

9-1-1990

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Recommended Citation

Irwin P. Stotzky, *James Mofsky's Moral Vision*, 45 U. Miami L. Rev. 11 (1990)

Available at: <https://repository.law.miami.edu/umlr/vol45/iss1/5>

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James Mofsky's Moral Vision

IRWIN P. STOTZKY*

James Mofsky was a very complicated human being who had extremely broad interests and high standards. For example, Jimmy and I used to talk for hours about ethics. In particular, we used to discuss one of Plato's dialogues entitled *Gorgias*. Gorgias himself is a professor of oratory, and the dialogue opens with a discussion between Socrates and him on the nature of his art. It soon becomes clear, however, that the true concern of *Gorgias* is with ethics, and its scope cannot be better indicated than by a quotation from Socrates' concluding words:

All the other theories put forward in our long conversation have been refuted, and this conclusion alone stands firm, that one should avoid doing wrong with more care than being wronged, and that the supreme object of [an individual's] efforts, in public and in private life, must be the reality rather than the appearance of goodness.¹

The dialogue is in fact a passionate defense by Socrates of the ideal for which he gave his life, *that man's business on earth is to discover and do what is right*. To Socrates, therefore, it is better to suffer wrong than to do wrong. If we ask what this ideal has to do with oratory, the answer is that in Socrates' view it stands in direct opposition to the ends which the oratorical training of his day was adapted to serve. Indeed, a person will not be justified in embarking on a public career unless she possesses a knowledge of moral values and an appropriate vision which will enable her to improve the character of the community.

James Mofsky was perhaps the only person I have ever known who lived his life in harmony with the stringent ethical and moral requirements enunciated by Socrates. Jimmy believed passionately in the importance of doing what was right and in treating each person he encountered with respect and dignity. He lived the Socratic ideal in all aspects of his public and private life.

Perhaps his most outstanding characteristic was that he cared. Jimmy Mofsky cared about people, institutions, and ideas. He cared most about his family. He would talk to me for hours about his love

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1. PLATO, *GORGIAS* 148 (W. Hamilton ed. 1960).

for Barbara, Russell, Michael, Jonathan, and Allison. They came first in his life. He did everything he could to work with Barbara in providing his children with the necessary foundation so that they too could live the moral life. He spent every second of his precious time with them not out of a sense of duty, but because it was the most enjoyable aspect of his life. His family made him whole.

Moreover, he valued people not for what they could give him, but for their individual, intrinsic worth. He saw the best in everyone, and even in the midst of a heated battle he always treated his adversary with uncommon generosity and dignity. His loyalty to his friends was uncompromising and enduring. This was so not out of habit, but because of the intensity and depth of his feelings. He valued ideas because they were good and important and affected human beings, not simply because of the intellectual puzzles they produced. To Jimmy, the securities laws were not just an object of scholarly pursuit, but also an ideal of behavior between individuals in their relationships to one another in the business world. He also cared about institutions. In particular, he cared about the University of Miami School of Law. He would talk about the future of the Law School for hours at a time, not because of what it offered him, but because of his personal attachment to the people working within it and because of the ideals for which it stood in his mind. More than anything else about the Law School, Jimmy loved the students. And he showed his love for them in his complete devotion to improving the teaching and scholarship of the professors in the institution, and hence the students' educations. To Jimmy, of course, law teaching without moral foundation was the oratorical training of the modern era. Recently, while speaking to past students, it became clear to me that Jimmy's genius in a classroom was not simply in transmitting knowledge or information or even a way of thinking, but instead in a transmittal of love.

As a lawyer, Jimmy was superb. He had the uncanny ability to be both detached and sympathetic to the positions of both his clients and their adversaries. He had great integrity and thus the one absolutely essential quality of a great lawyer—good judgment. He was a master at crafting the facts of a case so that he could persuade even the unbeliever to the correctness of his moral vision and his client's position. Even after the most heated battles, his opponents always honored Jimmy with their respect and indeed great affection for him. No opponent has ever been heard to say anything negative about him.

Furthermore, like Socrates, Jimmy not only lived his life passionately, but also faced his death with great courage. In the short time

that he was ill, knowing full well that he faced impending death, Jimmy never acknowledged the great pain he was in nor complained about his fate. Instead, he spent this precious time attempting to help everyone else accept the inevitable. Moreover, he attempted to convince those closest to him of the necessity of continuing to live life in a positive, productive manner. For example, every time I visited him during this period, the conversation turned to how I was feeling, and what plans I had for the future. He became a mediator of my life. Jimmy offered wise counsel and had specific arguments about how I should conduct my life. Indeed, looking back at that advice shows me how perceptive and wise Jimmy truly was. And he did all of this in the most gentle, humble, and loving way.

There are, of course, so many other wonderful things that can be said about Jimmy. But even if it were possible to describe all of the complex dimensions of Jimmy's life, that description would necessarily leave so much unsaid; it would miss so much of the essence of Jimmy. Words can never capture the excitement, the joy, and the spirit that was Jimmy. I know that Jimmy would want me to think not of the extraordinary loss that I feel, but rather to celebrate the wonderful times we had together—to celebrate his joyous life.

The one significant way to honor Jimmy, of course, is to follow his path. Indeed, to make Jimmy truly immortal, it is important to find out what is good and right and then to do it, whatever the consequences.