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## Foreword: Legal Scholarship and Moral Education

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The articles and comments that appear in this issue were prepared for the symposium at the Yale Law School on the nature and purposes of legal scholarship, a topic whose breadth is reflected both in the diversity of subjects that the authors of the principal articles have chosen to discuss, and in the different points of view—perhaps more accurately, the different moods—that they express. For my part, I wish to address an aspect of legal scholarship that is not emphasized in the symposium articles themselves, but that affects the context in which they must be read. I have in mind the role legal scholarship plays in the process of moral education that forms an indispensable part of the training law students receive. The concept of moral education is somewhat vague, and I will attempt to clarify what I mean by it and to indicate my reasons for thinking that it is so important a part of the instructional program in which the law teacher is engaged. I want to begin, however, with a more mundane observation, an observation that each of the symposium participants makes in one way or another, and that provides the point of departure for any serious reflection on the special qualities of legal scholarship. It is an obvious fact that the legal scholar makes his living as a law teacher, and in his teaching he must, of necessity, take account of the professional nature of his school's educational program. The legal scholar works and teaches in a professional school. What does this mean?

It means, first of all, that the law teacher has, for whatever reasons, chosen a life that is different in important respects from the profes-

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sional lives that most of his students will lead after they graduate. Law teachers live in the university, some more and some less, and this represents a special way of life, both in its mundane detail—academic lawyers keep different hours, work under different pressures, and receive different rewards than do their counterparts in practice—and also in the values for which it ultimately stands. Of course, law teachers are not the only ones that have chosen a life in the university: professors of history, philosophy, economics, and literature have all chosen the same life. To the extent that they, like law teachers, are engaged in the education of graduate students, however, professors in the humanities and social sciences are, by and large, training others for lives of the kind they themselves lead. Even though job prospects are dim and some students may eventually have to follow paths that they regard as second-best, such as going to law school, there is in the humanities and social sciences an implicit consensus between teacher and graduate student regarding the best kind of life.

In my experience, the teacher of undergraduates likewise does not confront the explicit disparity in choice of lifeplan or lifestyle that separates the academic lawyer from his students, though for a different reason: many undergraduates have not yet chosen the career and kind of life they want to lead, and to the extent they have, we regard this as bad, as a sign of premature professionalism. To be sure, one who teaches undergraduates must know that most of his students will eventually choose nonuniversity careers; it is nonetheless true that he does not face a classroom of students that have already expressed a preference for a life outside the university and that feel committed to their decision. This is not true of the law teacher. When he looks at the students in his class, he sees men and women that by and large have already made up their minds about what they want to be and are in the process of adjusting their expectations and even their desires to that decision.

The activity of law teaching thus has a built-in tension not present in many other university disciplines. The fact that he teaches professional school students who have chosen a way of life very different from his own continuously reminds the law school teacher of the choice that *he* has made and stimulates him to reflect on the meaning of a career devoted to the academic study of law and the nature of the contribution that he can make to those whose lives will not be centered in a university. The disparity between his way of life and his students' encourages the law teacher to think about those questions—questions that are likely to occur less often and to seem less

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urgent to a professor of philosophy because he does not experience a similar tension in his teaching, having as students only those who have chosen a life identical to his own or who have not yet made any choice at all.

I have said that the life of a law teacher differs from that of his students insofar as it is centered in a university. What, more precisely, are the special qualities of the academic lawyer's university life? First, it is a life dominated by two activities that play little or no role in the life of the practicing lawyer: teaching and scholarship. A practicing attorney may, of course, do either or both of these things, but they are not his central concerns. By contrast, teaching and scholarship are the principal activities of the academic lawyer, the activities that reflect his primary professional interests and capabilities, and the institution in which he lives his professional life is deliberately organized to promote these activities. Teaching and scholarship are the *raison d'être* of the university.

There is a second and even more important point worth making about the situation of an academic lawyer. The tension endemic to law teaching, which I have described in very general terms as a tension between a life in the university and a life outside it, is reflected as well in what I believe is a characteristic tension between the two activities, teaching and scholarship, that constitute the work of the academic lawyer. The aim of someone teaching law is to prepare his students to become lawyers. Naturally, a teacher of law introduces academic material into his classroom instruction and presents the subject he is teaching from a point of view shaped by his scholarly concerns; he emphasizes features of the law, such as its structural organization, philosophical presuppositions, or historical development, that he finds especially interesting. Nevertheless, in teaching, the academic lawyer serves his students: his teaching is determined in the most basic way by his students' need to learn the law in preparation for a nonuniversity career. By contrast, in his scholarly work, the academic lawyer serves himself: he takes the satisfaction of his own intellectual interests in the law as his paramount goal. In this branch of his work, it is his own interests as a member of a university community, not the interests of his students as practicing-lawyers-to-be, that determine how and why he does what he does.

Doubtless, the contrast I have drawn between law teaching and legal scholarship will seem to some too stark. These two activities are different, of course, but should not each be viewed as a complement to the other, enriching it by providing a continual source of fresh in-

sight and intellectual support? There is considerable truth in this view. To take an important, if somewhat banal, example, a law teacher whose research has clarified for him the basic arrangement of the subject he is teaching—an arrangement, let us suppose, that is not immediately reflected in its doctrinal content—is likely, just for that reason, to be a more successful pedagogue, to be able to present the subject to his students more clearly than he otherwise could have done. This view of scholarship and teaching as mutually supportive is appealing because it makes the relationship between law teachers and law students seem, despite the different lives they have chosen, less a tension-filled opposition than a fruitful collaboration based on a cooperative division of labor. Yet, though this view is appealing and true in important respects, it masks a deep-seated tension between the activities of law teaching and legal scholarship. I say “deep-seated” because the tension in question results from these two activities having different, indeed antithetical, aims or purposes; the tension therefore cannot be eliminated without altering one or the other in some fundamental respect.

What is the nature of this conflict between law teaching and legal scholarship, and how does it arise? I believe that the conflict has less to do with the peculiar character of legal scholarship, which has the same fundamental aim as any other scholarly endeavor, than with the special qualities of law teaching—qualities that, viewed in a certain light, are indeed antithetical to the defining aim of scholarship. In both theory and practice, law teaching has two components. The law teacher is expected, first of all, to convey to his students an understanding of some substantive body of law, a familiarity with the basic rules and principles of, say, contract law or civil procedure or bankruptcy. He is also expected—most obviously in the first year, but in upper level classes as well—to assist his students in developing the skills of argument and analysis that they will require as lawyers. It is this second goal that the method of classroom instruction, as distinct from the content of the material being taught, is meant to serve.

The repertoire of analytic techniques that a law teacher legitimately may feel a duty to present to his students is broader than it was before the curricular revolution initiated by the legal realists a little more than fifty years ago. Many different forms of analysis that once were irrelevant to the practice of law are now of considerable importance in certain fields. A law school may, therefore, justifiably include them in its instructional program. Today, for example, a familiarity with psychoanalytic theory is very important, even if it is

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not yet indispensable, for anyone preparing for a career in family law; thus, the introduction of some psychoanalytic material into a course on family law is entirely justified on the ground that it is likely to aid students in meeting their professional responsibilities as counsellors and advocates. The new techniques of analysis—psychoanalytic theory is one, economic theory is clearly another—that are now being taught in law-school classrooms come primarily from purely academic disciplines, and their growing importance might seem to confirm the view that law teaching and legal scholarship have a close and supportive relationship with one another.

Despite their increased importance, however, these new techniques do not constitute the core of the law school's educational program insofar as it aims to develop the skills needed to practice law well. Today, as sixty years ago, the most important skill the law teacher imparts is the skill of advocacy, the ability to construct and defend a convincing legal argument. Before the law student can find any other analytic techniques professionally useful, he must have mastered the ability to make a legal argument—he must know how to build an argument from legal materials, such as cases, statutes, administrative orders, and the provisions of the Constitution, in accordance with the established, if not always precise, rules that determine how these materials are to be used, such as the rule of *stare decisis* coupled with the techniques for construing a judicial opinion in either an expansive or a restrictive way. The other techniques taught in law school can supplement this most basic skill, but despite the enormous curricular changes of the last sixty years, the skill of advocacy remains the cornerstone of all law-school instruction.

To get a clearer understanding of the conflict between law teaching and legal scholarship, it is necessary to look more closely at the nature of advocacy itself. We may get some help in this regard from one of Plato's dialogues, the *Gorgias*,<sup>1</sup> a dialogue of special interest to lawyers. In that dialogue, Socrates confronts a famous Sicilian rhetorician named Gorgias, and with the help of several others, the two of them discuss the nature of rhetoric, or oratory, and the proposition that it is an art—indeed, in Gorgias's view, the highest and best art. At one point in the dialogue, Gorgias describes his craft as one that confers on its practitioner "freedom for man himself, and at the same time . . . rule over others in his own city."<sup>2</sup> When Socrates asks him what he means, Gorgias replies:

1. PLATO, *GORGIAS* (T. Irwin trans. 1979).

2. *Id.* at 19 (line 452d).

I say it is the power to persuade by speech jurymen in the jury-court, council-men in the Council Chamber, assembly-men in the Assembly, and in every other gathering, whatever political gathering there may be.<sup>3</sup>

This ability, as Socrates himself puts it, is the ability to produce conviction, the belief that one is right.

Socrates goes on to observe that there must be a difference between conviction and knowledge: one can be convinced of something, but only mistakenly, and in this sense lack knowledge of it. It is possible, according to Socrates, to have a belief or conviction about something without knowing it; the familiar phenomenon of mistaken beliefs and the fact that we routinely distinguish true from false beliefs both testify to this difference. The great strength of Socrates's distinction between knowledge and belief is attributable to the fact that the distinction itself is not undermined by our inability to explain coherently and precisely what gives knowledge its distinctive character, what makes it something more than mere conviction or belief. Even if we cannot provide such an explanation, it seems impossible to do without the distinction Socrates draws, for unless we assume such a distinction between knowledge and belief, we cannot account for the fact that we assign truth values to our beliefs, that we regard some beliefs as true and others as false, and in this sense evaluate them from a standpoint different from that of belief itself.

Having distinguished knowledge from conviction, Socrates says that the orator, the man who makes his living persuading juries and legislative assemblies, is concerned with the second. According to Socrates, if rhetoric, or oratory, can be viewed as any kind of art at all, it is the art of producing conviction in one's listeners. In saying this, Socrates is attempting to describe what he understands to be the defining aim or purpose of the activity in which the rhetorician is engaged. The rhetorician seeks to persuade his listeners. If, after hearing him, his listeners have acquired the beliefs he wants them to acquire (that so-and-so is innocent or that a proposed law is unwise), the orator has succeeded; if they have acquired or retained convictions other than those he wishes to produce, the orator has failed.

Socrates maintains that the orator is indifferent to the truth or falsity of the beliefs he seeks to inculcate; he does not care whether they represent knowledge or mere conviction. This is a strong assertion and one that is easily misunderstood. It is important to observe, first

3. *Id.* (line 452e).

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of all, that the orator's indifference to truth as Socrates conceives it is entirely consistent with his taking a strong interest in persuading his listeners of the truth of the beliefs he wants them to accept. Indeed, the orator must take such an interest: unless his listeners regard the beliefs in question as true beliefs, they will not be convinced, for no one knowingly embraces a false belief. Nevertheless, the orator's concern with the truth of beliefs is only secondary; he cares about truth only insofar as it bears upon his fundamental concern with the production of belief or conviction in those to whom he addresses his appeal. Put differently, the orator, when exercising the craft of rhetoric, is not concerned with truth and falsity for their own sake, but takes them into account only to the extent that they bear in an instrumental or strategic way on the production of conviction, which, as the point of the orator's activity, gives that pursuit its purpose and direction. Advocacy is distinctive, not because it is wholly unconcerned with truth, but because it is concerned with truth only as an aid to persuasion; in advocacy, the desire to persuade determines what role truth-seeking is to play, not the other way around.

It is also important to note that the orator's indifference to truth is consistent with a strong interest in persuading himself of the truth of the beliefs he wants others to accept. For powerful psychological reasons, the orator's need to persuade his listeners that these beliefs are true often makes it important that he persuade himself of the same thing. An orator that does not believe in the truth of what he wishes others to accept is likely to be a poorer advocate than he would be if he could assert the truth of the beliefs in question without any feeling of disingenuousness or deceit. For this reason, the orator's own conviction is often essential to the effective practice of his craft. Yet, even in this respect, the orator's concern for truth is subordinate to his main objective. Although the knowledgeable orator is likely to be the most convincing one, it is nonetheless true that the goal of his activity is not the transfer of knowledge but the production of conviction. Even if the latter cannot be accomplished without the former, success in the practice of oratory is measured by the latter alone. The ability to convince is the yardstick by which the orator's work is measured, and it defines the limited and subsidiary place that a concern for truth may properly have in his efforts to persuade.

Socrates's account of the craft of oratory captures the most important feature of what I have called the skill of advocacy, the skill that is central to law-school teaching. Advocacy is, in essence, the construction of a convincing or persuasive argument. A persuasive argument in

law, however, is significantly different from a persuasive argument in other disciplines. Consider an argument in geometry. A formal proof of some Euclidean proposition, for example, is of course intended to persuade those for whose benefit it has been constructed, say, the readers of geometry textbooks. Nevertheless, the argument's power to persuade is a virtue only because the argument is logically sound, or to put it more simply, because it is true. In this sense, arguments in geometry subordinate persuasiveness to truth: a persuasive argument is a good thing if and only if it is true and makes the truth more perspicuous. This relationship is precisely the reverse of what one finds in rhetorical arguments, which, as I have emphasized, make a concern for truth subordinate to the overriding aim of persuasion.

One might object that a comparison of the sort I have drawn between legal advocacy and geometry is inapt because the latter discipline has one essential feature that the former lacks: an unequivocal standard by which to judge the truth and falsity of whatever arguments one constructs. Because nothing of this kind exists in the law, one might reasonably think that a concern for truth of the sort that characterizes all geometrical arguments is out of place in any reflective activity that takes the law as its subject. But that view, I think, is mistaken.

To see why this view is wrong, consider literary criticism, which, in at least one respect, more closely resembles legal argument. When a critic writes about a novel or poem there is no simple standard for determining whether his interpretation is correct in an indisputably final sense. At most, his argument can have more or less plausibility, can be supported or undermined by the views of other critics, can dominate work in the field for a time or be consigned to oblivion. In this respect, the work of a literary critic resembles the work of an advocate constructing legal arguments, arguments that can also be thoughtful and imaginative, but never true in the same sense that a sound geometrical proof is true. Despite this similarity, however, there is a profound difference between what a literary critic does when he explicates a text and what an advocate does when he represents a client or a cause. A literary critic attempts to say something true about his subject, and the lack of any clear yardstick for determining whether he has been successful in this regard does not alter the character of his attempt in the least. One can express this same point by saying that a critic is oriented towards the truth in that he takes its discovery and presentation as his guiding task. The arguments a critic constructs to defend his views are of course meant to persuade, but

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like the arguments of a geometer, the value of their persuasive force depends entirely on their being vehicles for making manifest something true about a work of literature. In literary analysis, as in geometry, persuasiveness is a value of secondary importance, subordinate to the primary end of producing knowledge. Despite the striking differences between them, these two disciplines share that feature, which sets both of them apart from legal advocacy understood as the practice of rhetoric in Socrates's sense.

From the advocate's point of view, the value of an argument in a lawsuit or before a legislative committee depends entirely on its ability to persuade, on whether it leads to victory or defeat, where these mean convincing or failing to convince the judge or committee, not conveying or failing to convey the truth. To make a persuasive argument in law, one must have mastered many skills: the delicate use of precedent, the exegesis of statutes, the understanding and manipulation of judicial psychology, and so on. It is no small matter to be able to make a persuasive legal argument; many law students find this the most difficult thing they have to learn, and the one for which their previous training provides the least guidance. Still, the defining goal of legal advocacy is, in Socrates's words, the production of conviction rather than knowledge. This is the target at which the advocate aims in doing what he does. Of course, the practicing advocate may be confident that the truth will be revealed—or at least that it is most likely to be revealed—through a process in which competing advocates pit their skills of persuasion against one another, on behalf of clients in a courtroom or interests in a legislature. Nevertheless, it is not the advocate's goal, as an advocate, to bring the truth to light. If the truth is revealed, it is because activities of many advocates, each aiming at something fundamentally different, have been coordinated, like those of Adam Smith's baker and butcher, in such a way as to bring this result about by a kind of invisible-hand mechanism. Although the advocate may contribute to the discovery of the truth by participating in a process of this sort, he does not take its discovery as his own deliberate task. If his work brings the truth to light at all, it does so incidentally and not purposefully. Once again, we are brought back to the Socratic view: in doing what he does, the advocate is indifferent to truth.

In the *Gorgias*, Socrates is especially interested in what effect the art of oratory is likely to have on the soul, or character, of its practitioner. I want to ask a similar question: What effect does a training in advocacy, whose defining characteristic is an indifference to truth,

have on the character of law students? This question is likely to seem extraordinarily presumptuous. What right does a law teacher have even to raise such a question about his students? The character his students have, or acquire, is their business—their most personal business; by what right may a law teacher make it his concern as well? Law students, it can be argued, come to law school to learn a craft; what they do with it, how they use the tools their teachers give them, what kinds of lives they fashion for themselves—in short, the conditions of their souls—are matters entirely for them to worry about. In this view, the law teacher should regard himself as simply supplying the tools of a trade. This view is in fact very close to the one that Gorgias adopts in his conversation with Socrates.

But however inappropriate it may seem, law teachers do, I believe, have a special responsibility to raise the question I put a moment ago and to consider the effect that an indifference to truth is likely to have on a person's character. They have this responsibility, in my judgment, because the craft they teach not only tolerates an indifference to truth, but actively encourages it by making its ultimate goal something altogether different from truth-seeking—in sharp contrast to most other disciplines taught in universities, which aim at the truth whether or not they actually attain it. Moreover, this question of character is of concern not only to law teachers, but also to law students, who ask themselves this question with great intensity and seriousness, especially at the beginning of their legal education. Many law students worry that as they become skilled advocates, they will lose their concern for what is true and right, and become preoccupied instead with what convinces or persuades. However much this apprehension reflects the normal anxieties associated with the choice of a career and the commitment it entails, it also bears witness to a deep and legitimate concern on the part of law students, a concern that their teachers have a responsibility to address.

The indifference to truth that all advocacy entails is likely, it seems to me, to affect the character of one who practices the craft for a long time and in a studied way. Because it requires its practitioner to think of truth as, at most, an instrumental good, not as something valued for its own sake, advocacy encourages what can only be described as a kind of cynicism regarding efforts to discover and to state the truth about the wide range of human matters with which the law is concerned. I believe that the process of becoming an advocate is likely to make someone more cynical about truth-seeking: not, of course, about all forms of truth-seeking, since there is no reason

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to think that a training in advocacy changes anyone's beliefs about, say, the efforts of physicists and astronomers to understand the structure of the physical world; but more cynical about attempts to discover the truth concerning the manifold forms of human conduct that the law, in one way or another, purports to regulate. By "cynicism" I mean an attitude that questions the *worth* of such attempts to discover the truth and is inclined to see them as pointless exercises that cannot be justified by any genuine or respectable human need. The cynicism of the advocate is not the product of his having attempted to discover the truth about human affairs and failed; rather, it is the product of his having become accustomed to disregard the question of truthfulness as irrelevant to the practice of his craft. It is easy to believe that efforts to state the truth about man's moral and social life are illusory and vain; the professional attitude of the advocate, as it hardens into a habit, tends to confirm this belief and to augment its power.

To put the same point a slightly different way, when one practices advocacy in a self-conscious manner for a long time, the experience, like any extended experience of this sort, is likely to affect what one cares about. Our cares reflect our habits—the reverse is, of course, true to some extent as well—and the habitual indifference to truth that the advocate must cultivate in his professional life is likely to promote what is perhaps best understood, in a literal sense, as a kind of carelessness about the truth. Because one's character depends to a large degree on what one cares about, an education in advocacy tends to produce a character of a certain type. For any particular law student, of course, education in advocacy is only one influence among many on the formation of his cares and character, but it is an influence that seems to me to have a steady effect in the direction I have described.

Supposing I am right, why should anyone care whether the process of training advocates has the effect I have ascribed to it? In my view, law teachers not only have a reason to care whether advocacy affects a person's character in the way I have suggested; they have a responsibility—a moral responsibility—to do what they can to prevent the indifference to truth that advocacy entails from hardening into a cynical carelessness about efforts to discover the truth concerning the various aspects of human social life that the law encompasses. It was this responsibility that I had in mind at the outset when I referred to the moral education that forms a part of a law student's training.

The view that a law teacher has such a responsibility is contro-

versial: if one believes that truth is an empty, perhaps even a pernicious, idea, there is nothing wrong with, and there may even be something good about, a process that tends to make those who undergo it cynical about the truth. From this point of view, the cynicism of the advocate may appear to be a desirable prophylactic against the dangers of a naive philosophical enthusiasm for the truth—in the name of which, after all, many terrible things have been done. I cannot defend adequately, in the space appropriate to a Foreword, my own view that cynicism of this sort is something bad, that it is harmful to the soul of the person involved, and that law teachers have a moral duty to discourage its growth to the extent they can. For now, I can say only this much: there is a profound difference between *skepticism* about particular truth claims—a caution or reserve in accepting the asserted truth of particular propositions, especially those about human social life—and a *cynical carelessness* about the effort to generate such propositions and to establish their validity. A love of truth may in fact lead one, as it led Socrates, to reject every account of what the truth is; but that is very different from simply not caring about the truth. It is the latter that seems to me profoundly destructive, especially if it concerns those things regarding which the truth appears most elusive, namely, our own human social arrangements and practices.

Cynicism of the sort I am describing is destructive because the truth—whatever it is, and whether it is something ultimately attainable or merely a regulative ideal—represents the idea of a convergence in our independent personal experiences of the world. The truth is a common meeting ground. It is necessarily the same for all of us, and the affirmation of its value is, in an important sense, an affirmation of the ideal of community. Shared beliefs, of course, can also establish a community among men, but there is an important difference between this kind of community and the kind that rests—or would if we could attain it—on a shared understanding of the truth. It is only contingently or accidentally the case that people share the beliefs they happen to hold in common, and no community based upon belief alone can last forever. The truth, by contrast, is always the same for everyone; that is what truth, understood as an ideal, means. Compared to the community that truth promises, however remote its attainment, the community of shared belief is fragile and evanescent. If one values community—and much of human life would be pointless if one did not—it is important to care about the truth, for a commitment to truth is one of the things that most

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powerfully and effectively express the idea of our common humanity and sustain us in our efforts to achieve it.

I am now in a position to say what I think is the relationship between legal scholarship and law teaching, or rather, what I think it ought to be. To a significant degree, law teaching is a training in advocacy; that is one of its central functions. Advocacy entails an indifference to truth, which in turn encourages a cynical carelessness about the truth, thus undermining the important good of community. I have said that I think law teachers have a moral responsibility to prevent this cynicism from taking root in the souls of their students. One way in which a law teacher meets this responsibility is through his scholarship, or, more precisely, through the way in which he brings his scholarship into the instructional process carried on in the classroom. I do not mean by this simply reporting what he has discovered in his scholarly work, but something that is more appropriately described as a type of comportment, a way of presenting oneself as a bearer of distinct values.

I will return to the idea of comportment in a moment, but first I should say exactly why I believe scholarship to be an antidote to the cynical carelessness about truth that advocacy encourages. To be sure, any scholarly achievement is partial, one-sided, transient, and inevitably influenced in its inception and execution by the scholar's habits, preferences, values, and so on; in sum, every work of scholarship falls short of stating the complete and undistorted truth about whatever aspect of the world it attempts to explain. In my judgment, however, it is a more important fact that every scholarly endeavor, no matter what its subject, aims to state something true regardless of how far short of this goal it actually falls. Someone might object that this is true of only one variety or branch of legal scholarship, and that there are other forms as well—for example, those that seek to provide reasoned support for a change in the law. Scholarship, one might argue, includes more than pure scholarship. In my judgment, that view is mistaken: all scholarship is, by its nature, pure scholarship, and that is so even though it is also true that not everything academic lawyers write is scholarship. The defining characteristic of scholarship is its preoccupation with the discovery of truth. The end of scholarship is the discovery of truth and the promotion of knowledge. The same point is sometimes made by saying that the scholar seeks knowledge for its own sake, not for some further purpose, although the knowledge he acquires may be instrumentally useful

for other ends. To understand the world as it truly is—this, and nothing else, is the goal of scholarship.

The essential difference between scholarship and advocacy should now be clear: whereas the latter is indifferent to truth in that it does not regard the discovery of truth as something valuable for its own sake, the former has the apprehension and expression of the truth as its internal, constitutive goal. These two activities have different aims and therefore entirely different meanings. The scholar cares about truth—indeed that is what defines him as a scholar—and it is his care for the truth that must somehow be set against the cynical carelessness that a training in advocacy encourages. To do so is one way—in my view, it is the most important and the only responsible way—in which a law teacher can preserve in his students an attitude of friendship, or goodwill, towards those who seek the truth and indeed towards the truth itself.

How exactly is this to be done? What is essential is that the scholar bring into the classroom the spirit of his work, not its finished product; that is why I said, a moment ago, that integrating scholarship into the law school's instructional process means more than simply reporting the discoveries one has made. How the spirit of scholarship is to be conveyed to one's students is an extremely difficult and personal question; there is no simple recipe for doing so. Every teacher has to try, in his own way, to comport himself as a scholar. He must find a way to make it clear that he cares for the truth—so much as to have chosen a university life centered on its pursuit. To some extent, I suppose, the members of a law faculty make this clear simply by having decided to become teachers, rather than practitioners, of law. But the meaning of this choice cannot be altogether clear for their students, most of whom have made a very different one. In my view, law teachers have a responsibility to try to make the meaning of their choice intelligible to their students during the relatively brief period they spend in the university. They do this by revealing in their teaching what they care about as academics, while at the same time preparing their students for careers very different from their own. The most important thing a teacher teaches his students is what he cares about, and why. This is a responsibility incumbent on all teachers, but it is one that law teachers, for the reasons I have tried to describe, may rightly claim to feel with special intensity.

In meeting his responsibility as a moral educator, the law teacher also fulfills one of his obligations as a scholar, and in this way, perhaps, he achieves a better understanding of his own vocation and its mean-

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ing. Before he can meet his responsibilities in this regard, however, he must recognize the extent to which his own training as an advocate, and his close professional association with institutions that encourage and reward the practice of advocacy, threaten his ability to sustain the wholehearted commitment to truth for its own sake that scholarship requires. This is the danger within, the danger that every law teacher faces in himself and must confront before he can meet his responsibilities to his students. This danger would be serious in any case, but it is made more serious by the general intellectual cynicism of the age in which we live, a cynicism that teaches the emptiness of the idea of truth and the pointlessness of efforts to attain it. A symposium of this sort provides an occasion for law teachers everywhere to affirm their common commitment to the life of scholarship and their willingness to protect it against the forces, in themselves and in the world, that render it permanently vulnerable.