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## JEWISH COMMENTARY

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# Scalia's Prophecy

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MEIR Y. SOLOVEICHIK

ON MAY 8, 1997, Supreme Court Justice Antonin Scalia delivered what may have been the most important speech of his life. Strikingly, the address had nothing to do with jurisprudence; it made no mention of the Constitution or of the originalism that had marked his career. Delivered in the Capitol Rotunda, the justice's remarks focused on the horrors of history, yet Scalia looked to not only the past but also the future. His words, not printed in the vital volume *Scalia Speaks*, have proved terrifyingly prescient.

The occasion of the address was a ceremony marking Holocaust Memorial Day. The justice reflected that, as honored as he was to participate, he found the invitation difficult to undertake as a non-Jew: "I am an outsider speaking to an ancient people about a tragedy of unimaginable proportions that is intensely personal to them." Scalia further reflected, "I am not only not a Jew, I am a Christian," and said he believed that the anti-Semitism in Christendom had "helped set the stage for the mad tragedy that the National Socialists produced." He stressed, however, that for him, the ceremony of the day was personal: "When I was a

young man in college, spending my junior year abroad, I saw Dachau. Later, in the year after I graduated from law school, I saw Auschwitz. I will of course never forget the impression they made upon me."

These remarks were interesting enough, but the most important part of the speech was yet to come. Scalia stressed that it was not enough to remember the Holocaust. Rather, he said, one must mark the sort of society in which it occurred: "The one message I want to convey today is that you will have missed the most frightening aspect of it all, if you do not appreciate that it happened in one of the most educated, most progressive, most cultured countries in the world." The Germany of the early-20th century, he noted, "was a world leader in most fields of art, science, and intellect." Its universities were some of the most celebrated on earth. Yet this did not prevent Nazism from suffusing society; in fact, German education and Nazism went hand in hand.

Then, suddenly, Scalia switched from past to present and focused on his own family: "This aspect of the matter is perhaps so prominent in my mind because I am undergoing, currently, the task of selecting a college for the youngest of my children—or perhaps more accurately, trying to help her select it." American parents, Scalia reflected, place so much value today on what is taught in academic institutions, yet the opportunities afforded there, he argued, are "of only secondary importance—to our children, and to the so-

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ciety that their generation will create.” The Holocaust, Scalia argued, is a reminder of the importance of imparting *moral* wisdom above all else, and it is this, he was implicitly saying, that parents must bear in mind as they ponder the intellectual future of their progeny.

I thought of Scalia’s speech as I watched the videos of student rallies in prominent American universities celebrating the atrocities wrought by Hamas, rejoicing in the murder of Jews. It is not too much to say that these assemblies have summoned the specter of Nuremberg and are made all the worse by the fact that the language employed by the students—such as defending infanticide as “decolonization”—reflects the very curriculum they have been taught. In a striking interview on MSNBC, Rabbi Ari Berman, the president of Yeshiva University (where I am privileged to teach), called on “all university presidents to issue with moral clarity for their entire university” the message that the perpetrators of these evils must be fought, and that “what happened should never happen again.” Since Rabbi Berman’s clarion call, some universities have joined a statement organized by Yeshiva, which forthrightly states: “We Stand United with Israel Opposing Hamas.” In stark contrast, many of those leading some of the most celebrated academic institutions in America released, in the days and weeks following October 7, letters rife with the moral relativism that has festered within the academy for some time.

When those statements were issued, I read them with horror, but not with surprise. And then, suddenly, one online video caught my eye. The setting of the clip was anything but academic; it was taken from the broadcast of a football game featuring the Kansas City Chiefs. A moment of silence was held to mark the memory of those murdered in Israel. Then,

from the crowd, rose one sports fan’s plaintive cry, an unsophisticated but defiant denunciation of terror: “F— Hamas.” It struck me that this one anonymous attendee at a game hundreds of miles away from any Ivy League institution had somehow summoned more moral clarity than most university presidents in America, and that if the West was to be saved, it would be through the ability to call evil by its name. Or, as Scalia reflected:

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It is the purpose of these annual Holocaust remembrances—as it is the purpose of the nearby Holocaust museum—not only to honor the memory of the six million Jews and three or four million other poor souls caught up in this 20th-century terror, but also, by keeping the memory of their tragedy painfully alive, to prevent its happening again. The latter can be achieved only by acknowledging, and passing on to our children, the existence of absolute, uncompromisable standards of human conduct. Mankind has traditionally derived such standards from religion; and the West has derived them from and through the Jews.

The past horrible month has been clarifying in many ways, including the way in which the rot in much of the academy has been exposed. Parents across this country will be forced to ask themselves what is truly the essence of education, and where their children will be taught the moral wisdom that matters most. As their considerations commence, they would do well to read the words of one Harvard-educated lawyer who, 25 years ago, understood the answer to these questions and warned of what was yet to come—and what is now upon us. 🗨️