Justice Antonin Scalia, 1937-2016

During US Supreme Court Justice Antonin Scalia’s return visit in 2012 to the University of Chicago Law School, where he taught for five years, a law student asked him what was the most important issue that had not yet come before the Court. Scalia paused before responding, “What is the meaning of life?” It was a fittingly expansive answer from a justice known for his wit, keen intellect, and the belief that many of the most important questions, in life and public policy, are outside the Court’s authority.

Scalia, a defining figure in modern conservatism who was also known as a gracious colleague and teacher, died unexpectedly on February 13 during a hunting trip in Texas. “The Law School mourns the passing of Justice Antonin Scalia, our former faculty member, whose theories of statutory and constitutional interpretation have been among the most influential ideas in law in the last half century,” Dean Thomas J. Miles said. “Justice Scalia’s connections to the Law School were many and deep. After he left the faculty and later was appointed to the Court, Justice Scalia was a mentor to dozens of our graduates whom he hired as his law clerks. He was also the father of a distinguished graduate of the Law School, Eugene Scalia. The power and clarity of Justice Scalia’s reasoning, as well as his lively writing style, ensure that his judicial opinions will be widely read and widely debated for many years to come.”

At the University and in his thirty years of service on the Court—the longest of any current justice—Scalia was known as a standard bearer for originalism, an approach to constitutional interpretation that focuses on the text’s meaning as people at the time would have understood it. Professor Geoffrey R. Stone, who was a young faculty member when Scalia arrived at UChicago in 1977, described “Nino” as “tough, brilliant and kind.” He said Scalia’s positions have often prevailed, though his originalist philosophy has not become as widespread as Scalia might have hoped.

“He was a brilliant analyst, an extraordinary writer, and fervently committed to his views,” wrote Stone, the Edward H. Levi Distinguished Service Professor of Law. “In the end, I suspect Nino’s greatest disappointment was that he could never persuade his colleagues to embrace his originalist vision of constitutional law.”

A graduate of Georgetown University and Harvard Law School, Scalia taught at the University of Virginia and served in the Nixon and Ford administrations before coming to UChicago. He helped organize the Law School’s first chapter of the conservative Federalist Society in 1982—one of the society’s first three chapters nationwide—and served as its first faculty advisor. The subjects that he taught included administrative law, and Stone recalled that he was an engaging and witty participant in a monthly poker game. Scalia was nominated to the Court by President Ronald Reagan in 1986, four years after Reagan appointed him to the US Court of Appeals for the District of Columbia. He was known as a gifted writer and a brilliant participant in oral arguments, often using historical evidence as an aid in determining the original meaning of laws and the Constitution. He cast his originalist approach as a safeguard against ideologically motivated decisions and a limit on the temptation for unelected judges to give themselves more power at the expense of elected representatives.

“Justice Scalia’s powerful arguments for originalism and textualism changed the way all Justices, liberal and conservative, approached cases,” said Aziz Huq, the Frank and Bernice J. Greenberg Professor of Law. “One of his great victories is that many tenets of his approaches to legal problems are now conventional wisdom. And for better or worse, Scalia’s pungent and forceful opinions did not merely appeal to law professors or other jurists. Rather, he spoke directly to the public, making him, in a sense, one of the democratic Justices of our age.”

Added William Baude, the Neubauer Family Assistant Professor of Law: “Justice Scalia had a gigantic influence, and he inspired a generation of law students to see the importance of legal craft. He was brilliant and witty, but even more important, he had integrity. Some of his most important opinions—in sentencing, trial rights, and government searches, for example—upheld the rights of criminal defendants toward whom Scalia was not particularly sympathetic. But he took pride in trying to follow legal principle regardless of whether he liked the results.”

Scalia’s legacy at the Law School includes strong family connections. His son Eugene Scalia, ’90, served as editor-in-chief of the University of Chicago Law Review and has sometimes taught courses at the Law School since graduating. In addition to Eugene, Scalia is survived by his wife of 56 years, Maureen McCarthy Scalia, their eight other children, and numerous grandchildren.