

LIVING LAW:



IDEALS, ISSUES, AND HUMAN INTERESTS

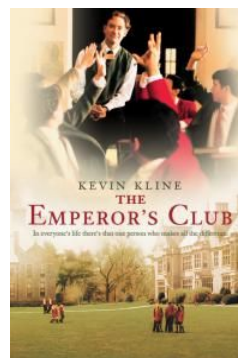
**N.C. State Bar Center
Raleigh, North Carolina
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**Sessions 1 and 2: Table Excerpts
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Session 1: Introduction - Scenes from *The Emperor's Club*

“As I've gotten older, I realize I'm certain of only two things. Days that begin with rowing on a lake are better than days that do not. Second, a man's character is his fate. And as a student of history, I find this hard to refute. For most of us our stories can be written long before we die.”



Overview of Scenes

Scene 1: Hundert visits Sen. Bell re. Sedgewick's attitude (Moral Idealist v. Cynic)

Hundert: Sir, it's my job to mold your son's character, and I think if...

Senator Bell: Mold him? Jesus God in Heaven, son. You're not gonna mold my boy. Your job is to teach my son. You teach him his times tables. Teach him why the world is round. Teach him who killed who and when and where. That is your job. You, sir, will not mold by son. I will mold him.

Scene 2: Mr. Julius Caesar Contest 1

Hundert: Why [did you cheat], Sedgewick? You knew the material.

Sedgewick Bell: Why not?

Scene 3: Mr. Julius Caesar Contest 2 / Bathroom Scene

Hundert: I'm a teacher, Sedgewick. And I failed you - as a teacher. But I will give you one last lecture, if I may. All of us, at some point, are forced to look at ourselves in the mirror, and see who we really are. And when that day comes for you, Sedgewick, you will be confronted with a life lived without virtue, without principle. And for that I pity you. End of lesson.

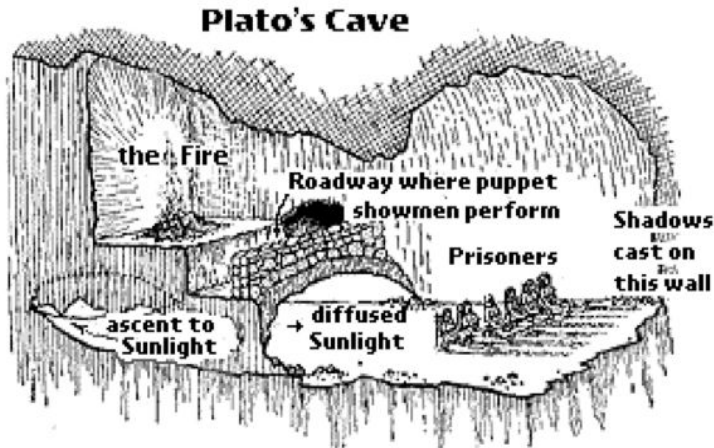
Sedgewick Bell: Well, what can I say, Mr. Hundert, who gives a shit? Honestly. Who out there gives a shit.... I live in a real world where people do what they need to do to get what they want. If it is lying, if it is cheating, then so be it.

Questions

1. Specifically, how do the different perspectives (or worldviews) between Mr. Hundert and Senator and Sedgewick Bell manifest themselves?
2. How would each character explain what justice is, and how it matters?

3. Do these scenes reasonably reflect real life and professional realities?

Session 1: Plato, “Socrates’ Allegory of the Cave” -- Excerpts



[Image available at faculty.washington.edu]

“To them, I said, the truth would be literally nothing but the shadows of the images.... The prison-house is the world of sight, the light of the fire is the sun, and you will not misapprehend me if you interpret the journey upwards to be the ascent of the soul.... Into the world of knowledge the idea of good appears last of all, and is seen only with an effort....”

1. **[The setting.]** *Let me show in a figure how far our nature is enlightened or unenlightened: --Behold! **Human beings living in a underground cave**, which has a mouth open towards the light and reaching all along the cave; here they have been from their childhood, and have their legs and necks chained so that they cannot move, and can only see before them, being prevented by the chains from turning round their heads. Above and behind them a fire is blazing at a distance, and between the fire and the prisoners there is a raised way; and you will see, if you look, a low wall built along the way, like the screen which marionette players have in front of them, over which they show the puppets....*
2. **[The Slaves’ “reality.”]** *To them, I said, the truth would be literally nothing but the shadows of the images....*
3. **[Painful ascent to light.]** *And now look again, and see what will naturally follow if the prisoners are released and disabused of their error. At first, when any of them is liberated and compelled suddenly to stand up and turn his neck round and walk and look towards the light, he will suffer sharp pains; **the glare will distress him, and he will be unable to see the realities of which in his former state he had seen the shadows**; and then conceive some one saying to him, that what he saw before was an illusion, but that now, when he is approaching nearer to being and his eye is turned towards more real existence, he has a clearer vision, -what will be his reply? And you may further imagine that his instructor is pointing to the objects as they pass and requiring him to name them, -will he not be perplexed? Will he not*

fancy that the shadows which he formerly saw are truer than the objects which are now shown to him? ...

4. **[Honors among the unenlightened.]** ...And if they [in the cave] were in the habit of conferring honors among themselves on those who were quickest to observe the passing shadows and to remark which of them went before, and which followed after, and which were together; and who were therefore best able to draw conclusions as to the future, do you think that he would care for such honors and glories, or envy the possessors of them? Would he not say with Homer, **“Better to be the poor servant of a poor master, and to endure anything, rather than think as they do and live after their manner?”**...

5. **[Material versus metaphysical understanding (sight vs. reality).]** ...This entire allegory [describes how] ... **the prison-house is the world of sight, the light of the fire is the sun, and you will not misapprehend me if you interpret the journey upwards to be the ascent of the soul into the intellectual world according to my poor belief, which, at your desire, I have expressed whether rightly or wrongly God knows. But, whether true or false, my opinion is that in the world of knowledge the idea of good appears last of all, and is seen only with an effort; and, when seen, is also inferred to be the universal author of all things beautiful and right, parent of light and of the lord of light in this visible world, and the immediate source of reason and truth in the intellectual; and that this is the power upon which he who would act rationally, either in public or private life must have his eye fixed.**

Allegory of the Cave: Questions

1. What is happening (a) in the cave? (b) during the ascent (c) outside the cave?
2. In what ways do people still live in caves?
3. What might escaping our caves look like?



“I understand ‘food for thought,’ but I still can’t let you pay with your philosophy thesis.”

Session 1: Other Excerpts

The Declaration of Independence

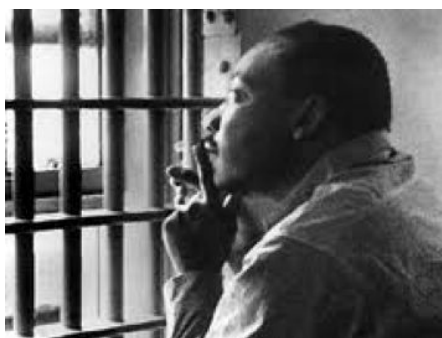
(Our founding fathers asserted certain “self-evident” principles related to justice.)

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed....

Martin Luther King, Jr, “Letter from Birmingham Jail”

(MLK addresses his ministerial brethren and explains just and unjust law.)

*One may ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are **two types of laws: just and unjust**. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a **moral responsibility to disobey unjust laws**. I would agree with St. Augustine that*



[Image available at cnn.com]

"An unjust law is no law at all."

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man-made

code that squares with the moral law or the law of God. An unjust law is a code that is out of Harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.

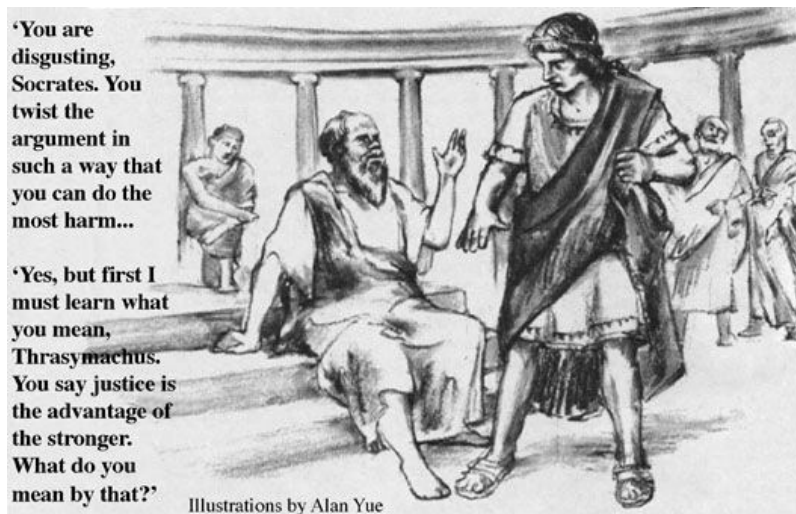
The Bible, Micah 6:8 (What does the Lord require?)



[Image source unknown]

Plato, “Justice: A Discussion Between Socrates and Thrasymachus”

(Is justice a universally binding principle, or does “might make right”?)



[Thrasymachus] What folly. Has Socrates taken possession of you all? And why, sillybillies, do you knock under to one another? I say that if you want really to know what justice is, you should not only ask but answer, and you should not seek honor to yourself from the refutation of an opponent, but have your own answer; for there is many a one who can ask and cannot answer. ... Listen, then, he said; I proclaim that justice is nothing else than the interest of the stronger. ...

...Let me first understand you, I replied. Justice, as you say, is the interest of the stronger. What, Thrasymachus, is the meaning of this?... we must first enquire whether what you are saying is the truth. Now we are both agreed that justice is interest of some sort, but you go on to say 'of the stronger'; about this addition I am not so sure, and must therefore consider further... Well, then, Thrasymachus, I said, suppose you begin at the beginning and answer me. You say that perfect injustice is more gainful than perfect justice?

[Thrasymachus] That's abominable of you, Socrates; you take the words in the sense which is most damaging to the argument. ...

[Editor note: the following humorous exchange, comes later in the dialog but is inserted here for its relevance to Thrasymachus' complaint.]

...When we had got to this point in the argument, and every one saw that the definition of justice had been completely upset, Thrasymachus, instead of replying to me, said:

[Thrasymachus] Tell me, Socrates, have you got a nurse?

Why do you ask such a question, I said, when you ought rather to be answering?

[Thrasymachus] Because she leaves you to snivel, and never wipes your nose: she has not even taught you to know the shepherd from the sheep.

...[Thrasymachus] [A]s I have shown, Socrates, injustice, when on a sufficient scale, has more strength and freedom and mastery than justice; and, as I said at first, justice is the interest of the stronger, whereas injustice is a man's own profit and interest.

I suppose that you would call justice virtue and injustice vice?

[Thrasymachus] What a charming notion! So likely, too, seeing that I affirm injustice to be profitable and justice not.

And do the unjust appear to you to be wise and good?

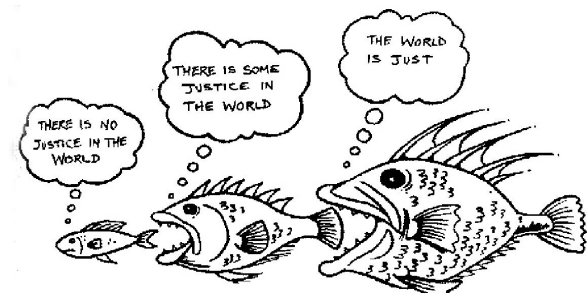
[Thrasymachus] Yes, he said; at any rate those of them who are able to be perfectly unjust, and who have the power of subduing states and nations....

*[Socrates] I do not think that I misapprehend your meaning, Thrasymachus, I replied; but still I cannot hear without amazement that **you class injustice with wisdom and virtue, and justice with the opposite.***

[Thrasymachus] Certainly I do so class them....

8. Questions about Justice

- How would you define justice?
- How often is justice consciously considered in our work and in our community life?
- What role does justice play in our laws and legal system? In what ways do they promote, as well as hinder justice?



9. Roberta Flack, "Tryin' Times"

(Soul music, and music about the soul...and justice)

*Tryin' times, what the world is talkin' about
You got confusion all over the land, yeah
You got mother against daughter, you got father against son
You know the whole thing is getting out of hand*

*Then maybe folks wouldn't have to suffer
If there was more love for your brother
But these are tryin' times,*

*You got the riots in the ghetto, it's all around
A whole lot of things that's wrong is going down, yes, it is
I can't understand it from my point of view
Someone said you should do unto others
As you'd have them do unto you*

*Then maybe folks wouldn't have to suffer
If there was more love for your brother
But these are tryin' times, yes, it is*

*I said man is always talking 'bout it's inhumanity to man
But what is he tryin' to do to make it a better man?
Oh, just read the paper, turn on your TV
You see folks demonstrating about equality*

*But maybe folks wouldn't have to suffer
If there was more love for your brother
But these are tryin' times*

*Tryin' times, that's what the world is talkin' about
You got confusion all over the land*



Session 2 – Introduction: Scenes from *The Shawshank Redemption* (1994)

(A modern-day prison story, also, like the Allegory of the Cave, metaphorical meaning)

“The first night's the toughest, no doubt about it. They march you in naked as the day you were born, skin burning and half blind from that delousing shit they throw on you, and when they put you in that cell... and those bars slam home... that's when you know it's for real. A whole life blown away in the blink of an eye. Nothing left but all the time in the world to think about it.”



Scene 1: Andy negotiates a beer break for his friends (friendship and loyalty)

- *“I'd only ask three beers apiece for my co-workers, if that seems fair. I think a man working outdoors feels more like a man if he can have a bottle of suds.” -- Andy*
- *“We sat and drank with the sun on our shoulders and felt like free men. Hell, we could have been tarring the roof of one of our own houses. We were the lords of all creation. As for Andy - he spent that break hunkered in the shade, a strange little smile on his face, watching us drink his beer.” -- Red*

Scene 2: Andy plays opera (beauty breaks into a dark place)

I have no idea to this day what those two Italian ladies were singing about. Truth is, I don't want to know. Some things are best left unsaid. I'd like to think they were singing about something so beautiful, it can't be expressed in words, and makes your heart ache because of it. I tell you, those voices soared higher and farther than anybody in a gray place dares to dream. It was like some beautiful bird flapped into our drab little cage and made those walls dissolve away, and for the briefest of moments, every last man in Shawshank felt free. -- Red

Scene 3: Andy & Red (after the opera scene): “Hope is a dangerous thing”

Questions

1. What distinguishes Andy’s perspective from the others?
2. What do these things have to do with being human, and being humane?

Session 2: Excerpts from Plato's, "The Apology of Socrates"

(Socrates "defends" himself (from the Greek term *apologia*, as in apologetics) himself at his trial, explaining his wisdom quest and what matters – the "Examined Life.")



[Image: "The Death of Socrates" by Jacques-Louis David, 1787]

1. **[Socrates' Wisdom Quest.]** Men of Athens, this reputation of mine has come of a certain sort of wisdom which I possess.... Chaerephon, as you know, was very impetuous in all his doings, and he went to Delphi and boldly asked the oracle to tell him whether... anyone was wiser than I was, and the Pythian prophetess answered that no man was wiser.

2. **[Socrates' Makes Enemies.]** Why do I mention this? Because I am going to explain to you why I have such an evil name. When I heard the answer, I said to myself, What can the god mean? and what is the interpretation of his riddle? For I know that I have no wisdom, small or great. **What then can he mean when he says that I am the wisest of men?** And yet he is a god, and cannot lie; that would be against his nature. After long consideration, I thought of a method of trying the question. **I reflected that if I could only find a man wiser than myself, then I might go to the god with a refutation in my hand. I should say to him, 'Here is a man who is wiser than I am; but you said that I was the wisest.'**

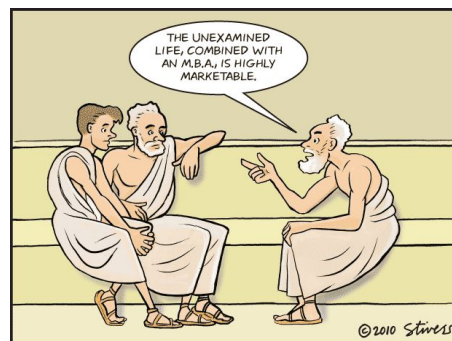
3. **[Socrates Explains His "Wisdom".]** Accordingly I went to one who had the reputation of wisdom, and observed him--his name I need not mention; he was a politician whom I selected for examination--and the result was as follows: **When I began to talk with him, I could not help thinking that he was not really wise, although he was thought wise by many, and still wiser by himself; and thereupon I tried to explain to him that he thought himself wise, but was not really wise; and the consequence was that he hated me, and his enmity was shared by several who were present and heard me. So I left him, saying to myself, as I went away: Well, although I do not suppose that either of us knows anything really beautiful and good, I am better off than he is, for he knows nothing, and thinks that he knows; I neither know nor think that I know. In this latter particular, then, I seem to have slightly the**

advantage of him. Then I went to another who had still higher pretensions to wisdom, and my conclusion was exactly the same. Whereupon I made another enemy of him, and of many others besides him....

4. **[Greater riches.]**Men of Athens... --are you not ashamed of heaping up the greatest amount of money and honor and reputation, and caring so little about wisdom and truth and the greatest improvement of the soul, which you never regard or heed at all?
5. **[Socrates, the Gadfly.]** ...And now, Athenians, I am not going to argue for my own sake, as you may think, but for yours, that you may not sin against the God by condemning me, who am his gift to you. **For if you kill me you will not easily find a successor to me, who, if I may use such a ludicrous figure of speech, am a sort of gadfly, given to the state by God; and the state is a great and noble steed who is tardy in his motions owing to his very size, and requires to be stirred into life....**
6. **[Following the verdict of guilt and death sentence; On The Examined Life.]** ... Someone will say: Yes, Socrates, but cannot you hold your tongue, and then you may go into a foreign city, and no one will interfere with you? Now I have great difficulty in making you understand my answer to this.... **I say again that daily to discourse about virtue, and of those other things about which you hear me examining myself and others, is the greatest good of man, and that the unexamined life is not worth living... I would rather die having spoken after my manner, than speak in your manner and live..... The difficulty, my friends, is not to avoid death, but to avoid unrighteousness; for that runs faster than death....**

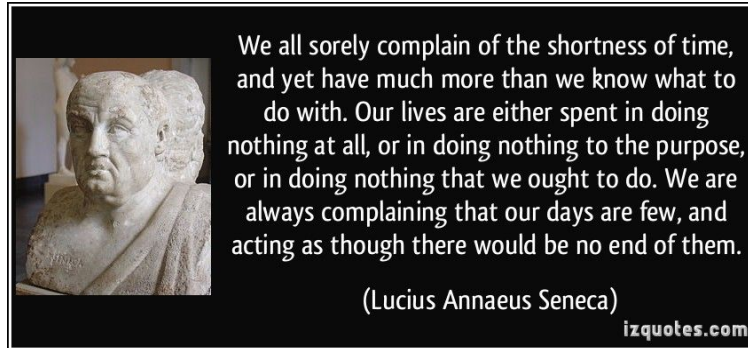
Questions

1. What is Wisdom to Socrates? Is Socrates really wise?
2. What does Socrates value most? How does he express it?
3. What is Socrates view of death?
4. What does Socrates mean, “The unexamined life isn’t worth living?”
5. What important lessons does this piece offer us, as humans and as lawyers?



Session 2: Seneca and the Psalms, “On the Shortness of Life”

(Is life too short? In failing to account well for our finite days, are we, again, “prisoners”?)



1. **[Popular view: life too short.]**...It is a general complaint among mankind... [that] our allotted span is brief, and the term granted us flies by with such dizzy speed that all but a few exhaust it just when they are beginning to live....
2. **[Life not short.]**...It is not that we have so little time but that we lose so much. Life is long enough and our allotted portion generous enough for our most ambitious projects **if we invest it all carefully. But when it is squandered through luxury and indifference, and spent for no good end, we realize it has gone... So it is: the life we receive is not short but we make it so....**
3. **[How we squander time.]**...One man is possessed by an insatiable avarice, another by assiduous application to trifling enterprises. One man is sodden with wine, another benumbed by sloth. One man is exhausted by an ambition which always depends on the votes of others, another is driven over every land and sea by the trader's urge to seek profit.... Some are worn out by self-imposed and unrequited attendance upon the great; many busy themselves with the pursuit of other men's estates or in complaints about their own. Some follow no plan consistently but are precipitated into one new scheme after another by a fickleness which is rambling and unstable and dissatisfied with itself; some have no objective at all at which to aim but are overtaken by fate as they gape and yawn.... **On all sides we are surrounded and beset by vices, and these do not permit us to rise and lift our eyes to the discernment of truth but submerge us and hold us chained down to lust. The prisoners are never allowed to return to their true selves....**
4. **[Clients and others consume us.]** ...How many are deprived of liberty by a besieging mob of clients! Run through the whole list from top to bottom: **this man wants a friend at court, that man serves his turn; this man is the defendant, that man his lawyer, and that other the judge: but no one presses his claim to himself, everyone is used up for**

the sake of someone else....

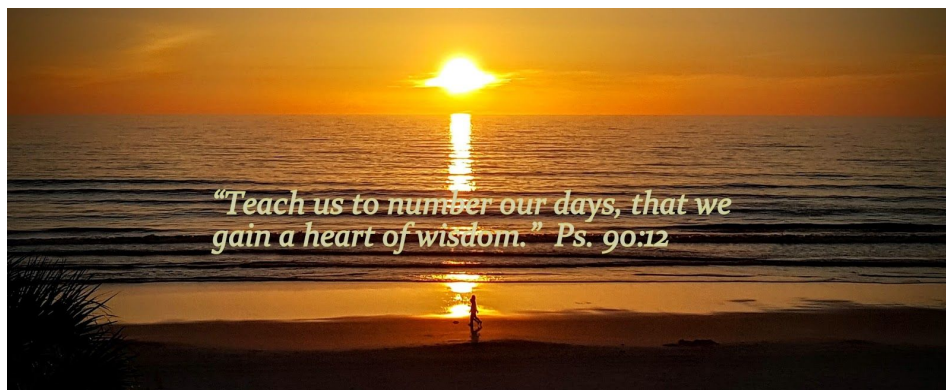
5. ***[We let others easily steal our time.]...Men will never allow anyone to take possession of their estates, and at the slightest dispute on boundary lines they pick up stones and rush to arms; but they do allow others to trespass on their lives, and themselves introduce intruders who will eventually claim full possession. Nobody on earth is willing to distribute his money, but everybody shares out his life, and to all comers. Men are very strict in keeping their patrimony intact, but when it comes to squandering time they are most lavish of the one item where miserliness is respectable....***

6. ***[We forget life's end.] Why should this be? It is because you live as if you would live forever; the thought of human frailty never enters your head, you never notice how much of your time is already spent. You squander it as though your store were full to overflowing, when in fact the very day of which you make a present to someone or something may be your last.....***

7. ***[Putting off the important things.] Many a man will say, "After my fiftieth year I shall retire and relax; my sixtieth year will release me from obligations." And what guarantee have you that your life will be longer? Who will arrange that your program shall proceed according to plan? Are you not ashamed to reserve for yourself only the tail end of life and to allot to serious thought only such time as cannot be applied to business? How late an hour to begin to live when you must depart from life! What stupid obliviousness to mortality to postpone counsels of sanity to the fifties or sixties, with the intention of beginning life at an age few have reached! . . .***

The Psalms (Bible)

(The foresight to account for life's brevity imparts wisdom.)



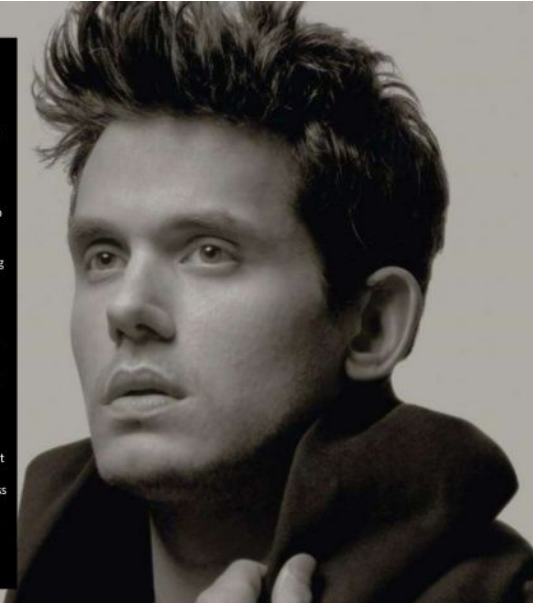
[Image source: David Hostetler]

Session 2: Questions on Life's Shortness

1. Do you agree with Seneca? (Is life too short, or do we make it so?)
2. How does it matter in our lives and work?
3. How do Socrates, Seneca, and the Psalm compare in their view of wisdom?



John Mayer, "Stop this Train" (A parting song, and song about parting)



John Mayer, Stop this Train
 No, I'm not color blind, I know the world is black and white. I try to keep an open mind. But I just can't sleep on this, tonight

Stop this train. I want to get off and go home again. I can't take the speed it's moving in. I know I can't. But, honestly, won't someone stop this train?

Don't know how else to say it. I don't want to see my parents go. One generation's length away from fighting life out on my own. So scared of getting older. I'm only good at being young. So I play the numbers game to find a way to say that life has just begun.

Had a talk with my old man. Said, "Help me understand". He said, "Turn sixty-eight, you'll renegotiate. Don't stop this train. Don't for a minute change the place you're in, and don't think I couldn't ever understand. I tried my hand. John, honestly, we'll never stop this train"

Once in a while, when it's good, it'll feel like it should. When you're all still around, and you're still safe and sound. And you don't miss a thing 'till you cry when you're driving away in the dark singing, "Stop this train. I want to get off and go home again. I can't take the speed it's moving in I know, I can't. 'Cause now I see I'll never stop this train."

[Source: image.slidesharecdn.com]