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**A TRIBUTE TO DEAN JOSEPH P. TOMAIN:  
LAWYER, DEAN, TEACHER, AND PHILOSOPHER**

*Michael L. Cioffi\**

At the conclusion of his unsuccessful trial as recorded by Plato in the *Apology*, the jury of 501 Athenians gives Socrates a choice: accept exile, where he is “to live quietly, without talking” or be put to death. His response is the cornerstone, the real essence, as Locke might say, that underlies and drives all philosophical inquiry:

If I say that it is impossible for me to keep quiet because that means disobeying the god, you will not believe me and will think I am being ironical. On the other hand, if I say that it is the greatest good for a man to discuss virtue every day and those other things about which you hear me conversing and testing myself and others, for the unexamined life is not worth living for man, you will believe me even less.<sup>1</sup>

The fact that Dean Joseph P. Tomain is genetically incapable of “being quiet” is widely known and beyond cavil. Probably a smaller universe—certainly our students in Law, Literature and Philosophy class—fully knows and appreciates his talents and gifts as a philosopher.

We begin our course in Law, Literature and Philosophy by exploring the definition of “philosophy.” The common and literal definition is, of course, “the pursuit of wisdom.”<sup>2</sup> A more expanded definition is: “The love, study, or pursuit of wisdom or of knowledge of things and their causes, whether theoretical or practical.”<sup>3</sup> These definitions raise the question, “what is wisdom?” In common usage, wisdom is the “ability to discern inner qualities and relationships: INSIGHT.”<sup>4</sup> “[A] capacity of judging rightly in matters relating to life and conduct; soundness of judgment in the choice of means and ends; sometimes, less strictly, sound sense, esp. in practical affairs.”<sup>5</sup>

Drilling down there is more to the concepts of philosophy and wisdom. Plato puts it this way: “This sense of wonder is the mark of the philosopher. Philosophy indeed has no other origin.”<sup>6</sup> Similarly,

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1. PLATO, FIVE DIALOGUES 41 (G.M.A. Grube trans., Hackett Publ’g Co. 1981).

2. WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY 883 (1983).

3. THE CONCISE OXFORD DICTIONARY OF CURRENT ENGLISH 781 (1972).

4. WEBSTER’S, *supra* note 2, at 1354.

5. OXFORD DICTIONARY, *supra* note 3, at 421.

6. THE GREAT PHILOSOPHERS: AN INTRODUCTION TO WESTERN PHILOSOPHY 7 (Bryan Magee, ed., 2d rev. ed., Oxford University Press 2000).

Aquinas adds: "The reason . . . why the philosopher may be likened to the poet is . . . both are concerned with the marvellous . . . ."<sup>7</sup>

Being fortunate enough to witness, firsthand, someone live a philosophical life is as rare as it is inspirational. Over the last fifteen years I have seen Joe's insight and vision as Dean lead the University of Cincinnati College of Law to new heights and wide acclaim. I have seen his capacity for judging rightly make our city a better place to live. I have seen his sense of wonder take students, as well as seasoned lawyers and judges, to a deeper appreciation, respect, and commitment to justice and the law. I have seen a man examine life with passion and intelligence. I have seen a man love wisdom. From this privileged vantage I am, like Joe's other colleagues and friends, humbled and most thankful to him.

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7. JOSEF PIEPER, *LEISURE, THE BASIS OF CULTURE* 2 (Gerald Malsbary, trans., St. Augustine's Press 1998).