law, and law is especially about how humans relate to each other. We meet in the world, maybe we meet in the wild, maybe we meet on a city street, and we have to find some way, you and I, of

interacting. Kant talks about humans as a “kingdom of ends.” We can't treat each other as if the other is a mere inanimate object, like a stone or a hill. We can't treat each other as mere tamable beasts of the field. If I run across a wild horse, I might be able, under certain circumstances, to claim that horse as my own. I can tame it and make it my property. Hunters can reduce a deer or an elk under certain circumstances to something of theirs, but we can't do that, you and I, as human beings. Law, at its deepest level, is all about that.

There are so many different types of law. There's so-called private law, public law, and international law. There's substantive law, there's procedural law, there's the law of law, because once we have first-order rules about how you and I interact, we're going to need second-order rules about a legal system, who decides under what circumstances, judges and juries and prosecutors, and what happens when there's more than one legal system in the world. That's international law. Conflicts of law, and how we prove things, that's law of procedure and evidence. So law is quite complex, but at its core, and this may be underappreciated, it's basically all about how we're going to get along together. At a minimum, how are we going to avoid harming each other? That's criminal law and tort law. At its best, law helps us cooperate together. Once some of these baseline entitlements are in place—I have my person and you have your person and we each have to respect the other's person and soul—we need to know what's mine and what's yours and what's tradable and what's not. This is mine because I made it. Maybe it just came out of my head, it's a song, maybe it's something that I fashioned from the materials around me, but this is mine, and that's yours. Maybe we could trade, maybe we could partner up in all sorts of ways, contracts, corporate law.

So, at its best, law is not just about how we're not harming each other. It creates all sorts of opportunities for us to make beautiful music together, or to do all sorts of things that are going to be good for us and maybe even good for others in the world, and that's not fully appreciated. It's easy to make fun of law and lawyers, but, the deep morality of law rightly understood is unappreciated.

### **Allen**

That's excellent. Let me ask you next, what do you see as one of the two most important challenges right now for maintaining high intellectual standards in your field?

### **Amar**

I see two challenges. One would obviously be political polarization, just not listening to people on the other side. It's a real problem in part created because, if you're in the academy, often you are generating ideas, and you think your ideas are right, otherwise you wouldn't have embraced them, and if your ideas are so clearly right, then the folks on the other side must be clearly wrong. How are you going to interact with them if you're clearly right and they're clearly wrong? It's always been a challenge for people whose job it is to think about ideas and to generate ideas to really respect contrary ideas and to avoid a certain kind of polarization.

Maybe the other deep challenge is the idea system, which is not in every single way entirely egalitarian. Some people are better at idea generation and analysis, and maybe some ideas are better than others. Those of us who have a strong commitment to human equality rightly understood exist in a system that is in certain ways deeply elitist and not quite equal. How does one get the right balance between the

meritocratic essence of an intellectual system and the egalitarian ethos that also has to be part of the equation?

**Allen**

How would you describe what the mission of the university ought to be, and why is that important?

**Amar**

I'm a traditionalist about this. It's about the preservation and extension and dissemination of human knowledge. It's about light and truth, preserving what truths we inherit, adding to the body of the world's knowledge, discovering new truths, and then trying to share these new discoveries and the fruits of old discoveries with the world.

In universities, we also have a mission of training students in all of this. To be blunt, that mission is not exactly the same as the mission of social justice. It's not opposed to social justice essentially, but in certain respects, it is orthogonal to it, or it may be. It's a different project, so it's not the same project as the Sierra Club or the Democratic Party or the Catholic church. We in the academy need to understand our project very specifically as a *lux et veritas* Enlightenment project all about human knowledge and truth.

**Allen**

As you look at it, in what ways does the public at large have a good understanding of the mission of the university, and in what ways does the public not understand the university's mission?

**Amar**

The public might think that the university is just another political institution like everything else and expect us therefore to take positions on every matter of public concern. That's a mistake. Parties might do that, people might do that, but that's not what the university is all about. It has this narrower mission, and not everyone understands that, in part because some of our great university leaders in fact have not hewed to that more narrow understanding. Once they start taking positions on this bill and that proposal in the public domain, members of the public say, well you took a position on this, why not on that?

The public may not understand the limited role of the university, and it's possible that the public, at least some of the public, doesn't understand how important it is for the university to have its mission in the long run, even if in the short and intermediate runs, what the university does and doesn't do can irritate many people.

**Allen**

Very interesting. I'm going to go back to your previous answer on the question about the mission and ask you a further question. When it comes to the search for and the dissemination of knowledge and truth, where do you think universities are doing well right now in balancing the pursuit of knowledge for its own sake with the desire to make knowledge useful in the world, and where might they improve in that area?

**Amar**

We're doing a better job than before at outreach to folks who, because of all sorts of unfair systems in the world, didn't have access to some of our greatest universities. We're doing a much better job with financial aid than ever before. I say "we"; I'm talking about places like Yale where I teach. I've also been a visiting professor over the years at Harvard, Stanford, Columbia, and Penn. These are some of the richest, best-endowed universities in the world. They're very, very wealthy and powerful institutions with storied histories and extraordinary resources. We're doing a better job of sharing that with folks who, in previous generations, were excluded just because they couldn't afford the sticker price. We're doing a better job at being open to people around the world than we were even when I was a student half a century ago. We're doing a better job opening ourselves to women as well as to men. When I was born, Yale was not coeducational, and now it is. We're doing a better job in opening ourselves to people of different ethnicities and faith perspectives and national origins and socio-economic classes than in previous eras.

**Allen**

That's a very interesting response, and it reminds me of my own experience some 70, 60 years ago. My mother passionately wished for me to go to Harvard, but we never heard from Harvard and had not the slightest idea in the world how one would get into Harvard. That's a huge difference, a change between then and now.

**Amar**

And now your daughter is a very distinguished professor.

**Allen**

Yes, the world has changed a lot. Let me just ask one more question of you. Thinking back over just the last five years, what in your own work has pleasantly surprised you?

**Amar**

Truthfully, this is self-serving, but I actually feel that I'm not over the hill yet. I'm 66 years old, and in different disciplines, the average peak age varies. In some disciplines, if you don't have your great idea before your 30th or 35th birthday, it's not going to happen, just statistically. Maybe in mathematics, for example, it's thought that you really have to show your stuff pretty early. Historians, it's sometimes said, mature with age, they get better, they actually understand human nature more, they've lived longer, they acquire a bigger database in some ways and see connections that they may not have earlier. They develop a depth. Like certain wines, historians improve with age. Mathematicians, maybe on average, peak earlier. I've wondered which law is more like. Is it like math? Is it like history? It's possible I'm just deluded, but I actually think I'm continuing to do work now at the same level or better than work that I did earlier. That's been a pleasant surprise because no one can know whether that's going to happen or not. Who knows what the next five years will hold? But I can tell you, I'm 66 years old now; I've worried a lot about when I am going to reach my sell-by date. The pleasant surprise is, at least it feels to me as if I haven't yet.

**Allen**

Well, it seems to me you're just hitting your stride. I want to thank you for a rich and riveting conversation.