

REMEMBERING JOSIAH H. BLACKMORE

DANIEL T. KOBIL



I am deeply honored to be asked by Joyce and the family to speak about Joe on behalf of his friends and colleagues at Capital University Law School. I also find it, to be honest, a little daunting—to speak at the funeral of the orator of orators, the most charming of speakers. And to do it, Joyce tells me, in “no more than five minutes.” How do you sum up feelings about a man like Joe in five minutes?

One way to do it is to emulate the master himself. When Joe was asked to speak at the law school, he found ingenious ways of evading the time limits we gave him.

On one occasion, Joe got up to give introductory remarks at a tax conference and told the audience, “Professor Wade asked me to greet you today and not to say very much. Well, I’ve been known to get up and speak for quite a while and not say very much, so that’s what I just might do today.”

More than once, Joe began his talks for the law school by saying “I’ve been told that I can’t speak any more than five minutes, and I always do what I’m told.” A Blackmorean pause followed. “Of course, I get to say when the five minutes start.” And then he was off on a trip across time and ideas, perhaps waxing eloquent on the ancient legal code of Ur Nammu, veering off toward the Magna Carta, nodding briefly to his hero, Thomas Jefferson, and then somehow meandering back to remind our students and us what an honorable profession we are part of as lawyers.

Yet despite his love of talking, Joe never bored an audience. Some of the excitement of listening to Joe speak was that you never knew quite what he would say. You had to listen closely for the surprising, candid truths Joe would drop into conversation. At one of his first law school orientations as Capital's president, instead of welcoming our enthusiastic new students with platitudes, he informed them that after law school, "You'll find that no one will ever be as comfortable in your presence, ever again." As with much of what Joe said, it was unexpected, darkly funny, and profound, warning the students of the risks that new skills in argumentation could bring to their personal lives. His students still recall that welcoming talk today.

When Joe offered me a job teaching at Capital Law School 20 years ago, he began by telling me, with a twinkle in his eye that, actually, he had already offered the job to someone else—who had declined. He then informed me that he was not going to give me as much money as he'd offered the other guy. Somehow though, by the time that we were done talking, Joe made me feel like I was the luckiest son of a gun who had ever landed gainful employment.

That was one of Joe's many remarkable gifts: the ability to express what is true and real in a way that allowed others to hear and understand. There was a quality of genuineness about Joe that was utterly disarming, that pierced all boundaries and invited you to share your story and listen to his. It is a gift that made him a great teacher and a fine lawyer. It also, no doubt, is why so many people treasured him as a mentor.

And what better mentor for young lawyers and teachers could there be than Joe? If I had to capture Joe's essence in one word, it would be the word that he himself was fascinated with all of his life. It's a word that he devoted an entire seminar to understanding, and was writing a book about: justice.

Joe believed in justice profoundly, yet it was not the "justice" of an eye for an eye—Joe rejected such a limited, inhumane definition. For Joe, justice was not justice unless it was mingled with mercy and understanding. Joe began his Justice seminar with an excerpt from the writings of St. Thomas Aquinas. In the margins of his Aquinas materials, Joe wrote down three laws on which justice is based—and they undoubtedly were the rules by which he lived his life.

Law number one was "**Good is universal.**" Joe was to "good," as his beloved bees are to honey: he exuded it and lived on it and fostered it in others. Everyone who met Joe, regardless of station in life or

circumstances, sensed the utter goodness in Joe, as the many beautiful remembrances that have been written about him demonstrate.

Law number two was “**Survival and procreation are natural laws.**” With all of his education and knowledge, Joe never forgot the natural world. He was a farmer, always seeking to produce sustenance from the land. He loved his animals like a modern-day Dr. Dolittle. And the feeling was mutual.

When you went into the alpaca pen with Joe, they raced to him across the pasture as if the king of the herd had arrived. Once, he took me out to see his bees and I was shocked when he began to bang on the hive with his “hive tool,” wrenched the wooden lid off, and pulled out a comb crawling with bees—without the least



bit of protective equipment on! While I was preparing to run away as fast as I could, he casually informed me, “Being gentle and careful with them works a whole lot better than a heavy suit.” And the bees seemed to agree.

As for procreation, Joe was, as everyone knows, the perfect husband, father, and grandfather. He loved to share stories of Joyce, his children, and grandchildren, and better yet, to have them at his side. During Joe’s years as president, he and Joyce cared for the Capital family like perfect parents too.

The last law of justice Joe noted in the margin was, “**We have a natural inclination to know.**” Knowledge was Joe’s life’s blood—he had the most overpowering, contagious curiosity about ideas that I have ever encountered. When he could barely sit up in his hospital bed, and his words were labored, he mentioned an article that he had “just read” in the *New Yorker* about rare pigmy chimpanzees and wanted to discuss what the latest research suggested about the development of human society. When we were furnishing the law school, he insisted that the moot court room display this quote from Oliver Wendell Holmes: “A mind stretched to a new idea never returns to its original form.” Joe’s mind was constantly stretching—and forcing others to stretch with it. As Joyce knows all too well, he never met a book he didn’t like—and want to own. When I walk

across Capital's campus, I know there couldn't be a more fitting tribute to Joe's presidency than Blackmore Library.

And so, justice has lost a devoted servant and advocate. But we can take heart that Joe, farmer and teacher that he was, managed to plant the seeds of these three principles of justice in so many others.

In closing, I can't help thinking about a poem Joe shared with me that he wrote for a cherished member of this church who had passed away. His poem concerns an English and Irish custom dating to medieval times. According to tradition, members of the village, often the children, were designated as messengers to visit the nearby beehives to relate to the bees the most significant events in the lives of the community. As one old rhyme puts it,

*Marriage, birth, or burying,
News across the seas,
All your sad or marrying,
You must tell the bees.*

It was especially important to do this when a beekeeper died, to prevent the bees from swarming and spoiling the honey.

The title of Joe's poem, not surprisingly, posed a question. It asked, "Who Will Tell the Bees" of the death of his friend? He, of course, made sure that the bees were told on that occasion. And today, I think that Joe would be pleased if we all took care of the bees in the same way. Just find a bee and tell *her* (for as Joe would remind you, the ones out working are always female) that today is a very significant day. It marks the passing of a great beekeeper, country lawyer, scholar, father, and husband—Josiah Blackmore.

Professor Daniel Kobil
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