

RISE TO THE MOMENT OF TRUTH
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Opinion

Allen Mendenhall: The continuing DEI stronghold that is legal education

[Allen Mendenhall](#) | 02.14.25



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Few episodes better illustrate the growing pressures of ideological conformity in academia than the curious case of Ilya Shapiro – my erstwhile supervisor at the Cato Institute (my first job out of law school) and the author of the trenchant “Lawless: The Miseducation of America’s Elites.”

In 2022, Shapiro was suspended in Georgetown Law’s administrative, investigatory labyrinth, thanks to a single ill-considered tweet. This episode, which frames his examination of legal education’s deterioration, exemplifies how academic institutions have replaced intellectual rigor with ideological ritual, transforming bastions of jurisprudential excellence into temples of progressive orthodoxy.

This book takes aim at law schools, arguing they occupy a unique and influential position in shaping American society. Unlike other academic departments, Shapiro contends, law schools serve as incubators for future lawyers, judges and politicians.

At the heart of his critique is the phenomenon of cancel culture, which Shapiro describes as a “pox on the body politic” that has long plagued intellectual discourse. While such ideological rigidity may be relatively harmless in insular academic departments churning out “niche liberal arts degrees,” Shapiro says, its presence in law schools is far more consequential. Here, students are not merely engaging in esoteric theorizing but training to become the ruling class.

“Law graduates, an increasing number of whom have undergraduate degrees in activism that masquerades as education, will end up running the country,” submits Shapiro. “They’re the elite in training.” He thus issues a stark warning: when legal education ceases to be an arena for rigorous debate and instead becomes an echo chamber for ideological conformity, the institutions that depend on its graduates – the judiciary, the legislature, the legal profession, citizenship writ large – are imperiled.

Shapiro distills unsettling verities from his firsthand encounters with our era’s cultural enforcers. His observations pierce the pretense: Digital vigilantes brook no clemency, academic tribunals subordinate truth to predetermined verdicts, and the machinery of cancellation serves not justice but raw power. Perhaps most incisively, he recognizes that the poison flows from ideological wellsprings and through the bureaucratic apparatus.

The rapid expansion of university administration has significantly outpaced faculty growth, reshaping higher education’s financial and institutional landscape. “Around 2010, schools started employing more administrators than full-time instructors,” Shapiro writes. “Through

the following decade, some, especially elite places such as Harvard, Yale, Columbia, Stanford, and the Massachusetts Institute of Technology (MIT), even started having more administrators than students.”

This shift is also evident in university budgets:

Regardless of whether public or private schools are worse, the disproportionate increase in nonfaculty positions is also reflected in university budgets. At 198 leading US research universities, spending on administrative functions has been rising faster than spending on instruction and research functions.

Law schools present an even murkier picture due to inconsistent reporting practices. “The American Bar Association, which is the accreditor and thus the main national regulator of legal education, constantly changes its reporting methods and disclosure formats,” Shapiro says. “Since 2011, the ABA has not disclosed purely administrative numbers, instead reporting only ‘administrators who teach.’ After 2016, it stopped reporting on the number of administrators altogether, instead reporting only the number of faculty.”

A significant portion of this administrative expansion is driven by the rise of diversity, equity, and inclusion (DEI) offices. “A 2021 survey of 65 large universities—comprising the ‘power five’ football conferences—that represent 16 percent of all students at four-year institutions found that the average school has more than 45 people devoted to DEI,” Shapiro writes, “which is more than the average number of professors they have teaching history.”

Shapiro also contends that COVID-19 restrictions served as a troubling precedent of institutional overreach, conditioning the public to accept violations of civil liberties and departures from legal norms without compelling evidence of their efficacy in promoting public health. The bureaucratic machine of DEI, he maintains, must be dismantled in favor of truly colorblind policies and procedures. To restore academic vitality, he advocates embracing the Chicago Principles – a framework robustly defending free inquiry and open discourse on campus. These principles, he suggests, offer a blueprint for fostering genuine intellectual diversity and protecting academic freedom.

Shapiro’s example isn’t isolated. Consider the calculated takedown of Amy Wax at Penn Law: After a Kafkaesque two-year investigation – with hearings stretching well past their natural conclusion – bureaucrats finally delivered their verdict of “unprofessionalism.” Though she retains her tenure and benefits (crucial as she battles cancer), the half-pay

suspension represents nothing less than ideological taxation. The message is clear: resistance carries a price.

Equally brazen was Ohio Northern University's treatment of Scott Gerber, whose principled stand against the DEI orthodoxy prompted a response worthy of a banana republic: Campus police physically removed him from his classroom and marched him before a dean demanding his immediate capitulation.

When Gerber refused to bend the knee, the administration launched an investigation, allegedly withholding the charges against him – a tactic straight from the totalitarian playbook. His eventual termination merely confirmed what clear-eyed observers had long suspected: the investigation was never about finding truth but eliminating opposition.

These cases are not isolated incidents but rather deliberate showcases of power. The message to other potential dissidents could not be clearer.

Having weathered a suspension and investigation over his tweets, Shapiro emerged vindicated, securing his promised position at Georgetown Law's Center for the Constitution. Yet this victory merely set the stage for an even more advantageous move.

Rather than remain in academia, he leveraged his Wall Street Journal-announced reinstatement and subsequent resignation to transition to the prestigious Manhattan Institute. There, as a senior fellow, he joined forces with influential thought leaders Christopher Rufo and Heather Mac Donald, placing himself at the heart of contemporary policy debates. What his critics intended as a setback became a springboard to greater influence and intellectual freedom.

For countless others ensnared by modern-day inquisitors, vindication remains elusive. These voices – silenced, marginalized, or still struggling in obscurity – make Shapiro's meticulous accounting vital to our cultural moment. His story stands as both a warning and a call to action.

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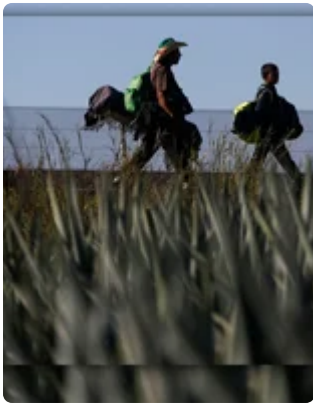
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And he said to them, "Follow me, and I will make you fishers of men."
Matthew 4:19



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