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THE SEVENTH LETTER AND THE SOCRATIC METHOD

Sherman J. Clark*

Law teachers use the phrase “Socratic method” loosely to refer to various methods of questioning students in class rather than merely lecturing to them. The merits of such teaching have been the subject of spirited and even bitter debate. It can be perceived as not only inefficient but also unnecessarily combative—even potentially abusive. Although it is clear that some critics are excoriating the least defensible versions of what has been called the Socratic method, I do not attempt to canvas or adjudicate that debate in this brief essay. Rather, I hope to add to the conversation by looking to a document that describes the origin and original aim of this method. If our teaching practices have indeed been abused or misused such that they too-often resemble the most pejorative caricatures, perhaps we can recover a better and more appealing vision of our tradition by looking to its purported roots.

In a long letter attributed to Plato, there are two brief passages in which the author explains why he chooses to teach through questioning and conversation rather than through written treatises or lectures, and why those seeking to cultivate certain sorts of wisdom should follow his example.¹ I suggest that these passages have been misunderstood, and that a reinterpretation may help illuminate not only Plato’s work but also our own.

The heart of the matter, which *The Seventh Letter* can help us explore, is the following: Socratic conversation is not merely a method of instruction but also a sort of practice—not merely a mode of doctrinal exposition but also, and more essentially, a kind of capacity-building experience. Or so it should be. We often contrast classroom teaching with experiential learning or practical training. That distinction is useful, and makes sense on many levels, but at bottom the dichotomy is false. The sort of teaching that Socrates did, that Plato described, and to which we should aspire, is primarily and essentially an experiential practice. It should model and embody as well as possible an important aspect of what we hope our students will learn to do well.

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1. PLATO, *THE SEVENTH LETTER* (John Harward trans., 1928).

I. THE SEVENTH LETTER

I do not claim that law teachers are actually relying on Plato's description of the Socratic method when we do the sorts of teaching to which we give that name. We in fact pay little attention to Plato or Socrates when we think and argue about how to teach. I suggest that we should. Like them, we often eschew easier and more obviously efficient teaching methods—such as lecturing and the use of textbooks—in favor of a certain sort of difficult and challenging conversation. Why do we do this? What sort of knowledge or wisdom do we think is best developed in this way? How does this way of teaching work, if indeed it works at all? And if we think it can work, how can we do it better? Plato's depiction of the Socratic method, properly understood, can help us think about these questions, and thus can help us develop ways of teaching worthy of their name.

With that aim in mind, here are the relevant passages of *The Seventh Letter*—as traditionally translated:²

There neither is nor ever will be a treatise of mine on the subject. For it does not admit of exposition like other branches of knowledge; but after much converse about the matter itself and a life lived together, suddenly a light, as it were, is kindled in one soul by a flame that leaps to it from another, and thereafter sustains itself.³

....

... [I]n the course of scrutiny and kindly testing by men who proceed by question and answer without ill will, with a sudden flash there shines forth understanding about every problem, and an intelligence whose efforts reach the furthest limits of human powers.⁴

2. *Id.*

3. *Id.* at 7.342c–d (John Harward trans., 1928) (“Οὐκ οὐκ ἐμὸν γε περὶ αὐτῶν ἔστιν σύγγραμμα οὐδὲ μήποτε γένηται· ῥητὸν γὰρ οὐδαμῶς ἐστὶν ὡς ἄλλα μαθήματα, ἀλλ’ ἐκ πολλῆς συνουσίας γιγνομένης περὶ τὸ πρᾶγμα αὐτὸ καὶ τοῦ συζῆν ἐξαίφνης, οἷον ἀπὸ πυρός πηδήσαντος ἐξαφθὲν φῶς, ἐν τῇ ψυχῇ γεινόμενον αὐτὸ ἑαυτὸ ἤδη τρέφει.”).

4. *Id.* at 7.344b–c (John Harward trans., 1928) (“ἐν εὐμένεσιν ἐλέγχουσιν ἐλεγχόμενα καὶ ἄνευ φθόνων ἐρωτήσεις καὶ ἀποκρίσεις χρωμένων, ἐξέλαμψε φρόνησις περὶ ἕκαστον καὶ νοῦς, συντείνων ὅτι μάλιστα εἰς δυνάμιν ἀνθρωπίνην.”)

In our effort to think about how this text might be re-understood so as to shed light on the relationship between how we teach and what we hope to help our students learn, it is worth paying some attention to the original Greek text.

Begin with the word, “ἐξαίφνης” [“exaifnes”], which is translated in the first-quoted passage above as “suddenly.” Read this way, the passage suggests something instantaneous and mystical—as if one should expect some sort of “aha!” moment in which knowledge or comprehension flash upon the brain. The implication is that there is information that we as teachers cannot, or will not, explain to students, but which we expect them simply to grasp. This stance is potentially appealing to teachers, because it suggests that we need not defend our teaching methods—because this material cannot be taught. We might be tempted to fall back on vague claims that students must just somehow get it. Couple this with statements earlier in *The Seventh Letter* to the effect that only those with a “true philosophic temperament” will be able to grasp the truth, and we have a ready-made set of excuses if and when our students fail to experience this sudden and mysterious flash of insight.⁵

This is, of course, unsatisfactory and a source of great dissatisfaction among students. If we are merely unwilling or unable to explain difficult doctrines, and then seek to hide behind mysterious claims about flashes of insight—or, even worse, implicitly blame the purported inadequacies of our students—there is no wonder this sort of teaching is disliked and disparaged. It should be. We either need to develop a better understanding and explanation for what we are doing, or we need to stop doing it.

Translating the word ἐξαίφνης as “suddenly,” in this context gets the connotation wrong because it suggests that the learning itself will necessarily be sudden, whereas here the better understanding is that the hoped-for growth may take place without the student being consciously aware of it as it happens. The word is an alternate form of the adverb “ἄφνω,” which is more often translated as “unawares,” reflecting its roots—“ἀπο” (“away from,” “out of”) and “νοῦς” (“mind,” “perception”). Reading “ἐξαίφνης” in this way deemphasizes the temporal component and highlights that whatever is supposed to happen through this process of teaching and learning does not necessarily happen quickly, or suddenly, but rather in a way that goes unnoticed as it happens. The temporal connotation is not entirely inappropriate, as the *awareness* of what has taken place may indeed strike one suddenly, just as one up before dawn might suddenly realize that the sun has risen and

5. *Id.* at 7.340d (John Harward trans., 1928).

it is light. But, it is the awareness that is sudden, not the event. In fact, the event—here the learning—may actually have been very gradual, which is why it can go unnoticed.

In this light, consider one more Greek word from *The Seventh Letter*—“ἐξέλαμψε” [“exelampse”], which is translated in this part of the second passage quoted above as “shines forth”: “. . . with a sudden flash there *shines forth* understanding . . .”⁶ As a preliminary matter, the text does not warrant including the phrase “with a sudden flash,” as in the original translation. The verb “ἐξέλαμψε” is unmodified by any adverbial phrase in the original text. The translator’s adverbial phrase can only be explained as an effort to emphasize what is seen as the appropriate connotation of suddenness. But, as we have seen, that is mistaken.

The verb “ἐξέλαμψε” is a form of “ἐκλάμπω,” which does in fact mean “shine forth.” But, even correctly translated, the term can be misinterpreted—a misinterpretation made more likely by the unwarranted insertion of adverbs denoting suddenness. The appropriate connotation is not of knowledge that flashes *into* the mind of the learner. Rather, the better reading is that something shines forth *from* those who have spent time learning in that way. This is highlighted by the *εκ*-prefix, which signifies “out of” or “from.” So what we are looking for is not something that is poured into the mind of the student, but rather something that shines forth from it.

This is the key insight for a law teacher seeking to learn from the purported source of our teaching tradition. The sort of learning that happens in this way is not knowledge of facts or doctrine, but rather of capacities. We are not merely trying to impart information, or even to teach skills in the narrow sense of that term. We also hope to cultivate capacities and habits of mind that will serve our students throughout their lives as lawyers, citizens and human beings.

II. TEACHING THE LAW AND DEVELOPING THE LAWYER

In thinking about what we can learn from this understanding of the original and essential aims of Socratic conversation, it is fair to acknowledge that different teachers will have different aims. How we teach ought to depend on what it is we hope our students will learn. To the extent that our aim is merely to teach doctrine, we might use other more efficient methods to do so. Indeed, there are circumstances, such as

6. *Id.* (emphasis added).

when teaching a particularly complex set of rules, when all of us should and do simply lecture. But often, and more fundamentally, thoughtful law teachers strive to teach doctrine and skills in ways that also nurture the deeper capacities our students will need.

What do we hope students will learn—not suddenly but perhaps “unawares”—as a result of the sort of conversation Plato describes? What capacities do we hope will “shine forth” from those who have studied in this way? The answer is straightforward, but that does not mean it is easy, or that we should fail to appreciate its value.

What shines forth from those who have lived and learned as Plato described is the capacity to do just what he describes in the letter and depicts in the Socratic dialogues—to share in a kind but testing scrutiny,⁷ questioning and answering,⁸ without ill will,⁹ about each of the things that concern us,¹⁰ in a way that can then sustain itself,¹¹ and which comes about not just through what we say, but through a life lived together.¹² What we aim to engender, in addition to doctrinal knowledge and professional skills narrowly defined, is the capacity for a certain sort of conversation. We hope that our students will develop the ability to question and answer without ill will in a way that will support and sustain their work and our community life.

This capacity is important, even central, to lawyers in a range of ways. It makes us more persuasive advocates because it enables us to engage with and thus find space in the worldviews of those we aim to persuade. It makes us better counselors because it allows us to hear and better understand those we would guide. It is valuable to us as citizens and leaders because it allows us to participate in and facilitate the sort of deliberation vital to democratic politics. Finally, this capacity for kind and testing scrutiny Plato describes is valuable to us as individuals—not only because it helps us work better with others in a range of contexts, but also because it helps us learn from others, and thus grow and thrive as human beings. If we are able to nurture this capacity, we are doing something worthy of the name we often give our teaching. It is, in that sense, Socratic indeed.

And the results of our teaching, if we are successful, will not be sudden, in the sense of an identifiable moment of substantive insight. It will be gradual—as is the growth of most valuable capacities. Indeed, it

7. *Id.* at 7.344b–c (John Harward trans., 1928) (“ἐν εὐμένεσιν ἐλέγχοις ἐλεγχόμενα”).

8. *Id.* (“ἔρωτήσεσιν καὶ ἀποκρίσεσιν”).

9. *Id.* (“ἄνευ φθόνων”).

10. *Id.* (“περὶ ἕκαστον”).

11. *Id.* (“αὐτὸ ἑαυτὸ ἤδη τρέφει”).

12. *Id.* (“συζῆν”).

is likely to grow unnoticed. An athlete in training does not anticipate some sudden moment in which she becomes fit and fast. Indeed, while training, she will often feel slow, tired, and frustrated—until at some point she realizes she can run or swim or ride faster and farther than she once could. So too, our aim is that through the process of Socratic teaching, our students will gradually become, and eventually realize that they have become, better able to engage in the sort of conversation Plato described.

III. THE SOCRATIC CLASSROOM AS EXAMPLE AND EXPERIENCE

We recognize, therefore, that our aim is to nurture a capacity that will emerge gradually and perhaps without conscious awareness. This recognition, however, presents us with a problem. If we cannot check the progress of our teaching by looking for identifiable moments of sudden insight, or even by testing doctrinal knowledge, how do we know we are teaching in the way we should? How can we best ensure that we are nurturing the capacity we hope to nurture, rather than merely frustrating our students to no good end? The answer is that we should strive above all to enact and model in the classroom the form of conversation we hope our students will develop the capacity to conduct. And to that end we can take Plato's description not just as our goal but also as our guide.

Of course, the best source of information about the origin and aims of this sort of conversation is not Plato's purported description of it in a letter, but rather his depiction of it in the Socratic dialogues. I lack not only the space here but even the capacity to describe the rich and layered combination of friendship, rigor, irony, humor, and insight that pervade the Socratic dialogues. Indeed, even the finest translators, forced to choose which of many layers to try to convey, tend to emphasize the logic-chopping and argumentation over the gentle firmness that characterized Socrates's conversations with his friends. This conceals that the experience of those conversations, rather than merely the doctrinal content, is the essence of what they help us learn. And missing the experience of these conversations reinforces the notion of Socratic dialogue as a bad way of teaching doctrine, rather than a potentially good way of nurturing the capacity for a certain sort of conversation. So we should be grateful that Plato made the effort in his letter to describe for us, however briefly, what he depicted so much more fully in his art.

Most obviously, this vision—of a “kind but testing scrutiny, questioning and answering without ill will”—leaves little or no room for

embarrassing students in the name of rigor.¹³ Our students need and deserve from us the sort of scrutiny Plato describes, but they neither need nor deserve our bullying. Sometimes we can be tempted to draw a dichotomy between rigor and sensitivity—disparaging the latter with terms like, “PC” or “touchy feely.” But that dichotomy too is false. As teachers we can ask harder questions, and press harder on students’ answers, if we create an environment of authentic conversation. The competitive gamesmanship that can sometimes characterize what we call the Socratic method is anathema to, and certainly cannot be trusted to help engender, the sort of capacity we hope to nurture.

The conversation must be an authentic conversation, in which the teacher actually listens and responds to what students say. There are few things more frustrating to a thoughtful student than having a valuable insight ignored because it does not happen to be the next thing in the teacher’s notes or framed in just the way the teacher expected. We have all seen this—where a purported question is really just a prompt for an expected answer that will fit into the teacher’s predetermined script. A teacher who refuses to depart from the order of his or her teaching notes and engage a student’s actual thought is not conducting the sort of conversation Plato described and Socrates enacted. He or she is simply lecturing inefficiently—with the aid of an annoying game of “guess what I am thinking.” We cannot model or engender the capacity for genuine engagement if we are not capable of it ourselves.

Plato also describes this sort of conversation as one that can “sustain itself” and that forms part of “a life lived together.”¹⁴ And in the end this is perhaps the best standard against which to judge our Socratic teaching. Are we conducting and thus constructing the capacity for a kind of discourse that not only survives beyond the classroom walls but which, once beyond those walls, will be constructive rather than destructive of community life? Are we nurturing a form of firm but friendly scrutiny that is conducive to deliberation and counsel, rather than to bullying and competition? Are we engendering the capacity to disagree and deliberate without ill will, rather than in a way that will cause ill will to fester? Is the sort of conversation we are conducting in our classrooms the sort of conversation we would like to have and hear in our communities?

IV. THE CHALLENGE OF THE SOCRATIC METHOD

In one sense our job is harder than that faced by Socrates. We do

13. *Id.*

14. *Id.* at 7.344b–c (John Harward trans., 1928) (“σὺζῆν”).

have to teach doctrine. We have to make sure that our efforts to engender deeper capacities enhance and deepen, rather than distract from, the learning of doctrine and specific professional skills. Even more frustrating and counterproductive than a teacher who ignores an authentic insight, is a teacher who allows a single student to sidetrack an entire class at the expense of teaching the material that all of the students need to learn. So, if we hope to develop in our students deeper capacities, we must do it in a way that clarifies rather than clouds our students' understanding of the more concrete substantive material. We need to do both. And that is difficult.

One might object that this sort of conversation is particularly ill suited to the large first-year law school classes where variations of the Socratic method are most often employed. Socrates in his dialogues talked most often with several friends at a time, not with several dozen. This point is well taken, and if the method were valuable only for those who are actually called upon to speak on a given day, it would not be worth using in large classes. But this sort of conversation, if well-conducted, does not only benefit those who are speaking. Indeed, the Socratic method can be difficult for students who are called upon to respond to questions. A nervous or uncertain student, in particular, might well find that this sort of conversation—no matter how humanely employed—produces more stress than illumination. We should strive to reduce that stress, of course, and to help the student realize that he or she can handle and learn to embrace authentic, challenging dialogue.

But those who are less-direct participants in a particular day's conversation can learn a great deal as well. If we get it right, all students witness daily the "kind but testing scrutiny" emblematic of authentic Socratic discourse. The method works in the classroom, therefore, not just, or even primarily, through the engagement of a particular student in the sort of conversation we hope to engender. It also, and essentially, works by modeling that sort of conversation for everyone. None of us ever spoke with Socrates, but we benefit from our vicarious engagement with his conversations. Moreover, it is not clear how much some of Socrates's interlocutors learned from their talks with him, but we can learn a great deal from those talks. In this light, we realize that every time we speak with or listen to a particular student—every time we "question and answer without ill will"—we are showing all of our students how a thoughtful and ethical lawyer speaks, listens, questions, and answers.

Or so we should be. This realization highlights the extent to which bullying and gamesmanship are not merely useless and mean, but, moreover, undercut the essential aim of Socratic teaching. When we

abuse our power and abase our tradition in those ways, we are modeling and thus potentially engendering habits of mind and ways of lawyering in direct opposition to those we should most hope our students will develop.

Of course, learning through attention to and vicarious engagement with Socratic conversation will take place only to the extent that students are paying attention and engaged. Not to put too fine a point on it, good Socratic teaching must not only avoid worrying and bullying students; it must also avoid wasting their time and boring them. Plodding through the elements of a cause of action does not engender anything in the rest of the class other than the desire to check their email.

That is why the best Socratic teachers do not engage in long dull exchanges with particular students about aspects of the law that could be more easily read by students or explained by us. Rather, we need to keep the class moving, get to and engage the hard and interesting questions, and evince and help our students experience the deeply human pleasure of insight and engagement. Good and authentic Socratic conversation is fun and alive—it engages and commands the attention of even those not directly on the spot.

Teaching well in this way requires a firm and deep grasp of the material, a thorough but flexible plan for the day's class, a sense of pace, the intellectual agility to see connections between issues, a deft touch in grasping a student's perhaps poorly articulated insight and tying it into a deepened understanding of the material at hand.

V. SOCRATIC HUMILITY

It may be objected that what I have tried to describe here is somehow elitist and out of touch with the real needs of most students. It may be suggested, for example, that most law students at most law schools find it difficult enough just to learn doctrine and develop technical skills, and that we are merely distracting from this end with our efforts to engender the capacity for the sort of conversation Plato describes. In response I would say two things: first, as I have repeatedly tried to emphasize, I reject the implicit dichotomy. Second, in a sense it is this critique that is elitist, by assuming that only some students can handle authentic conversation. Every student at every school is capable of developing this capacity to some extent, and deserves the chance to do so. More to the point, we should have the intellectual humility to be open to the possibility that every time a student raises his or her hand—any student at any school—he or she may have an insight or perspective

that has never occurred to us.

That said, however, I do acknowledge that there is some validity to the observation that not every classroom will afford equal space for the appropriate use of Socratic conversation. Intellectual humility should not mean intellectual dishonesty, even in the name of egalitarian respect. So, we need to recognize what our students need. They will not all be Glaucon, or even Adeimantus. Students who are struggling to grasp the doctrine require more explanations, which, perhaps unfortunately, leaves less room for authentic conversation. But when we are blessed with students who can master material quickly, and who have insights about that material, we owe it to them to match our teaching to their talents.

But, intellectual humility does very much mean that we should be honest about our own intellectual and pedagogical limitations. This sort of teaching is not easy; and not everyone will be good at it. Having acknowledged that not all of our students are Glaucon, we should be at least as willing to recognize how far we are from being Socrates. So, not every teacher should do this sort of teaching. It is rather like being an instructor at a basketball camp. Becoming a better basketball player, like becoming a better lawyer, is as much about developing capacities as acquiring knowledge. And so, much instruction at a basketball camp is done by coaches who can play. The coaches get on the court with the campers and show them what the moves look like, even as they teach them the technical information they need. But, that only works if the coach can hoop. The camp might wisely employ some instructors who are not good players, but who bring other skills—conditioning trainers, rules experts, or coaches good at diagramming plays. And those trainers, experts, and coaches would provide valuable parts of the players' training. They should do what they do—instruct, explain, diagram. But, they should not try to get on the court and run the pick and roll.

So too must each of us who teaches law be honest with ourselves about what we have to offer our students. Is it primarily doctrinal expertise? Perhaps just lecture. Is it technical skills? Perhaps one could employ practical exercises of some sort. But, if we believe we have the capacity to model for them and carry on with them the kind of discourse described and depicted by Plato, and thus help nurture in them the capacity for that form of discourse, we need to roll up our sleeves and try to do it well.

Finally, this brief essay leaves largely unanswered, and intentionally so, an important set of questions—perhaps *the* most important set of questions. Why and in what way is it important for lawyers to develop, along with doctrinal knowledge and professional skills, narrowly defined, the capacity for this sort of conversation? I have suggested

tentative answers—that this capacity helps us be more persuasive advocates, more thoughtful counselors, more effective citizens, and perhaps even happier people. But these answers are necessarily partial, and form part of a larger inquiry that I hope here to open rather than answer—to frame rather than foreclose.

And the larger inquiry is contained in the following. What traits and capacities do we most hope our students will develop? What are the hallmarks of a good and ethical lawyer? How might those conduce to or be components of a rich and full life as a whole? And then, how are those traits and capacities nurtured and developed? What role, if any, can legal education play in the process? And finally, in light of those considerations, how should we teach? These questions are beyond the scope of this essay, but they should be on the minds of all of us who teach law and who will play a role in the development and evolution of legal education.