

From Grade School to Law School: Socrates' Legacy in Education

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Socrates is a towering figure in Western culture and has come to represent the consummate philosopher. Socrates practiced philosophy by questioning people. The Socratic practice of questioning others in order to make them examine their beliefs, has led many to view Socrates as a teacher *par excellence*. There are references to Socratic education, Socratic teaching, Socratic practice and Socratic seminars at all levels of contemporary schooling, from elementary schools to schools of higher education. The word “Socratic” is so prevalent in certain types of schooling that there are people who have never heard of Socrates’ most famous student, Plato, who can nevertheless give an informal account of a pedagogical technique called the Socratic method.

In this chapter, I show that there are two distinct versions of Socratic education currently practiced, one based specifically in law schools and one based mostly in elementary, middle and secondary schools. (For the remainder of this essay, I will use “Socratic method” only to refer to Socratic education in law schools and “Socratic teaching” to refer to Socratic education in elementary schools through high schools. “Socratic education” will serve as a general term which encompasses both the Socratic method and Socratic teaching.) Although both versions of Socratic education cite Socrates as their inspiration, the two versions of Socratic education have emerged from different sources and are actually practiced in quite different ways. Following a brief account of the history of the Socratic method and Socratic teaching, I discuss how teaching through questions, for many, is synonymous with Socratic education. I then show that this broad understanding of Socratic education is generally based on Socrates’ discussion with the slave-boy in *Meno*, a discussion which is not representative of Socrates’ educational conversations. I then discuss four features of Socratic education – the classroom setting, the role of the teacher, the community of inquiry and the subject matter – to illustrate how Socratic education is practiced when it goes beyond mere questioning. I compare each of these four features of Socratic education to the surviving portraits of Socrates.

I. A Brief History of Socratic Method and Socratic Teaching

The literature on the Socratic method, also known as the case method, in legal education is unanimous in dating its roots to the pedagogical practices of Christopher Columbus Langdell, dean of the Harvard Law school from 1870 to 1895. In 1870, Langdell began teaching his contracts class by providing students with cases (reasoned judicial opinions about particular law suits) which they were to study before class. Instead of lecturing on rules of law or legal theory, Langdell called upon students to summarize the cases and answer hypothetical questions about the judicial reasoning in the case. Langdell and his students called his case method Socratic for two reasons. First, the cases were taught through a series of questions to extract their legal content. Second, the teacher and pupils had to work together to elucidate the principles of the law which are revealed through cases (Redlich 1914, 12-13).

Within forty years of its inception, the Socratic method became the standard pedagogical practice in many law schools (Patterson 1951, 1). However, even early in its history there was much criticism of the Socratic method, ranging from its inability to convey information quickly to the method's failure to address issues which were not subject to litigation (Patterson 1951, 22-23). In the latter half of the 20th century, critique of the Socratic method took place not only in legal journals but in the public sphere as well. In 1971, John Jay Osborn, Jr., a Harvard Law School graduate, published *The Paper Chase*, a novel depicting Professor Kingsfield whose cruel use of the Socratic method terrorized his students. Professor Kingsfield became the popular face of the Socratic method as *The Paper Chase* was made into a film, a television series and a theatrical play. Scott Turow published an autobiographical account of his first year at the Harvard Law School in 1977 entitled *One L: The Turbulent True Story of a First Year at Harvard Law School*. Turow's book painted a harsh picture of the competitive culture of law school, which was partly a result of intimidation in Socratic classrooms. The critiques of the Socratic method are varied and I shall explore a few of them in some detail below. In most cases, as soon as critiques have arisen, there have been people who have come forward either to defend Socrates' name from impious invocations or to defend the Socratic method from its misuses.

Despite widespread critiques of the Socratic method, and several reports that its use is declining, Steven Friedland's survey of teaching in American law schools revealed that the Socratic method remains a pillar of legal education. Friedland's survey showed that 97% of professors use the Socratic method in their first year classes, which encompasses on average 59% of class instruction. In second and third year classes, the percentages drop to 93% and 47%, respectively (Friedland 1996, 27).

In contrast to the Socratic method of legal education, which has been the subject of much criticism, Socratic teaching in primary and secondary education has received almost unanimous praise. Engaging students through questioning is generally accepted as sound pedagogy. There have been many advocates for educational reform who have called for the incorporation of Socratic teaching into schooling, most of whom do not cite a particular educational theorist. Instead they refer directly to the Socrates of Plato, especially Plato's *aporetic* Socratic dialogues (the dialogues which end with Socrates' inducing some perplexity about an issue and which fail to arrive at any conclusion). Mortimer Adler's *The Paideia Proposal: An Educational Manifesto* (1982) is but one of the many examples, and perhaps the most influential, of the calls for Socratic teaching. Teachers, principals and administrators who want to implement Socratic teaching in their schools have several resources available to them including a *How To Teach Through Socratic Questioning* video series (Paul 2001) and books such as Wanda Ball and Pam Brewer's *Socratic Seminars in the Block* (2000)¹ and Michael Strong's *The Habit of Thought: From Socratic Seminars to Socratic Practice* (1997).

In contrast to the commonly agreed upon history of the Socratic method in law schools, the history of Socratic teaching in other types of schooling has not been the subject of much attention. Michael Strong is one of very few people who offer a history of Socratic teaching. He identifies the discussion classes on "Great Books", usually at the undergraduate level, as the root of Socratic Practice.² These discussion seminars were "Developed between 1910 and 1940 by Alexander Meiklejohn at Amherst College, John Erskine at Columbia University, Stringfellow Barr and Scott Buchanan at the University of Virginia and Mortimer Adler and Robert Hutchins

¹ "Block" refers to the fixed class periods which divide up each school day in most high schools and middle schools.

² Strong uses the term "Socratic Practice" to specifically refer to his version of Socratic teaching.

at the University of Chicago” (Strong 1997, 6). Strong dates the first use of the term “Socratic Seminars” to Saint John’s College in 1937, where Scott Buchanan coined the term (Strong 1997, 5).

As Strong points out, Socratic teaching’s roots clearly lie in undergraduate college education. Socratic discussions may frequently be found in colleges today. In addition, proposed reforms to college education are often based on Socrates’ educational practices. Evidently, Socratic education is not limited to primary and secondary education and law schools. As many medical students can attest, their schooling too is Socratic (at least insofar as some of it is conducted through questions and answers). However, most of the literature on and the resources for Socratic teaching focus on primary and secondary education. Given this fact, Socratic teaching in this essay shall refer to Socratic education which occurs in elementary, middle and high schools.

Before I examine Socratic education in greater depth, I must note that I embark upon this project with caution. Classes that feature Socratic teaching or the Socratic method will necessarily differ depending on how each teacher or professor understands Socratic education. As Steven Friedland points out in his report on teaching in law schools “the phrase ‘Socratic method’ has perhaps as many definitions as there are law schools or even professors” (Friedland 1996, 15). Friedland’s caution undoubtedly holds true for Socratic teaching in primary and secondary education as well. One must be careful not to make a caricature of the professor who uses the Socratic method or the classroom featuring Socratic teaching. (If one wants a caricature, all one has to do is consult Osborn’s Professor Kingsfield!) Although there may be discrepancies among various practices of Socratic education, there are some significant features which are common to most versions of Socratic method and to most versions of Socratic teaching. I look to these generally common features to illuminate how Socrates has been appropriated in different educational contexts.

Furthermore, because of space limitations, in this chapter I refer to only a few of the books and articles on Socratic education to highlight aspects of this mode of educating. Also, in order to focus on the contemporary appropriation of Socrates in education, I do not address any of the contemporary debate among academic philosophers and classicists about Socrates as educator.³ Thus, this chapter does no justice to the wealth of fine scholarship produced by philosophers, classicists, legal theorists and educational theorists on this topic. However, by contrasting two distinct practices of Socratic education, I hope that this chapter demonstrates that several elements of Socrates’ educational practices remain vital to contemporary education.

II. Teaching Through Questions

Common to both contemporary versions of Socratic education is the active engagement of students through questioning. To understand what is involved in contemporary Socratic education it may be useful to point out the educational practice to which it is opposed. Socratic education is directly opposed to lecturing; that is, to a teacher standing in front of his class and

³ For readers who wish to explore the debate about the historical figure of Socrates as educator, *Werner Jaeger’s Paideia: The Ideals of Greek Culture* (1943) remains the most comprehensive account. Gary Alan Scott’s *Plato’s Socrates as Educator* (2000) is a recent nuanced, provocative work which, in addition to offering a good bibliography, may serve as a good introduction to many of the key contemporary discussions among academic philosophers and classicists about Socrates as teacher.

speaking at length about a subject. During lectures, students are expected to passively sit and absorb the information to which they are exposed; or, as Socrates says in Plato's *Republic*, some believe that education consists in "putting knowledge into souls that lack it, like putting sight into blind eyes" (*R.* 518bc).⁴ While this type of education certainly still occurs in various forms, especially in post-secondary education, it has largely been challenged in primary and secondary education. In its place, practices and techniques which actively engage the student have come to be standard in education. Edwin W. Patterson noted that precisely this point was one of the presuppositions of the early supporters of the Socratic method in legal education: "the chief pedagogical presupposition of the case method was that students learn better when they participate in the teaching process through problem-solving than when they are merely passive recipients of the teacher's solutions" (1951, 5).

Engaging students through questions clearly has its roots in the figure of Socrates. The Platonic dialogue *Alcibiades* features Socrates' confrontation of young Alcibiades about his political ambition. Socrates says that he can help Alcibiades by providing him the "influence that [he] craves" (*Alc.* 105e). Alcibiades asks Socrates, "But supposing I really do have these ambitions, how will you help me achieve them? What makes you indispensable? Have you got something to say?" To these questions Socrates makes explicit that he can only respond to Alcibiades through a conversation of questions and answers: "Are you asking if I can say some long speech like the ones you're used to hearing? No, that sort of thing's not for me. But I do think I'd be able to show you that what I said is true,"—that he will be the most beneficial influence for young Alcibiades—"if only you were willing to grant me just one little favor" (*Alc.* 106b). That favor, of course, is answering Socrates' questions.

In Plato's *Protagoras*, Socrates converses with the great sophist Protagoras and insists that Protagoras confine himself to a question and answer discussion (*Prt.* 334d). Protagoras initially resists this demand and claims that the length of his responses to Socrates' questions ought to depend on the nature of the question, but he finally acquiesces. In *Theaetetus*, Protagoras' position on the method of debate is presented as even more flexible: "If you feel prepared to go back to the beginning, and make a case against this theory, let us hear your objections set out in a connected argument. Or, if you prefer the method of question and answer, do it that way; there is no reason to try to evade that method either, indeed an intelligent person might well prefer it to any other" (*Tht.* 167d). Clearly Protagoras was comfortable with either debating through speeches or through questions and answers.

Likewise, in *Gorgias* Socrates insists that Gorgias confine himself to brief questions and answers (*Grg.* 449b-d). Gorgias responds to Socrates' stipulation with a remark which is substantially the same as Protagoras'; "There are some answers, Socrates, that must be given by way of long speeches" (*Grg.* 449b). However, Gorgias then claims that he would be happy to answer Socrates' questions briefly and boasts, "There's no one who can say the same things more briefly than I" (*Grg.* 449c). Additionally, the sophists Hippias and Prodicus are noted in Plato's *Phaedrus* to believe, like Protagoras and Gorgias, that they are adept at answering questions by either long speeches or short answers (*Phdr.* 267a-b). What emerges from these passages is that the Sophists were generally willing to debate by offering presentations (long speeches) or by questions and answers. Socrates, on the other hand, insisted on the exclusive use of the question and answer method. Therefore, that Socratic education is now synonymous with teaching through questioning is quite reasonable based on the ancient depictions of Socrates.

⁴ All translations of works from the Platonic corpus in this chapter are from *Plato: Complete Works*, ed. John M. Cooper (1997).

Socrates conversed through questions, and refused to conduct joint investigations in any other way.

The use of questions has often been taken as the necessary and sufficient condition for a pedagogical technique to be deemed Socratic. Consider “teaching machines”, a pedagogical device that grew in use in the middle of the 20th century. Teaching machines are textbooks that have a series of questions which claim to build a knowledge base. On a separate page following the questions, students can find the correct answers against which they can check their own. The following example shows the explicit link made between teaching machines and Socratic teaching. “One can consider the communication process between the teaching machine and learner as analogous to that taking place when a student is taught with the Socratic method by a live teacher. The learner, through answering a sequence of questions, is led from one state of knowledge or skill to another” (cited in Jordan 1963, 97; from *Teaching by Machine*, published by U.S. Department of Health, Education, and Welfare in 1961).

The claim that teaching machines are Socratic is analogous to the use of Socratic method in legal education for randomly “cold-calling” upon students to recite specific facts of a case. Like the teaching machine, the law school professor sometimes uses a sequence of direct questions to draw out *correct* answers. Teaching machines and eliciting factual information through cold-calling are appropriations of Socrates in education at the broadest level; that is, for those who call teaching machines and cold-calling Socratic, Socratic education means only that teachers use questions to solicit information from their students.

There have been many who have risen to defend Socratic education from either teaching machines or the above type of cold-calling. James Jordan contrasts teaching machines with the method that Socrates uses in Plato’s *Euthyphro*, and notes that unlike a teaching machine, Socrates was genuinely an open-minded inquirer who did not have a correct answer in mind towards which he sought to lead his interlocutors (1963, 102). In a similar vein, Phillip Areeda, in a lecture on the Socratic method that was published after his death in the *Harvard Law Review*, argues that the Socratic method is not intended to have students recite facts and, hence, recitation of facts through cold-calling is not Socratic: “The essence of the [Socratic method] is not recitation but reasoning and analysis that forces the student to use what he knows (or supposes that he knows) from the assigned judicial opinion (or statute or other materials)” (Areeda 1996, 915). Areeda does note that recitation is part of the questioning that occurs in the Socratic method but argues that recitation serves only as a propaedeutic for the Socratic method in legal education; questions which require recitation of facts merely establish that there is a concrete foundation from which the Socratic method can draw.

Jordan’s point that teaching machines fail to be Socratic because the questions are not open-ended and Areeda’s argument that the Socratic method is about reasoning based on what the student “knows (or supposes that he knows)” enable us to refine our understanding of Socratic education. Jordan’s and Areeda’s points are sound. Socrates was, in most instances, dealing with complex subjects that did not permit simple, factual answers (such as easily mastered historical facts). Whether or not we accept the claim that Jordan and others have made that Socrates was genuinely an inquirer with no answers of his own, the subjects of Socrates’ discussions always demanded deep probing and substantial engagement.

The claim that education is Socratic if the teacher merely uses questioning is quite prevalent and is based on a frequently cited example of Socratic education, the conversation that Socrates has with a slave-boy in Plato’s *Meno*. In this dialogue, Meno and Socrates investigate

the question, “what is virtue?” One-third of the way into the dialogue, Socrates tells Meno that he can prove to him that what we call learning is really recollection. Socrates demonstrates the doctrine of recollection, or *anamnesis*, by having one of Meno’s slaves come forward to answer some of his questions. Socrates shows that through questions the slave recollects geometrical principles. The conversation begins as follows:

Socrates: Tell me now, boy, you know that a square figure is like this?

Slave-boy: I do.

Socrates: A square then is a figure in which all these four sides are equal?

Slave-boy: Yes indeed.

Socrates: And it also has these lines through the middle equal?

Slave-boy: Yes. (*M.* 82bc)

The interrogation continues in this way and eventually Meno is satisfied that the slave has not learned anything but must have recollected his geometrical knowledge (*M.* 86b). After this aside with the slave ends, Meno agrees with Socrates that the slave recollected knowledge that must have already been in his soul, and Meno and Socrates return to their investigation of virtue.

If one accepts the slave-boy portion of *Meno* to be the paramount example of Socratic education, then it is clear how teaching machines or recitation have been confused with Socratic education. There are three reasons why the slave-boy conversation is anomalous in the ancient depictions of Socrates’ educational conversations.

First, there are clearly correct answers to his questions about geometry while, as I noted above, there are no clear answers expected or elicited from interlocutors in conversations about piety, justice, courage, friendship, virtue, or the other subjects that Socrates investigates. Ironically, *Meno*, the very same dialogue from which people have extracted the slave-boy conversation, contains a torpedo fish metaphor that represents the common outcomes of Socrates’ conversations about complex issues. Socrates’ examinations of others’ ideas often resulted in *aporia*, or perplexity. When Meno is reduced to this state of perplexity he says,

Socrates, before I even met you I used to hear that you are always in a state of perplexity and you bring others to the same state, and now I think you are bewitching and beguiling me, simply putting me under a spell, so that I am quite perplexed. Indeed, if a joke is in order, you seem, in appearance and in every other way, to be like the broad torpedo fish, for it too makes anyone who comes close and touches it feel numb, and you now seem to have had that kind of effect on me, for both my mind and my tongue are numb, and I have no answer to give you. Yet I have made many speeches about virtue before large audiences on a thousand occasions, very good speeches as I thought, but now I cannot even say what it is. (*M.* 80ab)

The torpedo fish metaphor in *Meno*, and Socrates’ probing questions of Meno’s views about virtue which preceded it, capture a feature of Socrates’ educational conversations that is absent from the aside with the slave-boy. Socrates encounters people who believe that they know about some particular issue and Socrates questions them until they find that several of their implicit assumptions are inconsistent, and they end up feeling stunned. In contrast, the slave-boy is questioned by Socrates not to examine and challenge his beliefs but rather to demonstrate that such knowledge exists in his soul. While the slave-boy tells Socrates at some point that he does not know the answer to Socrates’ question, which could be read as an experience of *aporia* (84ab), the slave-boy’s perplexity regarding geometry is not similar to the profound, numbing effect that Meno, like most of Socrates’ interlocutors, experiences when Socrates’ questions cast doubt upon dearly held beliefs.

Second, Socrates was not a teacher of specialized types of knowledge, such as reading, writing, arithmetic or geometry. In *Memoirs of Socrates* 4.7,⁵ Xenophon writes that Socrates believed geometry to be a somewhat useful subject of study. However, “he deprecated taking the learning of geometry as far as figures which are difficult to comprehend. He said that he didn’t see the use of them—and he said that these studies were capable of wasting a man’s life and keeping him from learning many other useful things” (*Mem.* 4.7.3). Thus, according to Xenophon, Socrates’ teachings focused on the “useful things”, which included some knowledge of geometry. However, imparting factual information or developing mathematical skills were not typically the objects of his investigations. While Socrates may have thought that it was important to learn some geometry, nowhere, with the exception of Meno, can he be found as teaching such types of knowledge.

Third, one must look at the relationship, or lack thereof, that Socrates had with the slave-boy. The slave-boy is a mere instrument to Socrates in the *Meno*. Peter Cicchino, in “Love and the Socratic Method”, argues that “for the purposes of contemporary teachers of law, the locus classicus of the Socratic Method—Plato’s dialogue Meno—is singularly unhelpful, indeed almost guarantees pedagogical failure” (2001, 533-534). Cicchino contends that law professors should look at Socrates’ conversations where “an understanding of community, of a learning context of genuine affection and concern... fairly called ‘friendship’ or a kind of ‘civic love’ among interlocutors” exists (2001, 534). Below I will return to the idea of community in Socratic education. For now, it is important to note that the lack of any kind of relationship between Socrates and the slave-boy make that conversation quite problematic as a paradigm example of Socratic teaching. The slave-boy is very obviously not a part of Socrates’ community of inquiry, and Plato does not even deem him worthy of being identified by name. Socrates makes no attempt to get to know him or develop a rapport with him, as he does with most of his interlocutors. Nor is there any indication that Socrates is concerned with the slave-boy’s fate after their conversation.

In summary, the slave-boy discussion has been identified by many as the classic example of Socratic education. The discussion is certainly consistent with some fundamental Socratic insights (e.g. that learning occurs within a person and that one can use questions to stimulate such learning). However, Socrates’ education of the slave-boy, especially when contrasted with that of Meno, did not genuinely induce *aporia* by challenging the consistency of his beliefs. Also, Socrates did not genuinely engage the slave-boy as a partner in inquiry, for he did not make any attempt to create a personal connection with him. For these reasons, the slave-boy is an atypical Socratic interlocutor and the discussion of geometry is an atypical topic for a Socratic discussion. Merely asking questions to elicit facts or cold-calling on people in class, while similar to the slave-boy discussion insofar as Socrates helped the slave-boy learn geometry after randomly selecting him from a nearby crowd, lacks several of the most important features of Socratic education as portrayed in the Socratic dialogues.

III. The Features of Contemporary Socratic Education

Thus far, I have shown that questioning serves as the foundation for both the Socratic method in legal education and Socratic teaching. In both traditions, there have been scholars who have noted that Socratic education does not merely solicit simple, factual information. The

⁵ All quotations from Xenophon in this chapter are the translations of Hugh Tredennick and Robin Waterfield, *Conversations of Socrates* (1990).

differences between the Socratic method and Socratic teaching emerge as one considers how each is practiced. There are four features of the Socratic method and Socratic teaching which I will now compare to create a picture of what is currently known as Socratic education.

The Socratic Classroom

If one walked into a Socratic classroom, one would immediately notice some differences between the Socratic method and Socratic teaching. In law schools, Socratic classrooms are large, often with well over a hundred students in the class. Given this large number of students, the classroom is usually set up with the professor standing at the front of the room facing rows of students. In elementary schools through high schools, Socratic classrooms are small and, according to Strong, ideally have only 10-15 students (Strong 1997, 23-24). The students usually sit facing each other in a circle, of which the teacher is a part.

Of course, Socrates did not hold formal classes. He is most famous for holding his conversations in the *agora*, the marketplace, where he was available to all passers-by. In this sense, Socratic teaching in primary and secondary education may approach the informality of Socrates' conversations because students have an informal class setting rather than the more traditional lecture structure.

While Socratic teaching makes an attempt to have students feel as though they are in a less formal environment, there are much less often attempts to make the Socratic method of legal education less formal.⁶ If one considers the fact that the Socratic method is explicitly supposed to help students think quickly on their feet and to speak publicly, as they will be required to do in the strict formality of a courtroom, the idea of an informal classroom could be viewed as antithetical to sound legal education. In "Not Socrates, But Protagoras: The Sophistic Basis of Legal Education," William Heffernan (1980) points out that the people in Greece who trained young men to speak persuasively to juries, the legal educators of their day, were the Sophists, not Socrates. Heffernan offers an overview of the Protagorean *paideia*, or education, to argue that the case method approach to education would better be described as Protagorean than Socratic. He contends that Protagoras trained his students to seek victory in argument, in contrast to Socrates, who sought truth. The modern legal system holds that everyone has a right to a fair trial, which necessarily implies that everyone has the right to be represented by a lawyer who can argue her side of the case. Heffernan states,

For Protagoras, as for law professors, the aim of instruction is not to expose students to substantive points of knowledge (although this is a byproduct of their training) but instead to equip them with the technique by which instruction is carried out. This is the feature of Sophistic and legal education which has provoked qualms in outside observers, but it is also the one that distinguishes both systems from Socrates' method of moral instruction. (Heffernan 1980, 420-421)

To the extent the Socratic method retains the formality of professional training for lawyers, one must side with Heffernan that such a classroom more closely resembles that Sophists' formal schooling than the informal conversations of Socrates.

The Role of the Teacher in Socratic Education

In the large classrooms in law schools, the professor is the "Socrates" of the conversation. That is, the professor is the one who asks the questions and directs the conversations.

⁶ However, the articles on legal education over the last twenty years have increasingly called for and reported on attempts to make law school classes less formal and intimidating.

Additionally, the students are sometimes randomly selected to respond to the questions. When a student is selected she may be the focus of a prolonged, focused exchange with the professor.

In Socratic teaching in elementary, middle and high schools, the teacher's role is quite different. The teacher will usually start the conversation by raising a question but he will then let the students engage each other in dialogue. As Bell and Brewer claim, in Socratic seminars students speak 97% of the time; "Students are responsible for talking primarily with each other, not with the teacher, who facilitates and clarifies through questions, but who never contributes to the discussion" (2000, 1). In Adler's words, "The teacher is first among equals. All must have the sense that they are participating as equals, as is the case in a genuine conversation" (1982, 54). That the conversation takes place among students most of the time in Socratic teaching is enabled through the face-to-face, circular classroom seating. When students face each other, the students' ideas become central to the dialogue. When the students face only the professor, as they do in law schools, the professor's questions serve as the foundation of the dialogue.

Both Socratic teaching and the Socratic method could point to particular instances in the Socratic dialogues which resemble their own practice of Socratic education. In the dialogues featuring Socrates, Socrates almost always dominates the conversations, and he sometimes converses with several people in a single dialogue. In this sense, Socrates closely resembles the law professor who dominates the class discussion, following most comments in class with her own question or comment.

It is extremely rare that Socrates does something akin to the practice of Socratic teaching in classroom circles; Socrates rarely raises a topic and then remains a silent observer while others probe the issue through questions and answers. Yet, there is one dialogue, *Sophist*, which does outwardly resemble the Socratic classroom. In *Sophist*, a visitor from Elea is present, and Socrates asks him how the people from Elea distinguish sophists, statesmen and philosophers (*Sph.* 216d-217a).⁷ The visitor agrees to answer Socrates' question, and chooses to do so by question and answer with Theaetetus. Since the visitor becomes the "Socrates" of the discussion in *Sophist*, by leading the question and answer session with Theaetetus, one could argue that this dialogue merely reinforces the fact that Socratic education occurs when someone takes the reins of the conversation, as Socrates usually does, and poses questions.

Hypothetically, if one were to insist that Socratic teaching in primary and secondary education is not Socratic because it fails to have a single, dominant questioner misunderstands one of its fundamental objectives. This is possibly because, to the best of my knowledge, Socratic teaching has never explicitly articulated its objective in the following way. Socratic teaching does not invoke Socrates' name because Socrates serves as the model for a teacher, but rather because *it holds Socrates as a model for its students*. By maintaining that the teacher should be silent much of the time in a Socratic seminar, Socratic teaching hopes to create an environment where students speak directly to one another, probe each other's comments as Socrates would have, and create an understanding of the topic by communally building upon agreed premises.

Community in Socratic Education

Due to the large size of law school classes, it is difficult to overcome an individualistic ethos and create a community of students within the classroom. In fact, many have argued that the Socratic method not only fails to foster the growth of a community but actually creates an

⁷ This conversation is continued in *Statesman* in which Socrates (a young man who is a friend of Theaetetus) replaces Theaetetus in the discussion with the visitor.

egoistic and competitive atmosphere which hinders learning instead of facilitating it. This criticism of the Socratic method has been particularly prevalent in the feminist critiques of legal education. In *Becoming Gentlemen: Women, Law School and Institutional Change*, a critique of legal education based on studies conducted at the University of Pennsylvania Law School, Lani Guinier, Michelle Fine and Jane Balin write that, for many women,

the first year of law schools is experienced as the construction of the law school hierarchy; for them it is the most emotionally draining and intellectually debilitating year... One's place in the law school hierarchy is orchestrated by a mandatory grading curve, large Socratic classrooms, skewed presentations of professional identity, and fierce competition brewing uninterrupted within peer culture. *The Socratic classroom itself becomes the idealized representation of a system of legal education in which there are few winners and many losers.* (1997, 60; emphasis added)

According to this critique and others, the Socratic classroom is to be condemned for creating an environment in which students sit in fear of being called on by professors who expose their answers as incorrect or insufficient and who intimidate and sometimes mock students in the process. The surveys of Guinier et. al. and others have showed that, although such reactions to the Socratic method are common to both sexes, women are more likely to suffer from intimidation in Socratic classrooms.

In contrast, studies of Socratic teaching in primary and secondary education have shown that females fare quite well. Michael Strong reports on two empirical studies which were conducted on the effectiveness of Socratic teaching, using the Watson-Glaser Critical Thinking Appraisal. One study showed comparable improvements in test scores for male and female students who had spent the year learning through Socratic Practice. The test results for the other study are quite provocative, especially when they are juxtaposed with the surveys conducted in law schools. The second study showed far greater test score improvements among minority females, and females generally, compared to males. The collaborative, engaging communal inquiry of Socratic teaching may be the source of the females' gains (Strong 1997, 133). Researchers seem to suggest that Socratic teaching in primary and secondary education is a deviation from modes of learning which would disproportionately benefit males while the Socratic method in law schools is a male-oriented mode of instruction. Furthermore, in the anecdotal evidence that Strong and others present there is often broad student support (and even enthusiasm) for Socratic teaching. The student support for Socratic teaching is a rather stark contrast to legal education, in which students are less supportive of the Socratic method, although some acknowledge it as a powerful teaching technique.

The rules of the discussion in Socratic teaching also differ from those of the Socratic method. Socratic teaching in primary and secondary education seeks to have students take their peers' comments seriously in respectful interactions. Ball and Brewer cite the claim that "learning is facilitated by the absence of fear, risk, and judgment" and contend that the practice of Socratic teaching is consistent with this fact (2000, 3). They add that Socratic teaching allows students to "clarify positions and learn the language of civil disagreement" (2000, 4).

With respect to a community of inquiry in Socratic education, there is a wide gulf between the Socratic method's emphasis on publicly asserting one's views and exposing them to the scrutiny of others, regardless of how that scrutiny may make the student feel, and Socratic teaching's emphasis on gentle, respectful engagement of ideas by a community of inquirers. I believe that one can find the roots of both of these divergent claims in the metaphor that Plato provides for Socrates' teaching method, the midwife metaphor.

In *Theaetetus*, Socrates claims to be a midwife of young men in the midst of a conversation with Theaetetus concerning the question, “what is knowledge?” When Theaetetus grows frustrated that he cannot provide Socrates with a single account of knowledge, Socrates tells him that he is having pains of labor (*Tht.* 148e). Socrates says that his mother, Phaenarete, was a midwife and that he is a midwife as well. “The difference” says Socrates, “is that I attend men and not women, and that I watch over the labor of their souls, not their bodies” (*Tht.* 150b).

For Socratic teaching, the midwife metaphor seems to embody everything that is to be celebrated about creating a respectful and nurturing community of inquirers, wherein the teacher watches over the labor of his students’ souls. After all, what would represent this tender care for students’ souls more than the support that is given to a woman at the moment of childbirth? Yet within the midwife metaphor there also rests an aspect of Socratic midwifery that lends itself to the harsh, unforgiving interactions which have traditionally been associated with the Socratic method.

Socrates tells Theaetetus “that there is not in midwifery the further complication, that the patients are sometimes delivered of phantoms and sometimes of realities, and the two are hard to distinguish” (*Tht.* 150ab). Socrates explains that, as a midwife for the brain-children of young men, it is his duty to test the brain-children of their worthiness to live; “the most important thing about my art is the ability to apply all possible tests to the offspring, to determine whether the young mind is being delivered of a phantom, that is, an error, or a fertile truth” (*Tht.* 150c). Socrates tells Theaetetus, “when I examine what you say, I may perhaps think it is a phantom and not truth, and proceed to take it from you and abandon it” (*Tht.* 151c). And later in the dialogue, when Theaetetus has produced his first brain-child for testing, Socrates reiterates, “Is it your opinion that your child ought in any case to be brought up and not exposed to die? Can you bear to see it found fault with, and not get into a rage if your first-born is stolen away from you?” (*Tht.* 161a).

In the midwife analogy, Socrates is clearly aware of the embarrassment and pain that are involved in the exposure of one’s ideas as inconsistent or unsound. Socrates recognizes that when one has an idea, one feels a deep, personal attachment to it—an attachment so deep that it is akin to a mother’s attachment to her child. Socrates warns Theaetetus, “you mustn’t get savage with me, like a mother over her first-born child. Do you know people have often before now got into such a state with me as to be literally ready to bite when I take away some nonsense or other from them. ... I don’t do this thing out of malice, but because it is not permitted to me to accept a lie and put away truth” (*Tht.* 151cd).

There are numerous examples from the Socratic dialogues of people who become so angry with Socrates that he feared for his physical safety. Perhaps the most famous example is Socrates’ discussion with Thrasymachus in *Republic*, in which Socrates admits to being quite afraid (*R.* 336b-d). Although in the works of Xenophon and Plato there is never any physical violence done to Socrates because of his questioning (at least prior to his execution), the same is not true in another source on Socrates. Diogenes Laertius’ *Lives of Eminent Philosophers*, probably written 700 years after Socrates’ death, reports that Demetrius of Byzantium claimed that Socrates was often physically abused for his inquisitive endeavors: “frequently, owing to his vehemence in argument, men set upon him with their fists or tore his hair out” (1972, II.21). In *Theaetetus*, Socrates admits that his passion for inquiry occasionally makes him neglect the feelings of others. When nobody comes forward to answer his request to put into words what knowledge is, Socrates says, “I hope my love of argument is not making me forget my

manners—just because I’m so anxious to start a discussion and get us all friendly and talkative together” (*Tht.* 146a).

I have suggested that the midwife metaphor contains the roots of both the caring and nurturing aspect of engaging students, emphasized in Socratic teaching in primary and secondary education, and the harsh, uncompromising exposure of the students’ ideas, central to the Socratic method in legal education. However, there is more to be said about the matter of the learning environment that Socrates created. Although Socrates may have sometimes “forgotten his manners” and acted rudely, he is sometimes portrayed as being acutely aware of the emotions of his interlocutors. Furthermore, Socrates seems to have manipulated emotions freely, as he deemed it pedagogically appropriate. He often used his questions to embarrass his interlocutors into recognizing their own ignorance, especially when they were politically ambitious young men like Theages (see *Thg.* 125e; where Theages recognizes that Socrates has been teasing him) or Alcibiades (see *Alc.* 116e; where Alcibiades admits his confusion after Socrates’ exposes his lack of political knowledge). However, Socrates also used flattery to make his interlocutors let down their guard so they could be refuted. To further reflect on the Socratic learning environment I will now turn to three of Xenophon’s stories.

In *Memoirs of Socrates*, 4.2, Xenophon describes Socrates’ interaction with Euthydemus, another politically ambitious young man, who believed that he was wise because he accumulated and read many books. Xenophon writes that this story reveals Socrates’ “attitude towards those who thought that they had received the best education and prided themselves on their wisdom” (*Mem.* 4.2.1). When Socrates saw that Euthydemus was listening to his conversation with others, he broached the subject of political rule by young men who lack experience. Socrates proposes a speech that Euthydemus might give if he were applying for a public medical post: “Gentlemen of Athens, I have never learned medicine from anyone, nor have I tried to secure any doctor as a teacher. I have consistently avoided not only learning anything from medical men, but even giving the impression of having learned this art. However, I ask you to give me this medical post. I shall try to learn by experimenting on you” (*Mem.* 4.2.5). Xenophon records that this speech “made everyone present laugh” (*Mem.* 4.2.5).

Euthydemus’ public embarrassment appears to have been tactically employed by Socrates to get Euthydemus to open himself up to Socrates’ questions. Socrates followed this public embarrassment by going to the saddler’s shop to confront Euthydemus away from his peers (*Mem.* 4.2.8). After the public embarrassment, Socrates approached Euthydemus with flattery: “I really do admire you for preferring to stockpile wisdom rather than silver and gold” Socrates tells him, referring to Euthydemus’ large collection of books (*Mem.* 4.2.9). When Socrates won his trust, he challenged Euthydemus’ idea of political leadership. The end result of Socrates’ examination was Euthydemus’ comment, “Evidently the fault lies in my own incompetence; and I am considering whether it may be best to keep my mouth shut. It looks as though I know absolutely nothing” (*Mem.* 4.2.39). Xenophon then writes that Euthydemus “went away, very much dejected because he had come to despise himself and felt that he really was slavish. Many of those who were treated in this way by Socrates stopped going to see him; these he considered to show a lack of resolution” (*Mem.* 4.2.40). The further embarrassment of Socrates’ forced intellectual disrobing through questions was too much to bear for many. Xenophon notes that, unlike Euthydemus who decided to return to Socrates after leaving dejected, others did not return. Withstanding the embarrassment of having one’s ideas exposed as false serves as a

litmus test of whether someone could suppress his personal feelings and ambitions enough to join the Socratic community of inquiry.

Socrates clearly varied his educative interactions depending on the personality of his interlocutor, as Xenophon says explicitly in *Memoirs of Socrates* (*Mem.* 4.1.3). Consider two stories that Xenophon places consecutively in *Memoirs of Socrates* to illustrate this point. In *Memoirs of Socrates* 3.6, Socrates confronts Glaucon, who is young (not yet twenty) but has bold political aspirations. Xenophon reports that Glaucon was so impervious to criticism that his ambitions were not dampened even though he was frequently laughed at and dragged off the stage when he made political speeches (*Mem.* 3.6.1). Socrates successfully intervened, but he did so in a different way than he did with Euthydemus. With Euthydemus, public embarrassment served to make him receptive to Socrates' examination. In contrast, Glaucon seemed to be immune to public embarrassment, so Socrates' initial approach was different; instead of embarrassing Glaucon, Socrates flattered him by telling him what a fine thing it is to lead people and gain a reputation (*Mem.* 3.6.2). After Socrates captured Glaucon's attention through flattery, he proceeded to question him about his knowledge of various aspects of governing. Glaucon's answers revealed that he had not sufficiently tended to the details of governing and the conversation ends with Glaucon's political ambition tempered. Socrates told him that instead of worrying about ruling all the households of the city, Glaucon should start by ensuring that he can at least manage a single one. Glaucon's last line in this conversation is a concession; "Well... I might do something for my uncle's household, if he were to follow my advice" (*Mem.* 3.6.15).

Xenophon clearly wants us to appreciate the range of Socrates' pedagogical skills by juxtaposing Glaucon's story with a story about Charmides (*Mem.* 3.7). Charmides was very much the opposite of young Glaucon. Xenophon says that Charmides, "though a person of influence and much more capable than the active politicians of that time, was hesitant to enter public life and handle his country's affairs" (*Mem.* 3.7.1). Socrates attempts to convince Charmides that he would make a good politician because whenever Charmides is approached by politicians for advice, his advice and critiques are good. Charmides protests that it is different to say such things in public and in private. Socrates replies that Charmides should examine himself to note his strengths and use them to benefit the city. Though Xenophon does not report how Charmides responds to Socrates' prodding, what is clear from the two accounts is that Socrates had a very different approach with a modest conversation partner and with an arrogant one. Unlike the flattery of Glaucon, which was used to create an opening for refutation, Socrates' flattery of Charmides genuinely serves to bolster his self-esteem.

Thus, to the extent that Socrates would anger the people with whom he conversed by asking them questions which publicly exposed their ignorance, Socrates' questioning resembled the intimidating intellectual disrobing that occurs as part of the Socratic method. Furthermore, Socrates seems to have believed that embarrassment could be pedagogically effective. Yet, Socrates usually made some effort to flatter his interlocutors (and was quite aware that he needed to be more sensitive with modest men) ensuring that there existed a personal rapport between them. Socrates sometimes took care to make his conversation partners comfortable enough through flattery to withstand his examinations. Insofar as Socratic teaching attempts to establish a comfortable, caring environment in the classroom, it resembles many Socratic conversations.

Subject Matter

In Socratic teaching in primary and secondary education, the subject matter of the class is broadly conceived. According to Adler, the subject matter of Socratic teaching is of two types. First, “books of every kind—historical, scientific, philosophical, poems, stories, essays” but “*not* textbooks”. Second, “products of human artistry [which] include individual pieces of music, of visual art, plays, and productions in dance, film, or television” (1982, 28-29).

The texts which are the center of the Socratic method in law schools are cases (which is why the Socratic method is often used as a synonym for the case method). However, as Heffernan points out, using a text for study was quite common to the Sophists but was not a pedagogical technique often used by Socrates. Heffernan’s criticism applies to Socratic teaching because Socratic teaching tends to be text-based as well, although Adler defines “text” broadly. Heffernan notes a prominent example in *Protagoras* of a sophist using poetry as part of his lesson. Protagoras claims that poetry is vital to a person’s education and proceeds to analyze a poem with Socrates (*Prt.* 338e-348a). Particularly relevant for the critique of contemporary Socratic education is Socrates’ statement, “When a poet is brought up in a discussion, almost everyone has a different opinion about what he means, and they wind up arguing about something they can never finally decide... We should put the poets aside and converse directly with each other, testing the truth and our own ideas” (*Prt.* 347e-348a). Socrates is quite clear that the subject matter of his conversations should be the beliefs that a person holds. Socrates’ conversations do not center on texts but on the beliefs that one holds about issues that are relevant to one’s life. As James Jordan notes, “The experience of every rational adult supplies sufficient data for the inquiry. It is not an inquiry into things that have not yet been experienced but an inquiry into the meanings of experience as it is presently held” (Jordan 1963, 102).⁸

There is a distinction that can be made between the texts of Socratic teaching and those of the Socratic method. The Socratic method uses cases which simultaneously teach the law and provide an opportunity to engage in the kind of reasoning about these cases that is necessary for the practice of law (i.e. the case method can make students “think like a lawyer”). In contrast, Socratic teaching does not use texts as instruments of knowledge. Rather, Socratic teaching often uses rich, complex works which serve to enlarge the students’ experiences, as well as to improve their thinking processes. As Strong says, Socratic teaching “involves an obligation to make sense of the disparate phenomena which make up experience” (Strong 1997, 147). However, the fact remains that insofar as many manifestations of Socratic teaching rely on texts, they fail to resemble the kind of conversations that Socrates had with his associates, in which one’s ideas served as the only starting point for the discussion.

Conclusion

The ancient depictions of Socrates provide a complex and rich portrait of a man as educator. In this essay, I distinguished two contemporary appropriations of Socrates in education and I compared these to ancient depictions of Socrates. Although one can argue whether particular invocations of Socrates are well-rooted in the ancient stories, as I have done throughout this paper, that argument may ultimately miss one of the key reasons that Socrates’ name is so frequently mentioned in education. It is not only that he happened to practice a pedagogical technique which, understood broadly as engaging students through questioning, is tantamount to sound pedagogy. Socrates was a man who made education his life’s mission.

⁸ Jordan’s claim that Socrates only had conversations with rational adults is debatable, unless “rational adult” would include people possibly as young as twelve years old, the age which many scholars date Socrates’ youngest interlocutors, *Lysis* and *Menexenus*.

Responding to the charges of corrupting the youth of Athens in Xenophon's *Socrates' Defence (Apologia)*, Socrates says "at least where education is concerned; people know that I have made a special study of the matter" (*Ap.* 20). He was an ideal teacher for he genuinely embraced inquiry, which simultaneously made him an ideal student as well. He was a teacher so revered by his own students, that several of them joined Plato and Xenophon in writing Socratic dialogues. Furthermore, he was a man who could never be accused of educating merely as a means to financial well-being, for he refused fees. Socrates not only filled his days with his project of inquiry but he ultimately staked his life on his educational project, and was executed for doing so. Given these facts, one should not be surprised that educators will continue to christen their pedagogical theories Socratic. Such theories may not be inspired by Socrates' pedagogical methods so much as by his life and reputation as an educator.⁹

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