

## SYMPOSIUM ARTICLES

### Socrates and the Pedagogy of Critique

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#### Turning to Socrates

What makes the teaching and conversations of Socrates of interest to us in our current condition? What is it that Socrates teaches? What would bring us, as students and observers of culture and educators in legal (and cultural) studies, to talk about Socrates?

I am a teacher. Many of the readers of this journal are teachers. Teachers, unless they are to be fountains of dogma, will find doubt to be part of their craft. We doubt ourselves as providers of credentials. We doubt the compromises that we make to pacify colleagues and students. We doubt the humanities and the liberal arts even as we seek to rehabilitate their place in the curriculum. Foundations are questioned, grand theory held in suspicion, absolutes dissolved, and old standards (and the objectivity on which we imagined them to be based) recast as the politics of oppression.<sup>1</sup> The psychological dilemmas and political plight brought upon us by doubt are a teacher's burden to bear.

On some days there is no doubt. On some of these doubtless days my teaching goes on "automatic pilot." On still other days, I see hope in teaching when I witness the change that teaching makes possible, the transformation of students who choose to work with who they are and what they have been given. There are days too when this more hopeful vision appears to be little more than an illusion.

At times I feel that my hope for teaching is false. Do I know what I am doing? Does my own search for meaning have any bearing on the meaning that students seek in becoming a lawyer?<sup>2</sup> I can imagine someone having a good laugh at the suggestion that lawyers enter the legal profession in pursuit of ideals, that becoming a lawyer is a quest for

meaning. So, my skepticism (and a prosaic voice that keeps me grounded) pulls me back. Lofty ideals can lead one astray. I mistrust those who take themselves too seriously, who speak too fervently in the name of singular purposes,<sup>3</sup> who have no appreciation of failure. By pulling back I try to avoid hubris and arrogance. By pulling away I try to protect myself from disillusionment. It is this condition of doubt, hope, ambivalence, conflict, and confusion that can bring us to Socrates, the teacher, the philosopher. It is in this time of extreme self-awareness and self-doubt that we make way back around to a teacher like Socrates.<sup>4</sup>

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In the midst of our doubt we search, often in the most diverse ways and perverse places, for a center, a moral pivot, directional bearing, a way of locating ourselves in the world, and an encompassing world-view. It is, in the words of one observer, a "time of reassessment of dominant ideas across the human sciences ... extending to law, art, architecture, philosophy, literature, and even the natural sciences."<sup>5</sup> In reassessment we search, quest, for what is worth knowing and believing, for methods of seeing and knowing that will aid in the re-making of a more inhabitable world. We ask of ourselves, most often secretly or in unacknowledged ways, to carry forth a re-making and re-visioning that is heroic in character.<sup>6</sup>

It is, paradoxically, a journey also of anti-heroes. We have been invited into a world without foundation<sup>7</sup> marked by an epistemological era of time called post-modernism.<sup>8</sup> We have lost faith in transcendental moves.<sup>9</sup> The social contract is questioned and centrist liberalism is disputed.<sup>10</sup> We drift (or find ourselves being pushed) from one interpretative school to another.<sup>11</sup> We write and dream of community (interpretative and otherwise),<sup>12</sup> but have, at the end of the day, we are told, nothing more to sustain us than the workings of "local knowledge."<sup>13</sup> We are located (by others if not by self-identification) within discourses and the attendant power and pathology of discursive practices that emanate from these discourses. We sit atop a life of fundamental contradictions:<sup>14</sup> freedom and constraint, individualism and altruism, the relentless perpetration and preservation of context and the equally relentless rebellion to break free of existing contexts; an unexamined

reality of everyday life juxtaposed against reflective social and political criticism.<sup>15</sup>

It is in this world of heroic quest and anti-hero scholarship, this perplexing state of epistemological uncertainty, this world of doubt and relentless search that I wonder with my students over the kind of ethics that lawyers have taken up, and whether it is possible to be a good person and a lawyer.<sup>16</sup> I take up the matter of lawyer ethics in a world in which the moral perspective appears increasingly to have been confused, strangled, lost. What has happened to the "social responsibility" of American business men and women?<sup>17</sup> We wonder whether our physicians have not become so enamored, and at the same time perplexed, by science and technology that they have forgotten themselves as healers.<sup>18</sup> We wonder whether journalists are capable of providing us with the kind of reporting that will make it possible to decode contemporaneous economic and cultural events. We wonder about ourselves and our colleagues, what we and they stand for and stand against. In this world of doubt, we turn to Socrates.

### How Should I Live?

The question posed by Socrates remains the question for each of us. How should one live?<sup>19</sup> How should I live with the culture that I find being enacted around me? How does the culture in which my own drama is to be enacted (the culture I inherit) bind me and what possibilities of freedom does it (and other cultures to which I might have access) offer? What kind of culture do I enact with my teaching? What kind of culture will my students enact with the education they now receive?

These questions about how we enact culture are thinly disguised questions that we inherit from Socrates and recast in contemporary parlance. It is this question – how should one live? – says Bernard Williams, that "is the best place for moral philosophy to start."<sup>20</sup> We might amend Williams to be more inclusive: It is this question with which philosophy begins. If the question of philosophy is how we are to live, then we are all bound in some way to be philosophers.<sup>21</sup> "There is no escape from philosophy," Karl Jaspers told us. "The question is only whether a philosophy is conscious or not, whether it is good or bad, muddled or clear. Anyone who rejects philosophy is himself unconsciously practicing a philosophy."<sup>22</sup>

Socrates raises the moral and philosophical questions that every student of law and legal studies confronts: what do lawyers do and how can it be justified within the larger moral universe in which all "practices"<sup>23</sup> and "local knowledge"<sup>24</sup> must be judged? But the problem of lawyers is also the problem of teachers and politicians, parents and friends, expressed in the rhetoric of contemporary professionalism. How can we justify the way we live and the culture we embrace?<sup>25</sup> How is one to know how to live? Are we simply to take the well-worn path and trust that success will follow?<sup>26</sup> And what can be said about those who hallucinate the voice of an imagined "society" that tells them (and us) who to be, how to think and talk? With what "voices" does culture speak to us? How do we "listen" to culture? How can we recognize culture as it appears in our own speaking?<sup>27</sup> How do we talk back to culture?<sup>28</sup> How is one to talk to teachers, to authorities, to colleagues, to students? What is one to do with the books she reads, the education she is offered? What kind of knowledge do we need in this world and the world that is possible? What beliefs and understandings do we now accept that get in the way of knowing how best to live?<sup>29</sup> Where are we to look for guidance in responding to these questions?

No one purports (for the most part, most of the time, in most situations) to tell me how to live. And yet, I am being asked, in more ways than patience permits naming, by those around me, to be as they would have me be. Go along, they say, accept the world as it is. Be more reasonable and less passionate. Be compromising and conciliatory. Accept conventional understandings and forego your critical stance. Agree more, argue less. Jacob Needleman captures something of this spirit in his description of our modern condition. Needleman says of his relation to Socrates:

Now and here, like Socrates, I am surrounded by scientific knowledge, by the remnants of great religious traditions, the surviving messages of exalted teachings, by symbols –broken and disfigured, but still retaining beauty and power. Like Socrates, I am surrounded by moralities and commandments – some echoing the greatness of ancient wisdom, others constructed only yesterday in order to accommodate some new forms of civilization; still others constructed just a moment ago for my own or others' comfort or egoistic profit. Like Socrates, I am met all the time

by voices claiming this or that opinion to be truth, voices inside and outside myself.<sup>30</sup>

Of all that lies before me – everyday reality, routines and habits, conventional schemes of meaning, canonical texts of disciplines, narratives (sacred and profane) – what am I invited to be? How am I invited to think and speak? How am I to respond? Can *any* view be claimed and argued?<sup>31</sup> What claims and arguments can I make for interpretations and meanings that I bring to education, to the study and practice of law and culture?

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I can, without much effort, answer the question – how should one live? It is not a question that one need necessarily dwell on. We resist, in every way possible, the idea that we know less than we think we know (about both ourselves and the world), and that we think might have consequences that we have not considered and if considered would be difficult to accept. We live ordinary everyday lives in which we assume that we know how to live. We oppose with great energy the thought that our lives might be plagued by self-deception. If I believe that I know what I am doing and that what I do is basically right then I must know how it is good to live.<sup>32</sup>

It is the temptation to let the immediacy of everyday affairs and conventional notions substitute for what I can see and experience more truthfully that Socrates would have me confront. Socrates stands for confrontation and against the intuitive impulse to back away from argument, closing ourselves off by occupying the high ground of our rhetorical fortresses. We close ourselves off from others precisely because we want to decide for ourselves how we should live. "I want to decide on my own," we say. "I want to make my own decisions, my own choices, my own mistakes. I want my life to be my own." A life lived by the dictates of another seems to be a life not worth living. (A life dictated by another might be worth living but the risk of submission is great, so great that most of us are unwilling to accept another's way as our own.)

The struggle at the heart of philosophy animated by Socrates' teaching is submitting ourselves to questioning about the lives we choose

and let others choose for us. The resistance to questioning, Richard Taylor explains, lies in what we think we already know:

The question [how one should live] is one about which everyone has an opinion. Indeed, virtually all men [and women], except the most thoughtful, assume that they know the answer, and that it is so obvious that they need not even give it thought. They may not formulate the answer in words, and of course if they do it will invariably turn out to be something silly, but most men [and women] seem nevertheless to assume that no one could possibly have anything to say to them about ethics. If they read on this subject, it is less with a view to learning than to appraising what they read in terms of what they imagine they already know. Their "knowledge," however, more often than not turns out to consist of nothing more than certain superficial attitudes

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Socrates presents us with a paradox of learning and teaching: know thyself *and* know that the self is not a sufficient answer. Socrates is known for the dictum "Know thyself"; yet, he is also known for the equally consistent practice of turning the interlocutor's conventional world of belief and language on its head. If one seeks to learn only by discovering the truth within oneself, the truth may turn out to be that we are enamored of resistance to change and critical reflection, that we are narcissists. But if the truth within oneself is hidden from oneself, then some means of excavation and uncovering other than the thinking we are presently doing will be necessary.

### Conversation

Socrates did not present a philosophic map or a set of propositional principles. (Philosophy itself does not rest on self-evident truths.) What James Boyd White says of the *Gorgias*, one might say of other Socratic dialogues: they seek to "teach" the reader but they do not teach a set of propositions or a fixed description of the world, or even present a coherent argument. They do not, says White, teach the use of a particular language, even the one being used in the dialogue. Rather, the dialogues teach us "how to remake a language" of our own. The reader of the *Gorgias* is asked "not to learn a particular set of questions and

dialectical responses, to be repeated on other occasions, but ... how to ask questions of one's own."<sup>34</sup>

Socrates' philosophy is found in the way he speaks, the way he listens, and the trust he puts in conversation. Conversation (traveling in contemporary legal scholarship under the guise of dialogic politics or the dialogical self<sup>35</sup>) is much the fashionable rage now in legal scholarship<sup>36</sup> and elsewhere.<sup>37</sup> But it is Socrates, more than any contemporary philosopher, who might persuade us to put our conversations to work in teaching and in public life (and demonstrate the pitfalls we might encounter along the way). We are much in need of a re-vitalized conversation on public life (and what Socrates called "citycraft"). We need in public life a Socratic dialectic<sup>38</sup> on the good. We need Socrates for our teaching and in our teaching.

Talking and teaching Socrates renews our interest and faith in conversation. With Socrates we can imagine our courses as conversations.<sup>39</sup> We engage our students in inquiry and struggle by conversation. It is in conversation that Socrates teaches and demonstrates for other teachers how dialogical, dialectical teaching works.<sup>40</sup> Teaching that is conversational is one way we do philosophy with our students. We can learn to be philosophical in our teaching by following Socrates.

Socrates helps us see and re-vision the philosophy that we enact in the discourse of everyday public and private life, a discourse that we construct by the way we speak and regard others in conversation.

For Socrates, who lived in the context of an oral culture, to philosophize meant ... to engage in conversation with other people about certain topics that mattered more than others, because they referred to fundamental issues of human nature and man's life. Philosophy, in a way, was potentially present in every man's soul, and Socrates philosophized by instigating this potential to manifest itself.<sup>41</sup>

Socrates turns philosophy back to everyday life and allows philosophy to emerge in and from the particular choices exposed in conversation when we are confronted with questions about how we choose to live and tell our lives.<sup>42</sup>

Tullio Maranhao describes Socrates' famous questioning as the distinguishing feature of Socrates' kind of conversation and philosophy.

The Socratic questioning stakes out the path of the conversation within the ideological framework of his interlocutors. Since the topics under discussion are strictly kept within the horizons of the understanding of all participants in the debate, chances that they might lose the thread of argument or build up concealed disagreement are minimal. If opposition arises, Socrates tries to overcome it by recasting the conversation in terms acceptable to all. This, of course, is obtained by means of his unrelenting questions forcing every one to speak out, voice his opinions, and take a stand in relation to all statements. No opinions are allowed to lurk in the recess of a grudging mind and no argument is allowed to proceed in the absence of consensus and full understanding.<sup>43</sup>

Socrates is credited by Maranhao, and by other commentators on Socrates' teaching, for a philosophy that emerges from conversation in which confrontational questions become the basis of mutual inquiry.

The form of the Platonic dialogue was quite certainly created by a historical fact – the fact that Socrates taught by question and answer. He held that form of dialogue to be the original pattern of philosophic thought, and the only way for two people to reach an understanding on any subject.<sup>44</sup>

Consequently, to know Socrates we will need to practice our questioning.

The conversational stance that Maranhao attributes to Socrates demands doing, actually doing, the thing we proclaim ourselves most able to do: Standing forth and making our moral stances known.<sup>45</sup> Socrates demands honesty. A Socratic conversation requires

that the people whose voices we hear be intimately connected with the positions they take. The first rule of Socratic *elenchus* [refutation] is that the respondent must say what he really thinks. When Protagoras attempts to break this rule by adopting a hypothetical view about the nature of virtue, Socrates stops him immediately. When Callicles shows hesitation in answering Socrates, Socrates replies that unless he has the courage to speak freely, the inquiry cannot proceed. Even when the respondent's



compliance would make his job much easier Socrates insists that the respondent not say anything short of what he truly believes.

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It follows that *elenchus* is more than an exercise in philosophical analysis. In asking people to state and defend the moral intuitions which underlie their way of life, Socrates inevitably reveals something about their characters. *Elenchus*, then, has as much to do with honesty, humility, and courage as it does with logical acumen: the honesty to say what one really thinks, the humility to admit what one does not know, and the courage to continue the investigation. Most of Socrates' respondents are lacking in all three. Protagoras becomes angry, Polus resorts to cheap rhetorical tricks, Calicles begins to sulk, Critias loses his self-control, Meno wants to quit. While their reactions leave much to be desired, Socrates' respondents do emerge from the pages of the dialogues as real people. Not only is there a clash of ideas but a clash of the personalities who have adopted them.<sup>46</sup>

Participation in a Socratic conversation requires "active listening" and a willingness to confront one's own ignorance (as Socrates pronounces his own ignorance and confronts that of others). Socrates would have us confront, in conversations with others, what we know about virtue and what we assume to be virtuous in our present thinking.<sup>47</sup> Socrates leads us to make virtue, virtue reflected in what we have already become and what we are in the process of becoming, the basis for our conversation about the good life, the good lawyer who aspires to being a good person,<sup>48</sup> and the good teacher. It is with the help of Socrates' teaching that we look at these matters and these questions from the perspective of our own day, our own time, our own work.

### Conversation as Moral and Political Instruction

What would it mean to make Socrates the patron saint of our teaching? To make conversations with our students our teaching? Is it no more than bitter irony that Socrates is claimed as the patron saint of legal education?<sup>49</sup> While Socrates may be associated with the revered and feared law school classroom interaction of teacher and students named in his honor, law students are never introduced to Socrates, his

philosophy and teaching, or the "method" that he actually used in his conversation.<sup>50</sup>

What philosophy and course of pedagogical instruction does Socrates help us enact? How do we do philosophy (and become philosophical) when we follow Socrates?

In the *Protagoras*<sup>51</sup> Socrates questions Hippocrates' understanding of the kind of teaching and learning that will take place if he takes Protagoras as his teacher. Some teaching and learning poison you like bad food poisons the body, Socrates tells Hippocrates. Socrates, by his questions, calls us to re-examine learning, to judge whether what we seek to learn is worthwhile or merely popular, whether it has the potential to poison the psyche as tainted food poisons the body.

We want to think for ourselves, and we assume that we are being prepared to think during the course of our education. But with Socrates we find our thinking fuzzy and that we have devoted our thinking to matters of less and less significance. When we read a Socratic dialogue like *Protagoras* or *Gorgias*, we are made to think, across time and culture, of our own social, political, and psychological condition. Socrates implored the impressionable Hippocrates, by his confrontational questions, to think for himself. The questions that Socrates puts to his friends and antagonists are questions that we must put to ourselves. Most of us, most of the time (students and teachers alike), do not think for ourselves.<sup>52</sup> It is not an easy task, thinking, and there are many serious obstacles to doing it.

In Socratic dialogue we see how conventional views – views that grow out of everyday thinking and popular culture, views that represent what we are told is real, inevitable, necessary, natural – cover for deeper insecurities and anxiety about the validity of what we think we know about public and political life. Socrates' version of philosophy induced those around him to examine the character of the world they were constructing with their speech and their lives.<sup>53</sup>

For both Socrates and Plato "it was a special feature of philosophy that it was reflective and stood back from ordinary practice and argument to define and criticize the attitudes involved in them."<sup>54</sup> Socrates was a critic and gave us a way of doing philosophy that is subversive of conventional amoral stances toward contemporary life.<sup>55</sup>

Because conventional morality is a matter of opinion only, it is perfectly possible that it could be false, that a man might be quite wrong in believing that something is good, even though all men might speak with the same voice on the matter. That an opinion is widely or even universally held is no guarantee of its truth. It is, therefore, quite possible that what all men call moral virtue is in fact moral vice, that conventional morality might in truth be an accepted system of immorality, that what all men think of as justice might in fact be injustice – possibilities that Protagoras ... considered scandalous and not even to be entertained. In fact, Socrates did not think this was so. He was exceedingly deferential to convention, and sometimes appealed to the laws and customs of his state as though they were fixed and natural moral principles, absolutely binding on himself. He was not, in other words, a revolutionary, bent on overthrowing convention in favor of a true morality, in spite of the fact that he appeared as a corrupter of conventional morals to his contemporaries. But Socrates did consider the ordinary man's conventional opinions on ethics to be inferior, just because they were mere opinions – not because he thought they were all false. He was only seeking something better; namely, a philosophical knowledge of virtue or justice, even though the path to which it directed its possessor might turn out to be much the same as the path of convention.<sup>56</sup>

"The first step in building a sound philosophy of living," following Socrates, "is getting rid of the confused mass of social convention and opinion that passes for knowledge – that is, a critical re-examination of one's accepted habits of thought and conduct."<sup>57</sup> We need Socrates (and philosophy) because, as Jacob Needleman put it: "I may love the greatness of truth; but by itself it does not change me."<sup>58</sup>

We get beyond appearances by a process of uncovering what we assume by going into the contradictions and voices we find ourselves speaking (and the voices that we have excluded from our own lives; voices that can be heard by others). Here is the way this uncovering is described by those who turn to Socrates:

By analyzing conceded judgments we go back to their presuppositions. We operate regressively from the consequences to the reason. In this regression we eliminate the accidental facts to

which the particular judgment relates and by this separation bring into relief the originally obscure assumption that lies at the bottom of the judgment on the concrete instance. The regressive method of abstraction, which serves to disclose philosophical principles, produces no new knowledge either of facts or of laws. It merely utilizes reflection to transform into clear concepts what reposed in our reason as an original possession and made itself obscurely heard in every individual judgment.<sup>59</sup>

The Socratic power is to penetrate, again and again, behind the world of appearances; the world of emotional appearances as well as the world of perceptual appearances – that is, the world as I like it or dislike it, the world to which I am attached in my emotions, the world of my emotions.<sup>60</sup>

To penetrate beyond the world of appearances means to allow the studied transformation of my opinions first, my certainties secondly, and finally my beliefs, not only about the world around me, but also the world of me. The Socratic dialogue is a lesson in "seeing through" our own thinking and what is held to be knowledge but turns out to be false belief.<sup>61</sup>

Philosophy begins when one learns to doubt – particularly to doubt one's cherished beliefs, one's dogmas and one's axioms. Who knows how these cherished beliefs become certainties with us, and whether some secret wish did not furtively beget them, clothing desire in the dress of thought? There is no real philosophy until the mind turns round and examines itself.<sup>62</sup>

To live an examined life<sup>63</sup> we experience ourselves as emigrants, re-orienting and re-learning how to live with the disorientation of a "decentered" world, a world in which convention does not suffice. Socrates induces in his interlocutors this disorientation. Socrates disorients and exposes and criticizes habits of an already constructed world that is placed, with encouragement, beyond question. Our habits of understanding are reflected in our presuppositions, and it is our habits, our understanding of the world, and our presuppositions that are challenged by Socrates. (We allow ourselves to be challenged, indeed seek challenge, even in the face of the disorientation that we fear.) To

see ourselves from the distant gaze of philosophy or from the scrutiny of critical conversation, we must suffer the disorientation of the emigrant.

In the Socratic dialogue the reader/student/teacher is pulled toward a more critical stance. It is, we learn, difficult to be critical, critical in the sense of being open to what we do not know, open to the possibility that we think we know more than we do, and paradoxically, that we know more than we assume and know more than we adequately express in public dialogue.

Socrates can help us develop the skill of *questioning* and *listening* and *seeing*. This skill requires that we hear the confusion in our own voices, and see how we "misread" texts – of a literary kind, of a conversational kind, and of the kind we make with our lives. When we struggle with this kind of critical thinking and critical searching, we act in the spirit of Socrates, the master teacher of an ancient political and pedagogical art that need not be forgotten.

## NOTES

1. We read Stanley Fish, Richard Rorty, Critical Legal Studies, feminist jurisprudence, and new theories of interpretation that move us to embrace contingency and indeterminacy (and turn the less adventurous away from contemporary scholarship) with a looking back that is an apology of nostalgia.  
The contingency thesis of modern psychological and political life has been explored most thoroughly in the work of Roberto Mangabeira Unger. See *Passion: An Essay on Personality* (New York: Free Press, 1984); *Social Theory: Its Situation and Its Task* (Cambridge, England: Cambridge Univ. Press, 1987). Richard Rorty, in his most recent work, has explored the contingency of language, selfhood, and liberal community. See Richard Rorty, *Contingency, Irony, and Solidarity* 3-69 (Cambridge, England: Cambridge Univ. Press, 1989).
2. On the search for meaning in legal education, see James R. Elkins, "The Quest for Meaning: Narrative Accounts of Legal Education," 38 *J. Legal Educ.* 577 (1988).
3. Gregory Bateson captured my concern when he observed how, "We focus in like Mongooses on single purpose activity and think, quite wrongly, that is what it is to be alive – to be able to pursue a single identified purpose. But what it is to be alive is to handle highly multiple purposes and to handle them by virtue of highly complex movement in the receiving end, in the head, maybe, or wherever it is." Gregory Bateson, "Intelligence, Experience, and Evolution," 1 *Revision* 50, 52 (1978).
4. We should not forget, as Bernard Williams cautions, that we are, because of our reflective awareness, not in the same condition as were those who participated in the Socratic dialogues of Socrates' time. "For him [Socrates] and the Plato it was a special feature of philosophy that it was reflective and stood back from ordinary practice and argument to define and criticize the attitudes involved in them. But modern life is so

pervasively reflective, and a high degree of self-consciousness is so basic to its institutions, that these qualities cannot be what mainly distinguishes philosophy from other activities – from law, for instance, which is increasingly conscious of itself as a social creation; or medicine, forced to understand itself as at once care, business, and applied science; to say nothing of fiction, which even in its more popular forms needs to be conscious of its fictionality. Philosophy in the modern world cannot make any special claim to reflectiveness, though it may be able to make a special use of it." Bernard Williams, *Ethics and the Limits of Philosophy* 2-3 (Cambridge, Massachusetts: Harvard Univ. Press, 1985).

5. George E. Marcus and Michael M. J. Fischer, *Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences* 7 (Chicago: Univ. of Chicago Press, 1986).
6. "In the agonistic world of politicians, sophists, athletes, and lovers, Plato's Socrates stands out as the most erotically powerful intellectual in Athens. Even the chryselephantine Alcibides shows himself captivated by this most charismatic of pedagogues." Robert Eisner, "Socrates as Hero," 6 *Philosophy as Literature* 106, 106 (1982).

In the archetypal heroic quest, the hero undertakes a journey and faces dangers and trials as the journey proceeds. The life and teaching of Socrates follow this mythic motif. Socrates is, in the imagination of teachers, both an authentic and a tragic hero. He was a trickster, hermetic in his comings and goings, his ploys, his message of hope always juxtaposed against the loss of meaning in the culture he inhabited. We need heroes like Socrates. "Only the duplicity of irony and the duplicity of myth can compensate for, or pretend to compensate for, the essential unforthcomingness of reality." *Id.*, 115.

On the heroic quest in jurisprudential narrative, see Robin West, "Jurisprudence as Narrative: An Aesthetic Analysis of Modern Legal Theory," 60 *N.Y.U.L. Rev.* 145 (1985). West finds that American legal literature "rests solidly on a tragic-romantic narrative base." *Id.*, 162. For example, the Declaration of Independence, "[a]s narrative, ... tells the romantic story of the 'birth of a hero,' a tumultuous ending and a new apocalyptic beginning. The American Rule of Law is the hero that triumphs over English monarchical authority. The parental authority figures are overthrown and replaced by a lawful, nonparental, and free political utopia, an orderly society of 'desirable law' in which the free and the brave, through heroic and individual action, can exploit the apocalyptic land of milk and honey." *Id.*

See also Unger, *supra* note 1, 53-57.

7. See Stanley Fish, *Doing What Comes Naturally: Change, Rhetoric, and the Practice of Theory in Literary and Legal Studies* (Durham, North Carolina: Duke Univ. Press, 1988); Richard Rorty, *supra* note 2; Allan C. Hutchinson, "The Three 'Rs': Readings/Rorty/Radically" (Book Review), 103 *Harv. L. Rev.* 555 (1989).
8. See Katharine T. Bartlett, "Feminist Legal Methods," 103 *Harv. L. Rev.* 929, 877-880 (1990); Drucilla Cornell, "Toward a Modern/Postmodern Reconstruction of Ethics," 133 *U. Pa. L. Rev.* 291 (1985); Stephen A. Tyler, "Post-Modern Ethnography: From Document of the Occult to Occult Document," Michael M. J. Fischer, "Ethnicity and the Post-Modern Arts of Memory," and Paul Rabinow, "Representations Are Social Facts: Modernity and Post-Modernity in Anthropology," in James Clifford and George E. Marcus (eds.), *Writing Culture: The Poetics and Politics of Ethnography* 122-140, 194-233, 234-261 (Berkeley: Univ. of California Press, 1986); Charles Newman, *The Post-*

*Modern Aura: The Act of Fiction in an Age of Inflation* (Evanston: Northwestern Univ. Press, 1985).

9. "Though those with what they take to be one big idea are still among us, calls for 'a general theory' of just about anything social [including, we might add, law] sound increasingly hollow, and claims to have one, megalomaniac." Clifford Geertz, *Local Knowledge: Further Essays in Interpretive Anthropology* (New York: Basic Books, 1983). See also Marcus and Fischer, *supra* note 5, at 8 ("The authority of 'grand theory' styles seems suspended for the moment in favor of a close consideration of such issues as contextuality, the meaning of social life to those who enact it, and the explanation of exceptions and indeterminants rather than regularities in phenomena observed ... ."); Joan C. Williams, "Critical Legal Studies: The Death of Transcendence and the Rise of the New Langdells," 62 *N.Y.U.L. Rev.* 429, 430-31 (1987) ("Traditional epistemology, with its belief in the existence of transcendent, objective truth, has been replaced in the twentieth century by a 'new epistemology,' which rejects a belief in objective truth and the claims of certainty that traditionally follow.")
10. On the "flight from liberalism" see Terrance Sandalow, "A Skeptical Look at Contemporary Republicanism," 41 *Florida L. Rev.* 523 (1989); William M. Sullivan, *Reconstructing Public Philosophy* (Berkeley: Univ. of California Press, 1986); Michael Sandel, *Liberalism and the Limits of Justice* (1982).
11. See Drucilla Cornell, "The Problem of Normative Authority in Legal Interpretation," 54 *Tenn. L. Rev.* 327 (1987); Interpretation Symposium, 58 *S. Cal. L. Rev.* 35-134 (1985); Daniel Bell, "The Turn to Interpretation," 51 *Partisan Rev.* 215 (1984).
12. The debate over how this dream is to be realized is reflected in Robin West, "Communities, Texts, and Law: Reflections on the Law and Literature Movement," 1 *Yale J. L. & Hum.* 129 (1988).
13. For a more exalted notion of "local knowledge" than is implied in the text, see Clifford Geertz's Yale Law School Storrs Lectures. Geertz, *supra* note 9, 167-234.
14. "Any Scholar immersed in the details of an intricate problem will tell you that its richness cannot be abstracted as a dichotomy, a conflict between two opposing interpretations. Yet, for reasons that I do not begin to understand, the human mind loves to dichotomize ... . I used to rail against these simplifications, but now feel that another strategy for pluralism might be more successful. I despair of persuading people to drop the familiar and comforting tactic of dichotomy. Perhaps, instead, we might expand the framework of debates by seeking other dichotomies more appropriate than, or simply different from, the conventional divisions. All dichotomies are simplifications, but the rendition of a conflict along differing axes of several orthogonal dichotomies might provide an amplitude of proper intellectual space without forcing us to forgo our most comforting tool of thought. The problem is not so much that we are driven to dichotomy, but that we impose incorrect or misleading divisions by two upon the world's complexity. The inadequacy of some dichotomies rests upon their anachronism." Stephen Joy Gould, *Time's Arrow, Time's Cycle* 8 (Cambridge, Massachusetts: Harvard Univ. Press, 1987).

The argument for and from fundamental contradiction(s) is attributed, in legal scholarship, to the practitioners of Critical Legal Studies associated with Duncan Kennedy and Roberto Unger. Unger claims that the antinomies that underlie present approaches to law and legal reasoning are reason and desire, order and freedom, rules and values. "[T]he antinomy of rules and values stands at the core of modern

- jurisprudence ... ." Roberto Unger, *Knowledge and Politics* 91 (New York: Free Press, 1975). See also Duncan Kennedy, "The Structure of Blackstone's Commentaries," 28 *Buff. L. Rev.* 205 (1979).
15. The fault-line underlying our social and political lives runs deep. Theodore Roszak argues that, "Few people realize how much of their best energy is steadily, secretly drained away by ... this psychic fault-line that runs down the middle of their lives. But every dichotomy this culture clings to forces us to choose, and every choosing is a repressing, the exile of some outlawed part of ourselves. We live always between the devil and the good lord. No matter how we rename the contestants that wrestle for our soul (reason against passion, ego against id, Eros against Thanos, anima against animus [feminine against masculine], bad faith against authenticity, sanity against madness), always, at last, it is ourselves against ourselves across the battleground of the divided soul. Theodore Roszak, *Unfinished Animal* 154-155 (New York: Harper Colophon, 1977).
  16. See, e.g., David Luban, *Lawyers and Justice: An Ethical Study* (Princeton, New Jersey: Princeton Univ. Press, 1988); David Luban (ed.), *The Good Lawyer: Lawyers' Roles and Lawyers' Ethics* (Rowota, New Jersey: Rowman & Littlefield, 1983); Gerald J. Postema, "Moral Responsibility in Professional Ethics," 55 *N.Y.U.L. Rev.* 63 (1980); Charles Fried, "The Lawyer as Friend: The Moral Foundations of the Lawyer-Client Relationship," 85 *Yale L. J.* 1060 (1976).
  17. For a recent account of the role of ethics in business education, see Edward Conry and Donald Nelson, "Business Law and Moral Growth," 27 *Amer. Bus. L. J.* 1 (1989).
  18. See, e.g., Lawrence K. Altman and Elisabeth Rosenthal, "Changes in Medicine Bring Pain to Healing Profession," *New York Times*, February 18, 1990, p. 1, c. 4.
  19. And it is this question, how one should live, that Bernard Williams and others see as the focal point of moral philosophy: "The aim of moral philosophy, and any hopes it may have of being worth serious attention, are bound up with the fate of Socrates' question, even if it is not true that philosophy, itself, can reasonably hope to answer it." Williams, *supra* note 4, 1.
  20. *Id.*, 4. Williams argues that: "Philosophy starts from questions that, on any view of it, it can and should ask, about the chances we have of finding out how best to live; in the course of that, it comes to see how much it itself may help, with discursive methods of analysis and argument, critical discontent, and an imaginative comparison of possibilities, which are what it most characteristically tries to add to our ordinary resources of historical and personal knowledge." *Id.*
  21. For a view of philosophy that takes account of how we are all philosophers, see James R. Elkins, "The Examined Life: A Mind in Search of Heart," 30 *Amer. J. Juris.* 155, 169-177 (1985).
  22. Karl Jaspers, *Way to Wisdom* 12 (New Haven: Yale Univ. Press, 1951).
  23. For a moral philosophical approach to "practices" see Alasdair MacIntyre, *After Virtue* 177-169 (Notre Dame: Univ. of Notre Dame Press, 1981).
  24. See Geertz, *supra* note.
  25. The motives we assign our actions are "not some fixed thing, like a table, which one can go and look at. It [motive] is a term of interpretation, and being such it will naturally take its place within the framework of our *Weltanschauung* as a whole. The process of rationalization ... [is] centered in the entire scheme of judgments as to what



- people ought to do, how they proved themselves worthy, on what grounds they could expect good treatment, what good treatment was, etc. The few attributions of motive by which a man explained his conduct were but a fragmentary part of this larger orientation." Kenneth Burke, *Permanence and Change* 25 (New York: Bobbs-Merrill, 1965).
26. On the danger for those who do, see Alice Koller, *An Unknown Woman: A Journey of Self-Discovery* (New York: Bantam Books, 1983); Albert Camus, *The Fall* (New York: Alfred A. Knopf, 1960); Seymour Wishman, *Confessions of a Criminal Lawyer* (New York: Penguin, 1982); Leo Tolstoy, "The Death of Ivan Ilych," in Leo Tolstoy, *The Death of Ivan Ilych and Other Stories* 95-156 (New York: New American Library, 1960).
  27. "[W]e can develop more adequate skills to say what we are doing. Too often, however, we adopt the first coherent description of what we have done and it leads to greater self-deception." Stanley Hauerwas, *Truthfulness and Tragedy* 96 (Notre Dame: Univ. of Notre Dame Press, 1977).
  28. The most cogent account of a pedagogy designed to talk back to culture that I have found is that of Ira Shor, *Critical Teaching and Everyday Life* (Boston: South End Press, 1980).
  29. We fear our own culture, eschew a credo, live as if we had no beliefs. We live, as professionals, as if professing law had nothing to do with the spiritual and scared dimension of life. We have so changed our language and altered our frame of reference that it is near to impossible to even talk about such matters.  
 Belief in our own existence, the existence of others, and a world in which we affect the lives of others, requires some means for understanding our relationship with others. If we are to courageously enter the world and relate to others as moral actors there must first be belief. Belief is coterminous with human life, for it is present even when faith and hope have been abandoned. We are all believers, skeptic and cynic not excluded, in one kind of reality or another.
  30. Jacob Needleman, *The Heart of Philosophy* 25 (New York: Alfred A. Knopf, 1982).
  31. The Socratic ethos "nurtures a critical spirit and immunizes students against the facile notion that any view is as good, or bad, as any other. Students are taught to distinguish clearly untenable views from the few positions that appear to be defensible." Walter Kaufman, *The Future of the Humanities* 29 (New York: Reader's Digest Press, 1977).
  32. We each consider ourselves morally upright. "No one willingly goes wrong, for no one voluntarily chooses other than what would be good for himself." Alasdair MacIntyre, *A Short History of Ethics* 22 (New York: Macmillan, 1966).
  33. Richard Taylor, *Good and Evil* 3 (1970).
  34. James Boyd White, "The Ethics of Argument: Plato's *Gorgias* and the Modern Lawyer," 50 *U. Chi. L. Rev.* 849, 869 (1983).
  35. See, e.g., Drucilla Cornell, "In the Defense of Dialogic Reciprocity," 54 *Tenn. L. Rev.* 335 (1985); Frank I. Michelman, "Conceptions of Democracy in American Constitutional Argument: Voting Rights," 41 *Florida L. Rev.* 443, 443-452 (1989) (Michelman, drawing on his revisionist approach to what is being called "civic republicanism," posits a "dialogic conception" of the self in which "a person's personal identity is partially constituted by that person's social situation, and personal freedom accordingly depends on a capacity for self-critical reconsideration of the socially embedded ends and

commitments that partly make one who one is." *Id.* at 450); Frank Michelman, "Bringing the Law to Life: A Plea for Disenchantment," 74 *Cornell L. Rev.* 256 (1989). The politics of the communicative ideal underlying Michelman's work is explored in C. Edwin Baker, "Republican Liberalism: Liberal Rights and Republican Politics," 41 *Florida L. Rev.* 491 (1990) ("Communicative action is central to our identities, as well as to deliberative politics ... ." *Id.* at 514).

On the Socratic implications of civic republicanism see Cass R. Sunstein, "Beyond the Republication Revival," 97 *Yale L. J.* 1539 (1988) ("The first principle [of a liberal civic republicanism] is deliberation in politics, made possible by what is sometimes described as 'civil virtue.' In the deliberative process, private interests are relevant inputs into politics; but they are not taken as prepolitical and exogenous and are instead the object of critical scrutiny." *Id.*, 1541) ("The republican belief in deliberation counsels political actors to achieve a measure of critical distance from prevailing desires and practices, subjecting these desires and practices to scrutiny and review." *Id.*, 1548-1549).

For a critique of Michelman's and Sunstein's politics of civic republicanism, see Richard A. Epstein, "Modern Republicanism – Or the Flight From Substance," 97 *Yale L. J.* 1633 (1988) (criticizing Michelman and Sunstein for their discussion of republican political theory and their concentration on process and deliberation to the exclusion of substantive concerns).

36. On the "legal conversation," see Marie Ashe, "Conversation and Abortion" (Book Review), 82 *Northwestern U. L. Rev.* 387 (1988); Michael Perry, *Morality, Politics, and Law* (New York: Oxford Univ. Press, 1988); Steven J. Burton, *An Introduction to Law and Legal Reasoning* 204-210 (Boston: Little, Brown and Company, 1985); James Boyd White, *When Words Lose Their Meaning: Constitutions and Reconstitutions of Language, Character, and Community* 93-113, 188, 264-268 (Chicago: Univ. of Chicago Press, 1984); James Boyd White, *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* 45, 186-187, 215-218, 951-959 (Boston: Little, Brown and Company, 1973).
37. Richard Rorty, a philosopher, attempts to turn philosophy itself back to an understanding of philosophy as a form of conversation. See Richard Rorty, *Consequences of Pragmatism* 160-175 (1982); Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton, New Jersey: Princeton Univ. Press, 1980). Paul Rabinow, commenting on Rorty's anti-foundational view of modern philosophy, observes that "[o]nce it is seen that philosophy does not found or legitimate the claims to knowledge of other disciplines, its task becomes one of commenting on their works and engaging them in conversation." Rabinow, *supra* note 8, 236. For a review of Rorty's work as a reflection of the "critical turn within twentieth century academic philosophy" see Mark Lilla, "On Goodman, Putnam, and Rorty: The Return to the 'Given,'" 51 *Partisan Rev.* 220 (1984), and William Connolly, *Politics and Ambiguity* 116-126 (Madison: Univ. of Wisconsin Press, 1987).

On the conversation/dialogue perspective in other disciplines, see Marcus and Fischer, *supra* note 5, 30 ("Discussions of the activity of [ethnographic and anthropological] writing itself have recently focused around the metaphor of dialogue, overshadowing the earlier metaphor of text. Dialogue has become the imagery for expressing the way anthropologists (and by extension, their readers) must engage in an active communicative process with another culture. It is a two-way and two-dimensional exchange, interpretive processes being necessary both for communication internally within a cultural system and externally between systems of meaning.")

- For a more guarded assessment of conversation as an empowering metaphor, see Joseph Duffey, "A Thoreauvian Test of Hutchins' Faith in the Great Conversation," *Center Mag.* 3-9 (January/February, 1981).
38. For an accessible, straightforward, helpful account of how dialectic works, see Bertell Ollman, "The Meaning of Dialectics," 38 *Modern Rev.* 42 (November, 1986).
  39. My own efforts in this direction are described in "A Conversation Called Ethics," 10 *Legal Studies Forum* 265-274 (1986), and "The Pedagogy of Ethics," 10 *Journal of the Legal Profession* 37-83 (1985).
  40. The Socratic inspired teacher is "committed to the rigorous examination of the faith and morals of the time, giving pride of place to those convictions which are widely shared and rarely questioned. Reliance on consensus and prestigious paradigms are prime targets." In following Socrates "it is a point of honor to swim against the stream." Kaufman, *supra* note 31, 22. The Socratic teaching ethos would have us explore "compelling alternatives to current fashions." We would "ask how various orthodoxies of our time look from the outside, how well grounded our common sense and all sorts of scholastic as well as non-academic consensuses are, and what might be said for and against each alternative." *Id.*, 29.
  41. Tullio Maranhao, *Therapeutic Discourse and Socratic Dialogue* 175-176 (Madison: Univ. of Wisconsin Press, 1986).
  42. "[O]ur views of what we should do are the result of experience, emotion, and conversation. This conversation occurs in a social and historical context. The conversation will continue as long as human beings live in a society that permits them to talk freely with each other. And as long as the conversation continues, we will reconsider and sometimes revise our beliefs." Joseph Singer, "The Player and the Cards: Nihilism and Legal Theory," 94 *Yale L. J.* 1, 26 (1984).
  43. Maranhao, *supra* note 41, 177-178.
  44. See Werner Jaeger, 2 *Paideia: The Ideals of Greek Culture* 19 (New York: Oxford Univ. Press, 1986).
  45. On the sociological reporting of what we see in the stances of others, see Richard H. Brown, *A Poetic for Sociology: Toward a Logic of Discovery for the Human Sciences* 49-76 (New York: Cambridge Univ. Press, 1977).
  46. Kenneth Seeskin, "Socratic Philosophy and the Dialogue Form," 6 *Philosophy as Literature* 181, 181-182 (1982).
  47. The paradox in Socrates' approach to virtue is his claim that virtue cannot be taught - what we might call skepticism - even as he proceeds to demonstrate and do what he contends cannot be done. For an exploration of this paradoxical quality of Socrates' teaching, see Thomas D. Eisele, "Must Virtue Be Taught?" 37 *J. Legal Educ.* 495 (1987). Eisele, using Plato's *Protagoras* as his text, explores Socrates' well-known claim that virtue cannot be taught and points out that, "Socrates is an example (or exemplar) of virtue or excellence; he enacts or performs excellence in his incessant questioning and questing. He may not be able to articulate fully what virtue is - but this only shows perhaps that virtue is not a matter of *propositional* knowledge. Socrates is able to *embody* it. And his example *teaches* us what virtue or excellence is. We learn virtue from his example." *Id.*, 497. It is Socrates' enactment or demonstration of virtue that has captured the attention of commentators. See, e.g., Walter R. Fisher, *Human*

*Communication as Narration: Toward a Philosophy of Reason, Value, and Action* 182 (Columbia, South Carolina: Univ. of South Carolina Press, 1987).

48. Whether a good lawyer can be a good person is a question increasingly viewed as central to the moral philosophy of law and legal practice. See generally Luban, *The Good Lawyer*, *supra* note 16; Richard Wasserstrom, "Lawyers as Professionals: Some Moral Issues," 5 *Human Rights* 1 (Fall, 1975). The question has been accepted (if only for the purpose of perversion) by even the defenders of more conventional lawyer oriented justifications of the adversarial ethic. See, e.g., Fried, *supra* note 16. For responses to Fried's effort to re-establish a moral foundation for adversarialism challenged by moral philosophical critiques, see Edward Dauer and Arthur Leff, "Correspondence: The Lawyer as Friend," 86 *Yale L. J.* 573 (1977); William Simon, "The Ideology of Advocacy: Procedural Justice and Professional Ethics," 1978 *Wis. L. Rev.* 29, 108-109.
49. At least one colleague has argued that it is Protagoras, not Socrates, that provides a more appropriate guiding spirit for legal education. See William C. Heffernan, "Not Socrates, But Protagoras: The Sophistic Basis of Legal Education," 29 *Buff. L. Rev.* 399 (1980). The renewed interest in rhetoric in legal humanities, and social science scholarship lends some measure of additional credence to Heffernan's proposal. See e.g., James Boyd White, *Heracles' Bow: Essays on the Rhetoric and Poetics of the Law* (Madison: Univ. of Wisconsin Press, 1985); Donald McCloskey, *The Rhetoric of Economics* (Madison: Univ. of Wisconsin Press, 1985); Michael Billig, *Arguing and Thinking: A Rhetorical Approach to Social Psychology* (New York: Cambridge Univ. Press, 1989).
50. Some legal educators have reacted to the challenge of Socrates and inquired into his teaching and its implications for legal education. See, e.g., Richard K. Neumann, "A Preliminary Inquiry into the Art of Critique," 40 *Hastings L. J.* 725 (1989); Richard Cole, "The Socratic Method in Legal Education: Moral Discourse and Accommodation," 35 *Mercer L. Rev.* 867 (1984); Eisele, *supra* note 47; and the other contributions to this symposium.
51. There is an excellent student edition of *Protagoras* edited by B.A.F. Hubbard and E.S. Karnofsky and published by the University of Chicago Press that provides an accessible introduction to Socrates as a teacher. The Hubbard and Karnofsky translation contains student commentary in the form of questions that guide the student's understanding and require (when students prepare written responses to the commentary questions) their personal participation in the dialogue.
52. One of the primary tasks of the emerging critical pedagogy has been to wake students from the slumber of cultural and political sleep. See, e.g., Shor, *supra* note 28; Ira Shor & Paulo Freire, *A Pedagogy for Liberation: Dialogues on Transforming Education* (South Hadley, Massachusetts: Bergin & Garvey, 1987); Paulo Freire, *The Politics of Education: Culture, Power and Liberation* (South Hadley, Massachusetts: Bergin & Garvey, 1985); *Liberation* (South Hadley, Massachusetts: Bergin & Garvey, 1985); David W. Livingston (eds.), *Critical Pedagogy and Cultural Power* (South Hadley, Massachusetts: Bergin & Garvey, 1987); Henry A. Giroux, *Theory and Resistance in Education: A Pedagogy for the Opposition* (South Hadley, Massachusetts: Bergin & Garvey, 1983); Stanley Aronowitz & Henry A. Giroux, *Education Under Siege: The Conversations, Liberal and Radical Debate Over Schooling* 52 (South Hadley, Massachusetts: Bergin & Garvey, 1985). Critical pedagogy has emerged as a school of educational philosophy because "[m]ost students go through their classes as if in a dream." Aronowitz and

Giroux, *supra*, 52. Aronowitz and Giroux find this "slumber" of students in "all social classes" and see it as "a tendency towards literalness"; an inability "to penetrate beyond the surfaces of things to reach down to those aspects of the object that may not be visible to the senses. 'Object' here means that which appears to perception as 'natural' or belonging to social world." *Id.*, 49. It is the purpose of critical pedagogy to develop a form of inquiry that examines the distinction between *what is* and *what should be*.

For a poignant story on how one woman came to think for herself, see Tobias Wolff's, "In the Garden of the North American Martyrs," in *In the Garden of the North American Martyrs* (New York: Ecco Press, 1981). On Socrates and stories see David A. Kolb, "Socrates and Stories," in *Spring: An Annual of Archetypal Psychology and Jungian Thought 177-184* (1981).

53. In legal scholarship this task has been most directly addressed by James Boyd White. See works cited *supra* notes 36 and 49. (Madison: Univ. of Wisconsin Press, 1985).
54. Williams, *supra* note 4, 2.
55. Alfred North Whitehead argued that "[p]hilosophy is an attitude of mind towards doctrines ignorantly entertained." Alfred North Whitehead, *Modes of Thought* 171 (New York: Free Press, 1968). "No philosopher is satisfied with the concurrence of sensible people, whether they be his colleagues, or even his own previous self." *Id.*, 172. "Socrates spent his life in analysing the current presuppositions of the Athenian world. He explicitly recognized that his philosophy was an attitude in the face of ignorance. He was critical and yet constructive." *Id.*, 173-174. Philosophy, says Whitehead, "reverses the slow descent of accepted thought towards the inactive commonplace." *Id.*, 174.
56. Taylor, *supra* note 33, 50-51. That it should be Socrates that we turn to inspire our confrontation with convention is another of the paradoxes associated with his teaching. "[Socrates had a] lifelong sense of the importance of implicit obedience to lawful authority and the reverence for strict constitutionality which led him in later life to oppose violation of the constitution, alike by the angry democracy and by its subverters, at grave personal risk, and, in the end, to submit to a trial which it was intended by his accusers he should evade, and a sentence from which he might easily have escaped, in vindication of the right of the state to pronounce on the conduct of its citizens. His whole life was a signal example of that reverence for law ... ." *Id.*, 53-54.
57. Ronald F. Davidson, *Philosophies Men Live By* 18-19 (New York: Dryden Press, 1952).
58. Needleman, *supra* note 30, 25.
59. Leonard Nelson, *Socratic Method and Critical Philosophy* 10 (New York: Dover ed., Thomas K. Brown III transl., 1965).
60. Needleman, *supra* note 30, 24. Richard Mitchell in a short commentary on Socrates recalls "Socrates talking about the difference between *being* good and *seeming* good. It is obviously possible that the outward appearance of goodness is a sign of inward goodness, but is just as possible that it is not. As to which is which, experience is a remarkably poor teacher." Richard Mitchell, *The Gift of Fire* 96 (New York: Simon and Schuster, 1987).
61. On the subversive (and positive) quality of teaching as seeing through, see James R. Elkins, "Professing Law: Does Teaching Matter?" 31 *St. Louis U. L. J.* 35, 47-49 (1986).
62. Will Durant, *The Story of Philosophy* 9 (New York: Time, 1962).

63. See James R. Elkins, "The Examined Life: A Mind in Search of Heart," 30 *American Journal of Jurisprudence* 155 (1985).