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HOW THE BUTLER WAS MADE TO DO IT: THE PERVERTED PROFESSIONALISM OF *THE REMAINS OF THE DAY* *

ROB ATKINSON**

I. INTRODUCTION

I'd like to preface my remarks on professionalism with a prayer. I realize that is somewhat counter to prevailing academic tradition. But most addresses on professionalism have the distinctive air of the sermon about them, and sermons generally begin with some sort of invocation. In further defense, let me say that mine is a rather unorthodox prayer. For one thing, it isn't addressed to God. It is based on an epiphany in a sacred place, but the vision is marvelously mundane and the spirit fervently iconoclastic. My prayer is the conclusion to a poem Robert Burns entitled, *To A Louse, On seeing one on a Lady's Bonnet at Church*. It goes like this:

O wad some Power the giftie gie us
To see oursels as ithers see us!
It wad frae mony a blunder free us,
An' foolish notion:
What airs in dress an' gait wad lea'e us,
An ev'n devotion!¹

Burns's poem implies that we see others—indeed, see through others—clearly and prays for similar insight about ourselves. With all due reverence, I doubt that we will ever see ourselves as well as we see others, especially when others have been revealed to us in all their messy humanness by literary masters like Burns. Other scholars suggest that one way to approach this insight, to begin to see ourselves as others see us, is to look for important aspects of ourselves in the others we see so well in works of imaginative literature.

That is why I have chosen as the text for my professionalism homily a passage from Kazuo Ishiguro's *The Remains of the Day*.² Its

* An expanded version of these remarks appears under the same title at 105 YALE L.J. 177 (1995). For citations other than the sources of direct quotes, please see that version.

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1. ROBERT BURNS, *To a Louse, On seeing one on a Lady's Bonnet at Church*, in 6 THE HARVARD CLASSICS: THE POEMS AND SONGS OF ROBERT BURNS (Charles W. Eliot ed., 1909).

2. KAZUO ISHIGURO, *THE REMAINS OF THE DAY* (1989) [hereinafter REMAINS].

depiction of the tragic life of an aging English butler invites us to take seriously the title of the ABA's encyclical on professionalism, *In the Spirit of Public Service*, and, more fundamentally, that document's insistence that all lawyering involves service. If you will forgive a paraphrase of Milton, it reminds us that those who serve are not only those who stand and wait. More particularly, *The Remains of the Day* depicts the tragic consequences of flawed professional visions. Closely analogous visions figure prominently in the contemporary debate on the professionalism of lawyers.

In the two contexts there are parallel dangers. On the one hand, there is the risk of embracing flawed perfectionist ideologies of professionalism, mirages that seduce us with the promise of either moral nonaccountability or easy moral answers. On the other hand is the risk that we will discard all forms of professionalism as discredited ideology, and in so doing, despair of leading meaningful professional lives.

A careful analysis of *The Remains of the Day* reveals a mediating, tragic vision of professionalism somewhere between the perfectionist and the nihilistic. It is a professionalism that accepts the imperfection—indeed the imperfectibility—of both individuals and institutions, without rejecting the possibility of virtuous professional lives and cultures. I want to add my voice to those who believe that professionals, and perhaps even professionalism, can be redeemed, though never perfected. A principal means of that redemption, I hope to show, lies in the inseparable and almost sacramental act of telling one another stories and analyzing them together.

II. THE STORY

A. THE SETTING

The larger story is about an English butler looking back over his career in one of the great English country houses. The butler's name is Stevens, and he has been in service to the fictitious but typical Lord Darlington. His retrospective is set in 1956, when the great era of the county house is over, and with it the age of the classic English butler. The labor government's wealth transfer taxes have begun to break up the ancestral estates of people like Lord Darlington. They are now opening their houses to throngs of tourists or, worse still, selling them to foreign—even American—millionaires. This last indignity has befallen Lord Darlington's house.

Even for those with money, like Darlington Hall's new American proprietor, things are not what they were. In Stevens's words "finding

recruits of a satisfactory standard is no easy task nowadays.”³ Even in the old days, as Stevens frequently laments, the less ambitious often left domestic service to marry and raise families of their own. Stevens himself, however, has no children; he’s never married. For that matter, he has never even taken a vacation.

When Stevens’s new American employer learns of this, he insists that Stevens take the estate’s Ford out for a week’s holiday. Stevens eventually assents, but only when he is able to convince himself that the trip has a professional purpose. He has just received the first letter in a long while from a former head housekeeper of the Hall, Miss Kenton. He interprets this to mean that she may be ready, after twenty years of married life, to leave her husband and return to domestic service. He recalls “her great affection for this house, . . . her exemplary professionalism.”⁴ His taking a trip to her home in the West Country, he persuades himself, may convince her to return in her former professional capacity. But we begin to suspect that he has been interested in more than her exemplary professionalism and that her great affection has not always been limited to the house.

In the course of his trip, Stevens reflects that Lord Darlington’s economic fortunes are not all that have fallen since the War. His personal reputation is at a rather low end as well. Between the wars he had hosted several “unofficial” meetings between the British Foreign Secretary and the German Ambassador Ribbentrop, in an effort, as we would now say, to re-anchor Germany in the West. In recognition of his good offices, Lord Darlington had been rather graciously received in the reconstituted Reich. What’s more, he had on occasion displayed fascistic tendencies of his own. It is on one of those occasions that I want to focus.

B. WHAT THE BUTLER DID

One summer afternoon Lord Darlington calls Stevens into the study and, after the usual pleasantries, asks whether there are any Jews on the house staff. When informed there are two Jewish house maids, Lord Darlington tells Stevens, “Of course, you’ll have to let them go.”⁵ Because the two maids were under Miss Kenton’s direct supervision as housekeeper, Stevens thought it appropriate to discuss their dismissal with her. He brought the matter up that very night at their

3. *Id.* at 6.

4. *Id.* at 9.

5. *Id.* at 147.

routine meeting for cocoa in her parlor. (These meetings, he points out, were "overwhelming professional in tone" and "predominately professional in character."⁶) Stevens offered Miss Kenton the opportunity to speak with the maids herself before sending them along to his pantry for their dismissal the next morning at 10:30. Miss Kenton expressed outrage and warned Stevens that, if the maids were dismissed, she would leave as well. But Stevens carried out the order, and Miss Kenton did not leave. I want to examine in some detail their reactions to the incident in light of current theories of professional responsibility in the legal profession.

Before turning to that examination, however, I want briefly to reassure the skittish and the skeptical. Some of you, I suspect, are beginning to wonder what on earth this story has to do with lawyer professionalism, other than perhaps to imply an insulting comparison between lawyers and domestic servants. For those of you who think the assertedly parallel lines are diverging, let me offer a brief aside. Suppose Lord Darlington, punctilious in all his affairs, called his London solicitor to confirm whether his firing of the maids was legally proper. He might have asked for a written opinion on the subject and for carefully drafted dismissal papers to effect the discharge. Predictably, Lord Darlington would have rung up a senior member of the firm, and that member might well have assigned the research and drafting to a junior associate. The subordinate would have discovered that, under traditional common law notions of employment, the Jewish maids could have been dismissed for even immoral reasons. I suspect, however, that both he and his senior would have been troubled by the prospect of playing a role in that morally sordid, but perfectly legal, action.

It thus takes no great stretch of the imagination to see the dilemma of the butler and the maid played out in a perfectly parallel fashion in a law firm of their day—or ours. What I want to do next is sketch out how the responses Stevens and Kenton embodied are typical of two competing approaches that contemporary American lawyers might take in such a situation. I want to show why both answers are inadequate, and I want to show how the story itself presents a more satisfactory, but by no means perfect, response. But more than that, I want to show that the medium in which their answers are put forward—a story—makes both their inadequacies and the alternative more readily apparent.

6. *Id.*

III. PERVERTED PROFESSIONALISM

A. STEVENS'S NEUTRAL PARTISANSHIP

Stevens's position closely parallels what students of the legal profession call "neutral partisanship." Partisanship entails the professional's advancing the client's ends without regard to their morality, as long as the ends are within the law. The corollary principal, neutrality, lets the professional claim personal neutrality, or even antipathy, toward those ends. So it was with Stevens's firing of the Jewish maids. Looking back on the incident, he saw it this way:

[M]y every instinct opposed the idea of their dismissal. Nevertheless, my duty in this instance was quite clear, and as I saw it, there was nothing to be gained at all in irresponsibly displaying such personal doubts. It was a difficult task, but as such, one that demanded to be carried out with dignity.⁷

When Miss Kenton expressed her outrage, he reminded her that "our professional duty is not to our own foibles and sentiments, but to the wishes of our employer."⁸

For Stevens and the neutral partisans, the ultimate call in matters of morality and public policy is for the client. Furthermore, for both Stevens and the neutral partisan lawyer, this has an important corollary: the professional's job is essentially technical. In the words of a prominent academic proponent of neutral partisanship, the client is like an "individual facing and needing to use a very large and complicated machine (with lots of whirring gears and spinning data tapes) that he can't get to work."⁹ In Stevens's words, "Let us establish this quite clearly: the butler's duty is to provide good service. It is not to meddle in the great affairs of the nation."¹⁰

Similarly, there is a tendency to reduce the human dimensions of one's professional life, to deal with its unpleasantries in abstract and impersonal terms. Thus, for example, Stevens speaks of the "particular contracts to be discontinued"¹¹ and refers to the maids as "the two employees concerned."¹² As professional service is reduced to techni-

7. *Id.* at 148.

8. *Id.* at 149.

9. Stephen L. Pepper, *The Lawyer's Amoral Ethical Role: A Defense, A Problem, and Some Possibilities*, 1986 AM. B. FOUND. RES. J. 613, 623.

10. REMAINS, *supra* note 2, at 199.

11. *Id.* at 149.

12. *Id.*

cal assistance, so moral concerns are reduced to matters of individual tastes, if not idiosyncrasy. We have already heard Stevens dismiss his moral qualms as "foibles and sentiments."¹³

B. MISS KENTON'S MORAL ACTIVISM

Miss Kenton's reaction to the firing of the maids is a striking contrast to Mr. Stevens's and implies a vision of professionalism quite different from a neutral partisanship. She recoils at the technocratic, antiseptic attitude of Stevens, his treatment of the dismissals "as though [he] were discussing orders for the larder."¹⁴ In contrast to his reference to "contracts" and "employees," she persistently refers to Ruth and Sarah by name and fondly recalls her long-term personal association with them. And she does not dismiss deeply felt aversions as foibles and sentiments. She says she is outraged, and she puts her position in unmistakably moral terms: "Does it not occur to you, Mr. Stevens, that to dismiss Ruth and Sarah on these grounds would be simply—*wrong*? I will not stand for such things."¹⁵ A bit later she refers to the dismissals as "a sin as any sin ever was one."¹⁶ Most significantly, she takes direct moral responsibility for the immediate consequences of her actions rather than insulating in herself in her role. She will not be the partisan of what she believes wrong, because she cannot be neutral professionally toward what she abhors personally.

In all these respects, especially in the latter, Miss Kenton implicitly joins—or anticipates—the growing ranks of scholarly critics of neutral partisanship in the legal profession. While they differ in details, these critics all agree that, with narrow exceptions like criminal defense work, lawyers cannot claim moral absolution for unquestioningly assisting their clients in moral wrongs, however legally proper.

C. STEVENS'S AND KENTON'S MORAL ISOLATIONALISM

Stevens's vision of professionalism, like that of the neutral partisan lawyer, leaves the ultimate moral call to the client. Kenton, like neutral partisanship's critics, reserves that judgment to herself. It is important to note here, though, that it is the *ultimate* call on which neutral partisans and their critics divide. The more subtle proponents of

13. *Id.*

14. *Id.* at 148.

15. *Id.* at 149.

16. *Id.*

neutral partisanship agree with their detractors on one critical point: the appropriateness of raising moral concerns with clients in an effort to discourage clients from committing what the professional believes to be a moral wrong. On this point, significantly, both schools of lawyering would fault both Stevens and Kenton—Stevens, for going along without remonstrating; Kenton, for believing that she should resign without remonstrating. Moreover, the official lawyering codes are squarely behind the united front of neutral partisans and their critics on giving moral advice to clients. Curiously, both Miss Kenton and Mr. Stevens skipped this step. In fact, this step does not seem to have occurred to either of them as a live option. In a moment, I will try to account for this omission; first, I want to sketch its consequences.

D. CONSEQUENCES OF FOLLOWING FLAWED MODELS

The consequences of Kenton's and Stevens's respective modes of professionalism, their failure to engage in dialogue with each other and with Lord Darlington, were tragic. The maids, of course, lost their jobs. Miss Kenton, who saw her only moral course to be leaving Darlington Hall, felt tremendous guilt when she procrastinated. She told Stevens later, "Had I been anyone worthy of any respect at all, I dare say I would have left Darlington Hall long ago."¹⁷ She eventually did leave, but only when it became apparent to her that Stevens would not—or could not—reciprocate her affection.

Stevens's sense of professional propriety kept Miss Kenton at arm's length and also kept him from making as clean a breast of his part in the maids' incident. Indeed, his unconfessed guilt about this incident and involvement with Lord Darlington's fascistic activities generally gnawed away at the rest of his professional career, ultimately undermining his quest for a morally meaningful life.

His failure was professional as well as personal, as seen in how he failed Lord Darlington. For his part, Lord Darlington repented for the maids' incident shortly afterward, expressing his profound shame at his conduct and sadness about not being able ever to set the matter aright. We have the strong impression not only that a proper word from Stevens might have averted the maids' incident, but also that such a word might have alerted Lord Darlington sooner to the dangers of Nazism in general.

We need to consider, then, why Mr. Stevens and Miss Kenton fell

17. *Id.* at 152.

into an isolationist professional stance and what that fall tells us about the risks we run as American lawyers. In so doing, we shall see that moral lawyering approach involves two essential dialogues: the first dialogue between professionals and their clients, the other between professionals and their peers. We will take these dialogues up in turn. With respect to each, we will examine what the dialogue might have revealed and why it never occurred.

IV. THE LOST DIALOGUES

A. THE DIALOGUE BETWEEN PROFESSIONALS AND THEIR PRINCIPALS

As we have seen, the dialogue between Stevens and Lord Darlington about the maids was almost completely aborted. It degenerated into a proto-Fascist monologue both in substance and in form, with Darlington as the local gauleiter spouting racist dogma to a doubting but cowed subordinate. It was left to us, therefore, to reconstruct what might have been.

1. What the Dialogue Might Have Revealed

As a step in that direction, consider Stevens's responding as follows, upon being told to fire the maids:

I am terribly sorry, sir, but I consider it part of my duty in discharging an employee to give an account of why he or she is being dismissed. I have a duty to my profession to rehabilitate, if possible, those who have fallen short. Moreover, I have a duty to my employer not to convey to anyone, of whatever station, the impression that my employer is acting without good reason, much less arbitrarily or dishonorably. Since I cannot understand why you have chosen to fire these employees, I cannot explain their firing to them, and thus I cannot, consistent with my professional duty, dismiss them. Indeed, sir, I cannot help but remark that this dismissal is worse than unaccountable to me; it seems counter to a central principle of my profession, awarding merit evenhandedly. That, sir, I have always taken to be my obligation under the spirit of fair play encumbant upon English folk of every rank, from the lowest to the crown.

I think that this is an entirely plausible response, for several reasons. At the most general level, fair play and resistance to tyranny are a part of the heritage of every English school child. During the very era in which Stevens's story is set, Churchill tapped into this tradition to rally English folk of all classes against the Fascists.

It is important to note that this tradition includes butlers.

Stevens's father and idol was very much a part of this tradition. One of Stevens's favorite stories about his father involved the elder's wordless refusal to chauffeur a carload of his employer's rowdy houseguests when their drunken insults blundered onto the character of their host. That this role was accepted by the upper classes themselves is attested by Ishiguro's having the story told to Stevens in admiring terms by one of its principal targets.

Before we go on to examine why Stevens didn't take this route, it is instructive to note that not only our academic accounts of lawyering, but also our fund of lawyer hero stories, include parallel accounts. The paradigm here is Louis Brandeis, who summed up his practice in an oft-quoted memo he wrote to himself, "Advise client what he should have—not what he wants."¹⁸

2. Why the Dialogue Failed

Why, then, did the dialogue with Darlington fail? Critical to Stevens's notion of both professional and personal worth is "dignity." "[A] dignity in keeping with his position,"¹⁹ he says at the outset, is the essence of being a great butler. It is Stevens' flawed notion of dignity that leads to his undoing.

It is perhaps easiest for us American lawyers to get at this from our side, from the fetish that the current lawyer professionalism movement makes of civility. The civility that we see ensconced in codes and creeds and pledges of professionalism tends to be an exaggerated, almost senatorial brand of courtesy, an insistence on never raising one's voice, never losing one's temper, never displaying the slightest sign of emotion or passion. Revealingly, this notion of civility has its roots in a peculiar Anglophilia. Former Chief Justice Burger, in one of the earliest paeans to professionalism in the current crusade, explicitly invokes an English model. He calls "the courts of England . . . a model of the disciplined, calm civility that is essential to a trial"²⁰ and cites English barristers as "the most tightly regulated and disciplined in the world."²¹

For Stevens, this model is closer to home and he has taken it very much to heart. "It is sometimes said," he notes with relish, "that

18. PHILIPPA STRUM, LOUIS D. BRANDEIS: JUSTICE FOR THE PEOPLE 40 (1984).

19. REMAINS, *supra* note 2, at 33.

20. Warren E. Burger, *The Necessity for Civility*, 52 F.R.D. 211, 213 (1971).

21. *Id.* at 215.

butlers only truly exist in England," owing to "the emotional restraint which only the English race are capable of."²² His professional goal, in fact, is total concealment of himself in an impenetrable professional persona. He says, "The great butlers are great by virtue of their ability to inhabit their professional role and inhabit it to the utmost; they will not be shaken out by external events, however surprising, alarming, or vexing."²³ The erroneous assumptions and long term effects of this highly successful effort should not be lost on other emulators.

For one thing, like his American fellow devotees of the civility cult, Stevens tends to confuse expressing outrage with being outrageous. His shock at Darlington's order to fire the maids barely registers with his master, and he congratulates himself on the concealment. As we have seen, however, it is a concealment that cost both him and others severely. Moreover, it was not a concealment dictated by a plausible understanding of his job. Nor—more important here—is it a response that required acting without dignity. Indeed, a properly nuanced notion of civility includes a repertoire of tones ranging, as circumstances warrant, from the warm and friendly, through the icily indignant, to the passionately and even angrily engaged. The Prince of Peace, we are told, drove money changers from the temple with a braided whip.

Both Stevens and his American counterparts miss this point, and we are left to wonder why. I think the answer lies less in their explicit worry, loss of decorum, and more in darker, unarticulated anxieties about losing control or of admitting that they are not in control. One of Stevens's favorites of his father's stories involved a butler serving in India during the British raj. Just before dinner he discovered a tiger lounging under the dining room table. Securing his master's rifle, he dispatched the beast with three shots and served the meal without delay or perceptible disruption.

Lawyers, too, like to indulge that image of aplomb and perfect self-control, that aura of James Bond among the junk bonds. We like to project a persona of infallibility, of perfect aim. And those whom we serve, whether at table or in court, tend to relish this image as well. Rumpled and bumbling Rumpole of the Bailey is a comic figure, not a role model, even though he is thoroughly competent.

But there is another, darker fact here. Clients may well not want to hear bad moral news. Running counter to the Brandeisian notion of not telling clients what they want, but what they should have, is the

22. REMAINS, *supra* note 2, at 43.

23. *Id.* at 42-43.

position of J.P. Morgan, "I don't know as I want a lawyer to tell me what I cannot do. I hire him to tell me how to do what I want to do."²⁴ Such clients may be tempted to fire, if not shoot, the moral messenger. Faced with this prospect, the temptation to cloak one's personal misgivings in the mantle of the amoral, impersonal technician is great indeed.

But if the projection of this image of cool confidence to clients is important, taking it too seriously ourselves is dangerous. Not perhaps in front of our clients, but at least to ourselves and among ourselves, in the presence of trusted professional colleagues and friends, we need to acknowledge our humanness, our qualms and our inadequacies. These conversations are the second, and I think more critical, dialogue of professionalism.

B. DIALOGUE WITH PEERS

Let's look, then, at Stevens's dialogue with his peers, particularly with Miss Kenton, to see what might have been revealed and why, for the most part, he missed it.

1. What Might Have Been Revealed

Part of these conversations with peers is quite mundane. It involves what we call bouncing an idea off colleagues, running something by them. These conversations are necessary for efficient professional practice, but they are far from sufficient for satisfactory professional lives. The need for conversation with colleagues is not just a matter of two heads being quantitatively better than one. It has to do with the other's seeing you as you cannot see yourself. These conversations are not just about how to get things done; they are about what to do and, ultimately, who to be.

For Stevens, his meetings with Kenton were strictly on the former, shallower level. Had they reached the latter, deeper level, the conversation over the maids would have gone quite differently. Miss Kenton clearly meant for it to take a turn for the fundamental. She meant to use it to identify and then to rectify a serious moral crisis. Had Stevens been willing to follow her, Miss Kenton might have helped him craft a tactful but firm reply to Darlington along the lines that I have suggested. That might have brought Lord Darlington

24. IDA M. TARBELL, *THE LIFE OF ELBERT H. GARY: A STORY OF STEEL* 81 (1925).

around, much the better for all concerned.

But there is another, profoundly significant possibility, which we must take up now. In the course of these conversations, it might have become clear that Darlington would not budge. Stevens and Kenton would then have faced a dilemma that we have long deferred: whether to assist in the legally authorized wrong or to resign. Stevens's and Kenton's story suggests a problem that advocates of moral activism seldom face directly, the cost of conscientious withdrawal.

This is clearest in the case of Miss Kenton. She, as we have seen, decided she should resign and found that she could not bring herself to do it. She explained to Mr. Stevens several months later:

It was cowardice, Mr. Stevens. Simple cowardice. Where could I have gone? . . . I was so frightened, Mr. Stevens. Whenever I thought of leaving, I just saw myself going out there and finding nobody who knew or cared about me. There, that's all my high principles amount to. I feel so ashamed of myself. But I just couldn't leave, Mr. Stevens. I just couldn't bring myself to leave.²⁵

Here we have in poignant terms the tragic dimension of professional lives. Sometimes doing the right thing is too costly, and we are left with the lesser evil. And sometimes it is a particularly repellent evil that we chose. We weigh the harm we are asked as professionals to do to third parties against the harm that refusing will work on us ourselves, and we chose the former, to hurt rather than be hurt.

When this happens, we are tempted to feel, with Miss Kenton, that we have acted in cowardice, that our high principles, indeed, have come to naught. We need to be reminded that this is not necessarily so. The defense rejected at Nuremberg was, after all, "I did it under orders," not, "I did it under duress." We need to be reminded, too, that duress comes not only in the shape of physical threat, but also in the form of threatened economical or personal ruin. Not being a hero or martyr in these circumstances is not always tantamount to being a coward.

But choosing not to be heroic will have its own costs, as Miss Kenton found in the anguish that threatened her very sense of herself as a moral person. Significantly, though, these costs are heavier if borne alone. As Miss Kenton put it, "I suffered all the more because I

25. REMAINS, *supra* note 2, at 152-53.

believed I was alone.”²⁶ Conversely, sharing such a burden makes it more bearable. As Miss Kenton says, “Do you realize, Mr. Stevens, how much it would have meant to me if you had thought to share your feelings last year? . . . Do you realize how much it would have helped me?”²⁷ At that point she puts the question to which we must ourselves now turn, the question that points to the fatal flaw in Stevens’s professional vision: “Why, Mr. Stevens, why, why, why do you always have to *pretend*?”²⁸

2. Why the Dialogue Failed

Here again, part of the problem may have been attributable to economic and social forces outside the professional’s personal control. To that extent it is part of the inevitable tragedy of professional life. This, of course, has parallels in the much bemoaned decline in the quality of lawyerly life, particularly the increased pressures for billable hours and the attendant crowding out of personal, family, and civic time.

But there is something more than time and opportunity lacking here. Stevens did not bemoan the loss of personal life; he insisted on it as the mark of a true professional. One gets the distinct impression that he thought he had nothing to gain from a full personal life, and much to lose. We have to look deeper to understand this. Here, too, I am afraid that we may find disturbing parallels in our own lives as legal professionals.

To find what is missing, we must look at another missing dialogue, that between Stevens and his father. Stevens idolized his father; the fundamental myths of his professional career were stories about his father. As Stevens’s father was a great butler in his day, so Stevens aspired to be in his own.

As the elder Stevens’s decline tracked the son’s rise, so his death came at his son’s peak, during the great international conference at Darlington Hall in 1923. As the dignitaries were arriving, the elder Stevens suffered a stroke. In refusing Miss Kenton’s entreaties to see about his father, the younger Stevens replied, “I know my father would have wished me to carry on just now. . . . To do otherwise, I feel,

26. *Id.* at 154.

27. *Id.* at 153-54.

28. *Id.* at 154.

would be to let him down."²⁹ At Lord Darlington's inquiry, Stevens denied anything was the matter. This is Stevens's last exchange with his father:

[Father]: I am proud of you. A good son. I hope I've been a good father to you. I suppose I haven't.

[Son]: I'm afraid we're extremely busy now, but we can talk again in the morning.³⁰

Thus the circle closed perfectly. The professional ultimately superseded the personal. The son lived up to his father's standards even as the father died unconsolated at his appalling parental failure for imposing those standards. In retrospect, the younger Stevens declared that he attained that night a degree of dignity worthy of his father. "For all its sad associations," he says, "whenever I recall that evening today, I find I do so with a large sense of triumph."³¹ In their respective careers, both father and son realize their professional ambitions, but lost each other and a large part of themselves.

One does not have to be an orthodox Freudian to see the possibilities of transference and its analogies in the relationship between supervisor and subordinate lawyers today. Perhaps the stunning hours currently worked by associates and junior partners have as much to do with seeking parental approval, real or surrogate, as with monetary greed or autonomous ambition.

In any case, we now have the answer to the question that Miss Kenton raised, at the end of their second discussion about the maids: "Mr. Stevens, why . . . do you always have to *pretend*?"³² Stevens's professional values were deeply ingrained and fundamentally flawed. The flaw lay in the suppression of the personal beneath the professional, in concealing himself, hiding his personality, not only from his professional employer, but also from colleagues and personal acquaintances and even from his parent. Because he believed that pretending was the essence of his professional life, he could not engage in the kind of personal dialogue that might well have saved him, not only as a person, but also as a professional. In closing himself off from the inspection of others, he shut out their critical insights into his character, and thus their ability to save him from his own blunders and foolish notions, his grievous errors in devotion.

29. *Id.* at 106.

30. *Id.* at 97.

31. *Id.* at 110.

32. *Id.* at 154.

Ironically, this pretending undermined the very professional life it was supposed to advance. "It is surely a professional responsibility" Stevens says, "for all of us to think deeply about these things so that each of us may better strive towards obtaining 'dignity' for ourselves."³³ "[A] dignity in keeping with his position,"³⁴ he says at the outset, is the essence of being a great butler; by the end he has come to conclude, "I can't even make my own mistakes. . . . [W]hat dignity is there in that?"³⁵ Stevens believed, to his credit, that the unexamined life is not worth living. What he tragically failed to appreciate is that an examined life cannot be lived alone.

V. CONCLUSION: THE MORAL SIGNIFICANCE OF STORIES

Stevens astutely points out that his father's generation was given to telling stories about professional excellence, whereas his own generation preferred general theorizing. What his own story marvelously illustrates, however, is the way the two must fit together. Stevens's signal failure was to interpret properly the stories from which he derived his fundamental values, to see how they fit into a coherent whole, a viable whole—in a word, a life.

Our most fundamental values, like those of Stevens, come to us in the form of stories, stories of our parents and grandparents, stories of our cultural heroes. Beyond that, our most cherished moral heroes tend to be those who told and interpreted stories. The prophecies of the Old Testament and the sermons of Jesus are filled with stories; so are the dialogues of Plato. And, curiously and significantly, our accounts of these moral teachers come to us in the form of stories about their telling stories, as meta-stories about reciprocally learning and teaching. One day Jesus and his disciples went out in a boat on the Sea of Galilee; one day Socrates walked with some friends home from the Piraeus; in the cool of the evening, God sought out Adam and Eve to stroll in the Garden of Eden. From the bedrock of such fellowship, we are told in our most cherished stories, come both the cornerstone and the capstone of the moral life.

I want to say, finally, a word about whose stories we listen to and who gets to tell them. The stories I have alluded to just now, you will have noticed, all come from the Western humanist tradition, as does the prayer with which I began. But the prayer seeks the power to

33. *Id.* at 44.

34. *Id.* at 33.

35. *Id.* at 243.

see ourselves as *others* see us, and the story I have been interpreting was written by a young, university-educated, Japanese-born man about an aging English butler. Part of the problem with maintaining the dialogues in that story was that they involve others. Part of what made it difficult for Stevens to speak to Darlington was that Stevens was working class; perhaps Stevens didn't listen to Kenton in part because she was a woman. Because they were Jewish, the maids were not merely ignored, but also dismissed. Ishiguro's story in particular, and the Western humanist tradition as a whole, holds out the prospect that these lines can be crossed; indeed, that they should be crossed. If we are to learn from that story, if we are to be faithful to that tradition, we must try to cross them.

We Western humanists take openness to others to be essential to our own moral lives. It should come as no surprise to us that lawyers have something to learn from butlers and maids, that we all can learn from living English novelists of Japanese descent and from a dead peasant poet of Scotland, that we may learn as much from the louse on a lady's Sunday bonnet as from her minister's Sabbath sermon. Forgive us for being saddened when we are told, not that we have much to learn, but that we have little to teach. For we covet the epitaph of Chaucer's student cleric, reflecting as it does the inseparable reciprocity of Socratic dialogue: "And gladly wolde he learn, and gladly teche."³⁶

The organizers of this conference, by their very inviting me to speak on "Race, Gender, Power and the Public Interest," indicate that they, too, share this view. For that I am deeply grateful, for it holds out the hope of dialogue, and in that dialogue, redemption. Come—prayed a prophet greater even than Burns, in a canon older than the West—and let us reason together; though our sins should prove to be as scarlet, they will be made white just like snow.³⁷

36. GEOFFREY CHAUCER, *CANTERBURY TALES*, in 1 NORTON ANTHOLOGY OF LITERATURE 95, 102 (M.H. Abrams ed., 5th ed. 1986).

37. See Isaiah 1:18 (paraphrased).