

Chief Justice Thomas J. Moyer
The Ohio State University Commencement
August 30, 2009

Vice Chair Davidson, members of the Board of Trustees, President Gee, faculty and staff, families and guests...and most of all, graduates of the class of 2009.

Today is about celebration and all that goes with it: Flips of the tassel and pats on the back. Allow me to say to all of you—students, families, best friends alike—congratulations.

To the faculty, thank you. You have given one of the greatest gifts to a new graduating class...the gift of knowledge.

Former Chrysler executive Lee Iacocca said “In a completely rational society, the best of us would be teachers and the rest of us would have to settle for something less, because passing civilization along from one generation to the next ought to be the highest honor and highest responsibility anyone could have.”

There is a temptation in commencement speeches to talk to the graduates as if they are about to pass through a door into an environment—a culture—with which they have no familiarity.

Some of you have families; many, if not most, are employed; whether in student or off-campus housing, you live in an interconnected world. The culture, the society in which you live will not change.

And yet this very special occasion is designated as a commencement—a new beginning. So I have one more lesson that stays true to the Socratic Method. The question is, “What now?”

You will soon be handed your diploma—but what now? What do the generations represented here do with the knowledge that produced the diploma? Is your goal to make a million dollars? Do you invent the next iPhone or the next great search engine?

I have a partial answer: those are the easy questions. The question is no longer, “Can we invent the technology?” Today, that step seems almost easy. The difficult question is, “What do we do with the technology we have developed?” And is our life better for it? I suppose our answer is mixed.

The human genome has been mapped, but now what? How should this information be used? To cure genetic defects? To create designer babies?

Your generation will provide the answers. This is your world.

Human design is once again on the drawing board and you hold the drafting pen. No looking at your neighbor's desk for the answer. There is more than one reason teachers did not allow you to have wandering eyes during an exam. In the great final exam of human kind, you provide the answer.

The generation represented by most of you here will test the limits of artificial intelligence and extend the boundaries of space travel. Your generation will be the one to shrink our carbon footprint and re-stock our polar ice caps.

Yours is a future of prodigious challenges. You have been handed a torch, and now it is your choice to design the path that will be lit by the flame.

Most every graduate has been exposed to the sentiment expressed in those words. But let's take the thought a little further.

America is a conglomeration of diverse cultures with roots reaching in all directions beyond our borders. But with few exceptions, we have always been unified by a principles of freedom of thought, freedom of expression, and respect for the views of others. It can be identified by the simple word, "civility."

Even more important than the questions I propounded to you earlier, is the means by which we produce the answers. We can choose sides; we can be disrespectful of

another view; we can prevent one another from exercising a right to speak freely; we can remove the excitement and promise of creating answers to important issues if we wish. Or, we can breathe new life into civility.

The Roman statesman Cicero wrote tirelessly about the need for civility in our public conversation, cautioning us to “be gentle and without a trace of intransigence.”

Civility requires respect—respect for ideas, respect for persons, and respect for the institutions that have held together our nation in times of revolution, civil war, and economic uncertainties.

Civility is not a quaint notion; civility allows the architect and the fiscal officer to agree on the scope of a basketball arena; the pedagogical detail of the restoration of a magnificent university library; and yes, even a discussion about the level of school tuition.

Civility constrained the passion when our Founding Fathers drafted the United States Constitution. It allowed President Lincoln to reach across the Mason Dixon Line to pull together a fractured nation. And, civility fueled the airlift of the Marshall Plan when the victorious nations of World War II fed those who were conquered.

When passion enflames our differences, the American tradition draws us back to our more formal appreciation for civility—our laws, our constitutions—the documents that embody our principles and ideals that make us uniquely American.

Civility requires no operator's manual, no updates to download, no complicated set of rules. It is simple; it is easy; and it produces positive and constructive human interaction.

Civility may be the forum for our civic conversation but that discussion is captured in all its colorful hues in our laws and in our constitutions.

Think of the power, the clarity of “We the People of the United States, in order to form a more perfect union.” It is a document spirited with passion but considerate of the vast opinions and ideals of all who wish to be American citizens.

Our constitutions and laws are the civic diaries—the journalized entries of our limits and ideals, our expectations and our principles.

That is why each generation is the guardian, the protector of these ideals.

My generation, your generation, must above all else strive to protect our laws because they embody who we are as a nation.

The rule of law is not to be taken for granted.

It must be polished and burnished.

Each generation must breathe new meaning, new life into our legal institutions, our faith and confidence in the rule of law.

Because the law draws its strength from our many voices... it naturally falls into a symmetry, carefully shaping our complexities as a nation into a balance, a natural order.

There is harmony and proportion. As one lawyer observed, the law provides “the perfect reconciliation of the sensual and rational parts of human nature.”

If you look beyond the moment we find there is beauty in the law.

Like brush strokes on canvas, law brings form to cloudy images of the mind.

The beauty of law is found in the text of our long-held beliefs in liberty and freedom and fairness. It is found in the contract that brings shape to the hope and promise of a new beginning.

The beauty of law, in my humble opinion, is that it is the product of the ages—wrapped in the opinion of the moment.

The law takes from Aristotle, Coke, and Aquinas and is applied to the disorder and unruliness of mankind...just as an artist borrows from Michelangelo, Botticelli, and Van Gogh.

Law is our seamless connection with the past.

The rabbi and the minister guide us to Psalm 19, “the law of the Lord is perfect, reviving the soul.” This Psalm tells us that the Lord’s law, the historical inspiration of natural law.... is sure, right, and clear.... desired more than gold.

The most visible symbols of the beauty of the law are the centerpieces of our communities, our courthouses... sometimes ornate like a Rembrandt painting, others strong as a Wagner opera.

The broad marble halls of many of our historic courthouses are typical of the architectural symbols of our civil aesthetics—symbols that remind us that the rule of law anchors a civilized society.

Judicial and other leaders from all points on the compass send delegations to the United States—many of them to Ohio—to study the American system of justice.

We are not perfect, but we are a model for those who seek to observe a justice system founded upon and for the most part, practicing fundamental principles—principles of fairness, equality, consistent application of the rules created by community.

Imagine if you sat in the courtroom as Clarence Darrow and William Jennings Bryan eloquently, artistically argued the Scopes trial in a brutally hot Tennessee court room.

The enduring qualities of the Scopes case were captured in the elegant reporting of noted journalist H.L. Mencken and again in the book and play, *Inherit The Wind*.

Judge William Bootle, a federal judge in Georgia certainly appreciated the beauty of the law. He lived to be 104 and could remember opinions that he had not seen in more than 70 years.

He once told an audience:

“Pity the person, if such there be, who can go through life reading, studying, teaching and practicing law, and adjudicating cases without ever beholding the beauty of the work material or the grandeur of the work product.

“Such a person would be like the man who thinks he is just pushing a wheelbarrow, when in fact, he is building a cathedral.”

Great theater has both conflict and compassion...a strong crescendo that gracefully gives way to a satisfying resolution...not so different than the real-life story uncovered by home foreclosure mediators across the state.

It is a work of beauty when a homeowner and a lender sit across from each other...guided by someone trained to promote resolution—not conflict.

To see beauty in the law all one needs to do is witness a drug court graduation ceremony.

A graduation ceremony may include a simple poem, even a song written by a graduate of the drug court program...in which they have received counseling, suppressed their addiction and regained control of their lives.

This is real-life art and literature. It is beautiful courtroom drama.

Its American story telling... wrapped in an opportunity at redemption that would rival any Jimmy Stewart movie.

The law is beautiful when it reveals the human side....when the justice system demonstrates compassion and a concern for the greater good of society.

The law helps the needy, it makes commerce possible, it protects us when we say something unpopular...and in its own gentle way it may encourage you to drive the speed limit.

Law as Alexander Hamilton said is the cement that binds us. Yet it is so much more.

Law....law is beauty in motion.

One day soon, in fact in just a few more minutes, you will be the artist as you set off on your chosen profession or career and participate in the glorious debate of civil society.

As you leave this building and reenter the world outside, diploma in hand, go and begin building your cathedrals.