

PATHOLOGIZING PROFESSIONAL LIFE: PSYCHO-LITERARY CASE STORIES

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I.

D.T. Jones, the divorce lawyer in Stephen Greenleaf's novel, *The Ditto List*, finds himself in a law practice devoted to run-of-the-mill divorce cases.¹ In an early scene in the novel, Jones leaves the courtroom after being chastised by a judge for putting the wrong divorce client on the stand. D.T., reflecting on the embarrassment, says to himself: "Another day, another dollar, another slap of shame."² D.T.'s only "consolation" in the judge's rebuke is "that no one except his ex-wife had ever called him anything he had not already called himself."³ D.T. admits that his life as a lawyer has not turned out the way he imagined it.

Had he known anyone to whom he could have been truthful about such things, he would have confessed during his freshman year [in law school] that he believed himself a fermenting mix of Perry Mason and Clarence Darrow, a nascent champion of lost causes, reviver of trampled liberties, master of the sine qua non of the trial lawyer's art—convincing anyone of anything. But after he had gone into practice on his own—against the advice of everyone he knew and a lot of those he didn't—the clients who came his way all possessed totally prosaic difficulties, dilemmas that, while they involved the basic passions and requirements of life and therefore invoked

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1. STEPHEN GREENLEAF, *THE DITTO LIST* (1985); see also BARRY REED, *THE VERDICT* (Bantam Books 1983) (1980) (relating the story of another fictional lawyer whose legal practice has ended up in a mess).

The price of [Frank] Galvin's digression was written everywhere . . . the cigarette lighter that wouldn't work; the windows that leaked and wheezed; the paint blistering on the walls; the Oriental rug beginning to fray. Even Galvin's custom-tailored suit was out of style, and the shirt cuffs would no longer stay crisp.

REED, *supra*, at 6.

2. GREENLEAF, *supra* note 1, at 14.

3. *Id.* It is often the spouses of lawyers that remind them of the humanity that their practice of law has helped them forget. See, e.g., GEORGE V. HIGGINS, *KENNEDY FOR THE DEFENSE* (1980); LOUIS AUCHINCLOSS, *DIARY OF A YUPPIE* (1986).

D.T.'s empathy and an invariably unprofitable expenditure of his time, did not attract the kind of publicity or renown that would bring more glorious causes to his door.

Mildly injurious dog bites, trivial slips and falls, evictions, credit hassles, change of names—the clients trooped in and out of his office like files of captured soldiers, asking little, getting less. His silver tongue tarnished by life's relentless ambiguity, the major Perry Masonish mystery in his practice soon came to be whether he would be able to pay Confederated Properties the exorbitant rent for the suite of offices that, he insisted as a point of pride, be at least one storey above the street and occupy at least one more room than the nearest branch of Legal Aid. So, twenty years after his dreams of glory and eminence had vanished as steadily as a salt lick in a stockyard, here he was, not quite envious of others, yet not quite satisfied with himself, pursuing a profession whose moral component was detectable only with the aid of a microscope or a philosopher.⁴

What are lawyers and teachers of law students to make of D.T.'s confession that his life has turned out poorly?⁵ Do the initiation rites of legal education promote phantasies of law and its practice that set us up for dissatisfaction, disaffection, and dis-ease? Do our phantasy images of professional glamor—rooted in the image of the lawyer as hero—set us out on a mythic quest or a fool's errand? How do we, in the reality of law practice, use phantasy images of ourselves as lawyers to construct misleading fictions, fictions that induce professional neurosis?⁶

Robert Service, Louis Auchincloss's lawyer protagonist in another lawyer novel, *Diary of a Yuppie*, aspires to an elite practice far different than D.T. Jones's off-the-street divorce

4. GREENLEAF, *supra* note 1, at 18.

5. One's first reaction might well be that D.T. simply suffers a fate common to all, an inability to predict how our lives will turn out.

6. In becoming a lawyer, we dream, pray, and phantasize, even as we confront the necessities we call reality. We contrive, in better and worse ways, to make lives out of the phantasy images we take up, constrained as a life must be, by given (ready-made) stories. Our stories help determine how we live illusive fiction and firm reality, and how each are transmuted into the other.

practice.⁷ Service has made himself a specialist in corporate takeovers with the goal of becoming a partner in the prosperous corporate law firm where he has been an associate for eight years.⁸ Service is thirty-two years old and extremely ambitious.⁹ Unlike D.T. Jones, Robert Service is single-mindedly devoted to ambition. "Partnership," Service says, "has been my sole ambition—you might even call it my obsession—throughout eight years"¹⁰ of driving work, including most weekday nights and many weekends. Service's ambition has made possible the kind of success that has eluded D.T. Jones, but it is success at a cost.¹¹ Service, like so many lawyers, is not prone to introspection but he is still able to recognize that his obsession with becoming a firm partner is problematic. On the eve of the firm's announcement of his partnership he observes that he doesn't feel the "anticipated ecstasy."¹² Instead, there is a "quicken[ing] anxiety" over whether he has chosen the right firm.¹³ Service easily rationalizes the anxiety by reminding himself that he has "rarely enjoy[ed] even a brief elation" after he has accomplished a goal.¹⁴

Alice, Service's wife, has a starker assessment of the cost of her husband's ambition. She asks him at one point, "Oh, Robert, Robert, can't you see what's happening to you?"¹⁵ And her husband's response: "I'm tired of your illusions, Alice! You think you're like Scrooge's girl friend in *A Christmas Carol*, who gives him up because she feels his heart is turning to gold. So noble,

7. AUCHINCLOSS, *supra* note 3, at 9.

8. *Id.*

9. *Id.*

10. *Id.* Legal work is a breeding ground for obsession. Yet, some of our obsessions as lawyers are associated with the virtue of professional life: the possibility of doing socially meaningful work, work that directly and dramatically influences the lives of those who retain our services, work that demands extensive knowledge and performative skills, work that requires skills to avoid harmful consequences.

11. See DOUGLAS LABIER, *MODERN MADNESS: THE EMOTIONAL FALLOUT OF SUCCESS* (1986) (exploring the "cost" of success).

12. AUCHINCLOSS, *supra* note 3, at 12.

13. *Id.*

14. *Id.* Choosing the right firm can make a difference in how a young lawyer's phantasies are shaped or distorted as they are worked out in the local reality of law firm practice. See JOHN GRISHAM, *THE FIRM* (1991) (providing a dramatic novelistic treatment where this process of shaping and distortion are an essential part of the narrative plot).

15. AUCHINCLOSS, *supra* note 3, at 107.

so sad, so firm. But what horse manure it all is!"¹⁶ D.T. Jones notes the difficulty in locating what he called the "moral component" in his law work. Robert Service and his wife, Alice, have different views on the "moral component" of his corporate law work. Service says of their difference:

What I had to despair of ever making Alice see was that I was not immoral. I simply accepted the basic greed and selfishness of human beings. I recognized that they are always going to act in their own interests and that they should be allowed to do so except where an actual crime to person or property was threatened. . . . A man could go right up to the threshold of crime, but not a step farther. Not even a half step! Alice, for the life of her, couldn't see this as a moral code. But to me it is the only valid one. The rest is cant.¹⁷

Service finds his realist stance preferable, and morally superior, to Alice's moralist perspective.¹⁸ Lawyers, when they practice outside the narrow confines of speciality and corporate practices, do indeed get a sobering view of the world. It may be sobering enough to convince them that the only thing that will save any of us is the crude justice that law makes possible. The problem with Robert Service's realism is that it shuts him off from what his wife, Alice, is trying to tell him. A lawyer's version of realism can make you deaf to what others offer about the moral perspectives we begin to take for granted.¹⁹

16. *Id.* at 108.

17. *Id.* One suspects that Service's moral proclamation, similar in some ways to that of Sir Thomas More, when put to ruthless practice doing corporate takeovers, has taken a dramatically different turn than it did in the life of More. See ROBERT BOLT, *A MAN FOR ALL SEASONS* (First Vintage International 1990) (1962).

18. Robert explains his realism this way:

I could never see that there was any real substance to the idols that my elders respected or purported to respect. They were not only hollow, but you could see they were hollow, or if you had any doubt about it, you had only to give one of them a tap.

AUCHINCLOSS, *supra* note 3, at 109. Service's assessment of the moral fiber of the "elders" may be accurate enough to support his argument, but it cannot, ultimately, provide the moral basis for his own practices.

19. An overdetermined realism can undermine even the most purposeful life. Charles Reich, whose story will be taken up later in this article, see *infra* part III, says "I took pride in being as realistic as possible, but to a large extent I ended up misdirecting my energy, being concerned with the wrong things, spending years attempting to master the

Auchincloss plays Service's moral stance as a lawyer against not only the concerns expressed by his wife, Alice, but of Blanders Blakelock, one of the grand old men of the firm, an aging idealist.²⁰ In one of the best scenes in the novel,²¹ Service and Blakelock argue over whether to use the "dirt" Service has uncovered in the firm's representation of a client engaged in a hostile takeover of a competitor.²² Blakelock, when he hears

wrong curriculum." CHARLES REICH, *THE SORCERER OF BOLINAS REEF* 21 (1976).

20. Auchincloss creates a more complex character in senior partner Blanders Blakelock than he does in the young, ruthless, Robert Service. Consider, for example, the scene where Blakelock lectures Service on how to argue a motion in federal court. Blakelock has, says Service, "great confidence in himself as a coach and likes to imagine himself as an impresario, a kind of Svengali who can inspire or even hypnotize a disciple into a brilliant performance." AUCHINCLOSS, *supra* note 3, at 11. In a speech to Service about Judge Axeman, the federal judge hearing a pretrial motion in a case on which Service and Blakelock are working together, Blakelock says:

Remember, also, Robert, that Judge Axeman, like so many of our federal bench, thinks of himself as a man who can change the world. While the president and Congress are paralyzed by party faction, *he* will ensure that discrimination shall be abolished, if he has to bus our youth a million miles a day; that votes shall be equal, if he has to redistrict all our states; and that the environment shall be preserved, if he must bring industry to a grinding halt! God bless him—I'm half on his side. But what, you will ask, can a reforming judge expect to accomplish in a corporate takeover? Is it not a case of two scorpions in a bottle? Perhaps. But remember that behind every judicial idealist there lurks a lover of power. Axeman likes to play with our big companies as a boy with an electric train. And that is where your role comes in. You must make him feel that the takeover of Shaughnessy Products is a more efficient way of distributing the loaves and fishes to the multitude! You must help him to don the toga of the public servant. Precedent must bow to the general welfare—that is, when precedent is against us!

Id. at 14-15. Blakelock's idealism is tainted either by hypocrisy or a deep-lying streak of cynicism.

21. *Diary of a Yuppie* is by no means Auchincloss's best work of lawyer fiction, indeed, it turns out to be an exceptionally poor one. Auchincloss has given us a far better lawyer novel in LOUIS AUCHINCLOSS, *THE GREAT WORLD AND TIMOTHY COLT* (McGraw-Hill Paperback 1987) (1956).

22. Service has discovered that the CEO of the target firm has kept his alcoholic brother on the corporate payroll and covered up the brother's embezzlement. Service wants to use this information to initiate a stockholders' suit to seek the removal of the CEO who is strongly resisting the takeover bid. (Strongly resisting means that the CEO is using the "scorched earth" policy of encumbering his firm with debts and long-term leases to discourage the take-over bid.) Blakelock resists using the evidence in the takeover bid because he knows the CEO of the target firm and admires his efforts to support his brother.

Al has always looked after the poor nut.

....

... He's supported that brother all his life and put his son and daughter through college. He even manufactured a kind of career for him in Shaughnessy, at his own considerable expense. I never heard of anyone who

what Service wants to do, expresses outrage. He argues that it's "obscene" to use the kind of tactics his young associate wants to use.²³ Blakelock says to Service: "Robert, you appall me. You would really, for a dubious advantage to a client, so bespatter your adversary?"²⁴ After Blakelock decides against the use of the derogatory information, Service tries to convince him to hold off a few days before making a final decision. Weary of the argument, Blakelock tells Service: "Go home, Robert! Go home before I lose my temper! Take the weekend off; stay away from the office. Tell your darling wife what you have told me and listen carefully to what she says. I miss my guess if she will not agree with me."²⁵ With Blakelock and Alice, readers of the novel may begin to have doubts about Robert Service's character.²⁶ Doubts stem less from what Service proposes to do, more from the way he responds to Blakelock when his tactics are questioned. We begin to see that Service's ambition and drive to succeed have resulted in a ruthlessness that cuts him off from the sound advice of colleagues and his wife. Alice and Blakelock, neither without problems or moral defects, have at least maintained a capacity to see that success is not an assurance of the good life.²⁷

Fictional accounts of lawyers like D.T. Jones and Robert Service suggest that one's life as a lawyer may not turn out as expected, and when it does, it may have been at a cost that others see better than we do. Jones and Service entered the legal profession with different ideas about becoming successful and

did more for a sibling.

AUCHINCLOSS, *supra* note 3, at 16.

23. *Id.* at 18.

24. *Id.* at 19.

25. *Id.* at 19-20.

26. There is, so far as I know, no way to question another's judgment without having that judgment and the character of one who makes it, in turn, subject to judgment. Since it is Blakelock and Alice who raise doubts about Service's character, we must, in turn, examine their character. See generally ALBERT CAMUS, *THE FALL* (Justin O'Brien trans., 1956); see also *infra* part V (discussing *The Fall*).

27. For many years now I have raised this question about what constitutes the good life—in the Socratic sense of good—with those who set out to be lawyers. I can assure you there are quarrels aplenty, not only about responses to the question, but whether the question should even be raised. Indeed, it seems that to simply pose the question makes people uncomfortable.

One might speculate about the effect of turning the question around. If, for whatever reason, we are reduced to interminable quarrels about how to pursue a worthwhile life, are we more pragmatically equipped to explore the corollary question: What happens when the life we live goes astray?

living the good life. But both, in their own way, have failed. D.T. Jones has a stronger sense than does Service of the gap between what he imagined his life as a lawyer would be and how it has turned out. Nevertheless, when his wife Alice leaves him, even Robert Service is forced to do some reflective thinking.

Something can and often does go wrong in the way we lawyers live our lives. Built-in, it seems, to a lawyer's dream of success is the infliction of wounds.²⁸ Getting the hang of professional life, and hanging with it in ways that do not psychologically, intellectually, morally,²⁹ and spiritually consume us, may not be all that easy. Consequently, some of us become captives of stories we do not want to live. D.T. Jones and Robert Service suggest that the life we pursue as lawyers can turn on us and become pathological.

II.

Ivan Ilych is "an intelligent, polished, lively and agreeable man," a lawyer in his mid-forties, dying of an unknown cause.³⁰ Ilych, his death near, realizes that his life has gone astray, become unreal, fraudulent. The problem, simply put, as Ilych begins to understand it, is that his life has been a mistake. One commentator notes that "[i]n the loneliness of his pain Ilych understands at last that his life had been trivial and disgusting."³¹ Tolstoy's fictional lawyer, Ivan Ilych, provides an elaborated case story of a lawyer who sets out with high hopes, follows the well-worn path of success, and is up-ended by bitter disappointment and failure.

Tolstoy's evocative story allows us to follow the evolution of Ilych's mistaken life, a life of immediate interest because he is a lawyer, a success, and a man who carefully adapts himself to

28. The nature of these wounds may be different for men and women. See MICHAEL MEADE, *MEN AND THE WATER OF LIFE: INITIATION AND THE TEMPERING OF MEN* (1993) (discussing the wounds that men incur in our culture).

29. D.T. Jones's assessment of the minuscule nature of the "moral component" in his work is a point of contention in the life and professional practice of Robert Service. The lawyer fiction genre helps us see that lawyers are knee-deep in moral philosophy, even when, like Robert Service, we want to deny it.

30. LEO TOLSTOY, *The Death of Ivan Ilych*, in *THE DEATH OF IVAN ILYCH AND OTHER STORIES* 95, 105 (Aylmer Maude trans., 1960).

31. PHILIP RAHV, *The Death of Ivan Ilyich and Joseph K.*, in *IMAGE & IDEA* 111, 118 (Greenwood Press 1978) (1949).

professional life. While no fictional lawyer is going to provide the perfect mirror in which we can see ourselves fully,³² Ilych is not easily dismissed, unless one takes the position that all fictional lawyers are by their *fictional* nature remote from the lives we live. Ilych, as so many of us, follows a rather well-worn path.³³ Like Robert Service, Ilych has a strong sense of his own rectitude, pursues his legal career with dedication, and does not let his personal and family life interfere with his law work.

Tolstoy begins Ilych's story with his days as a law student when Ilych was "capable, cheerful, good-natured, and [a] sociable man, though strict in the fulfillment of what he considered to be his duty"³⁴ Upon completion of his law studies, Ilych dresses himself with the help of a "fashionable tailor" and appoints himself in the fashions of a gentleman, "all purchased at the best shops."³⁵ He finds his first position with the help and influence of his father. In his work Ilych "arranged as easy and agreeable a position for himself as he had had at the School of Law. He performed his official tasks, made his career, and at the same time amused himself pleasantly and decorously."³⁶ He "performed the duties entrusted to him . . . with an exactness and incorruptible honesty of which he could not but feel proud."³⁷ There were, it is true, indiscretions, an affair, "visits to a certain outlying street of doubtful reputation; and . . . some obsequiousness to his chief and even to his chief's wife, but all this was done with such a tone of good breeding that no hard names could be applied to it."³⁸

In his first position, as in each that followed, Ilych succeeded. In becoming an examining magistrate, Ilych remained a "deco-

32. Literature does not, even in its ability to reflect our lives, give us the power of a personal x-ray machine.

33. By well-worn path, I mean that Ilych's life is commonplace. He adopts and accepts narrowly circumscribed roles in his career, marriage, and friendships. For example, one commentator has noted that "throughout his professional life [Ilych] had assumed the lawyer's functionary pose to his clients." RONALD V. SAMPSON, *THE PSYCHOLOGY OF POWER* 129 (Vintage Books 1968) (1965). Sampson notes that as "a commonplace man" Ilych "puts his petty pleasures and ambitions before the question of the meaning of his life." *Id.* at 138. To follow the well-worn path then, in Sampson's view, is to let our "petty pleasures" consume us.

34. TOLSTOY, *supra* note 30, at 105.

35. *Id.*

36. *Id.* at 106.

37. *Id.*

38. *Id.*

rous" man, "inspiring general respect and capable of separating his official duties from his private life."³⁹ Ilych was a good lawyer in the sense that he had a method of eliminating all considerations irrelevant to the legal aspect of the case, and reducing even the most complicated case to a form in which it would be presented on paper only in its externals, completely excluding his personal opinion of the matter, while above all observing every prescribed formality.⁴⁰ Ilych knew how to keep his eye on the ball. Sculpting unwieldy human problems into legal shape is what lawyers get paid to do. Ilych used his self-limiting vision both to make life more comfortable and to insure his success.⁴¹

The harshness of Ilych's narrow legalistic perspective was, we are told, moderated by the fact that he "never abused his power," and we are told it was considerable, "he tried on the contrary to soften its expression, but the consciousness of it and of the possibility of softening its effect, supplied the chief interest and attraction of his office."⁴² In his position as magistrate, Ilych made connections, and took up "an attitude of rather dignified aloofness towards the provincial authorities."⁴³ In his circle of wealthy and legal friends he "assumed a tone of slight dissatisfaction with the government, of moderate liberalism, and of enlightened citizenship."⁴⁴ He grew a beard and learned to play bridge. Ilych is one of the boys, an insider, a pro, an established professional, a success. He has, in contemporary parlance, made it.

Ilych meets and marries Praskovya Fedorovna Mikhel. She becomes pregnant and jealous. Ilych tries to ignore his wife's moods and enjoy life as he had before marriage but he finds it increasingly difficult. Ilych deals with the discord he attributes to Praskovya by spending more time at the office. "As his wife grew more irritable and exacting and Ivan Ilych transferred the centre of gravity of his life more and more to his official work, so

39. *Id.* at 107.

40. *Id.* at 107-08.

41. Seymour Wishman, in his autobiography of lawyering, describes a similar narrowing of vision. See SEYMOUR WISHMAN, *CONFESSIONS OF A CRIMINAL LAWYER* (Penguin Books 1982) (1981); see also James R. Elkins, *The Moral Labyrinth of Zealous Advocacy*, 21 CAP. U. L. REV. 735, 764-68 (1992) (discussing the moral implications of Seymour Wishman's intentionally narrow vision).

42. TOLSTOY, *supra* note 30, at 107.

43. *Id.* at 108.

44. *Id.*

did he grow to like his work better and became more ambitious than before."⁴⁵ Marriage and family life became a useful facade. "He only required of [married life] those conveniences—dinner at home, housewife, and bed—which it could give him, and above all that propriety of external forms required by public opinion."⁴⁶ Whenever things went badly with Praskovya "he at once retired into his separate fenced-off world of official duties, where he found satisfaction."⁴⁷

There are more children, and further deterioration of the marriage, to which Ilych is "impervious."⁴⁸ After seven years as magistrate, Ilych becomes a Public Prosecutor, a position that allows him to demonstrate his competence and to exercise more power. The new position "gave him pleasure and filled his life, together with chats with his colleagues, dinners, and bridge. So that on the whole Ivan Ilych's life continued to flow as he considered it should do—pleasantly and properly."⁴⁹ The disputes with Praskovya continue, punctuated with "rare periods of amorousness," however short in duration.⁵⁰

Over time Ilych becomes more and more aloof, an aloofness he accepts as normal.

His aim was to free himself more and more from those unpleasantnesses and to give them a semblance of harmlessness and propriety. He attained this by spending less and less time with his family, and when obliged to be at home he tried to safeguard his position by the presence of outsiders. . . . The whole interest of his life now centred in the official world and that interest absorbed him.⁵¹

Ilych is passed over for a judgeship and takes it badly. The result is that he "experienced *ennui* for the first time in his life,

45. *Id.* at 110.

46. *Id.*

47. *Id.* at 110-11.

48. *Id.* at 111.

49. *Id.* at 112.

50. *Id.* at 111.

51. *Id.*

and not only *ennui* but intolerable depression.⁵² The depression lifts when he secures a long coveted higher salary and rank. As a result Ilych is “more cheerful and contented than he had been for a long time.”⁵³ The change suited Preskovya and the future looked bright.

Ilych evolves different identities for his personal and professional lives.

In official matters, despite his youth and taste for frivolous gaiety, he was exceedingly reserved, punctilious, and even severe; but in society he was often amusing and witty, and always good-natured, correct in his manner, and *bon enfant*, as the governor and his wife—with whom he was like one of the family—used to say of him.⁵⁴

“The pleasures connected with his work were pleasures of ambition; his social pleasures were those of vanity”⁵⁵

Following the pattern established in his earlier official positions Ilych, in the new position at the justice ministry, attempts:

to exclude everything fresh and vital, which always disturbs the regular course of official business, and to admit only official relations with people, and then only on official grounds. A man would come, for instance, wanting some information. Ivan Ilych, as one in whose sphere the matter did not lie, would have nothing to do with him: but if the man had some business with him in his official capacity, something that could be expressed on officially stamped paper, he would do everything, positively everything he could within limits of such relations, and in doing so would maintain the semblance of friendly human relations, that is, would observe the courtesies of life. As soon as the official relations ended, so did everything else. Ivan Ilych possessed this capacity to

52. *Id.* at 113. Depression is on the increase and takes its biggest toll on the lives of those who are ambitious. See, e.g., Brian O'Reilly, *Depression and How to Beat It*, FORTUNE, Nov. 29, 1993, at 70.

53. TOLSTOY, *supra* note 30, at 114.

54. *Id.* at 106.

55. *Id.* at 119.

separate his real life from the official side of affairs and not mix the two, in the highest degree, and by long practice and natural aptitude had brought it to such a pitch that sometimes, in the manner of a virtuoso, he would even allow himself to let the human and official relations mingle. He let himself do this just because he felt that he could at any time he chose resume the strictly official attitude again and drop the human relation. And he did it all easily, pleasantly, correctly, and even artistically.⁵⁶

Simply put, Ilych makes an art of official aloofness, of compartmentalizing his personal and professional life. The compartmentalization allows him to do what his official duties require and ignore everything else.

There are also disappointments and set-backs. Ilych, working on a ladder one day in his study, falls, but is unable to locate any visible injury. Later, the family has a dance, and there is a quarrel with Praskovya about forty-five rubles she has spent on the confectioner's bill. "It was a great and disagreeable quarrel. Praskovya Fedorovna called him 'a fool and an imbecile,' and he clutched at his head and made angry allusions to divorce."⁵⁷ But the quarrel quieted. In fact, "life flowed pleasantly They were all in good health. It could not be called ill health if Ivan Ilych sometimes said that he had a queer taste in his mouth and felt some discomfort in his left side."⁵⁸

The fall, insignificant at the time, becomes associated with a persistent, irritable pain. When Ilych finally visits a doctor he has the misfortune of seeking the services of a physician who mirrors his own approach to professional life. To Ilych the question is: Is this illness serious or not? But to the physician "the real question was to decide between a floating kidney, chronic catarrh, or appendicitis."⁵⁹ The physician does not understand Ilych, or make any effort to do so.

The pain grows worse and "the taste in his mouth grew stranger and stranger."⁶⁰ Ilych describes the taste as loathsome.

56. *Id.* at 117-18.

57. *Id.* at 118-19.

58. *Id.* at 119-20.

59. *Id.* at 121.

60. *Id.* at 125.

"There was no deceiving himself: something terrible, new, and more important than anything before in his life, was taking place within him of which he alone was aware."⁶¹

After an evening of bridge, and good bridge at that, but with the ever present "gnawing pain,"⁶² he overbids a hand and becomes upset at his friends. "They had supper and went away, and Ivan Ilych was left alone with the consciousness that his life was poisoned and was poisoning the lives of others, and that this poison did not weaken but penetrated more and more deeply into his whole being."⁶³ Ilych begins to feel that he is living "all alone on the brink of an abyss, with no one who understood or pitied him."⁶⁴

One evening, a brother-in-law visits and Ilych observes a glance, a look, that confirms that he is indeed sick. He retires to his room to read and reflect on his pain, and in doing so he stumbles into a new insight: "It's not a question of appendix or kidney, but of life and . . . death. Yes, life was there and now it is going, going and I cannot stop it."⁶⁵ "There was light and now there is darkness. I was here and now I'm going there! Where?" A chill came over him, his breathing ceased, and he felt only the throbbing of his heart."⁶⁶

Ilych is overtaken now by the realization that he is dying and that he is afraid: "When I am not, what will there be? There will be nothing. Then where shall I be when I am no more? Can this be dying? No, I don't want to!"⁶⁷ "It cannot be that I ought to die."⁶⁸ "How is one to understand it?"⁶⁹

Ilych struggles against these intruding thoughts of death; he attempts to subdue them and recover the happiness he had so taken for granted. He returns to the law courts and:

enter[s] into conversation with his colleagues, and sit[s] carelessly as was his wont, scanning the crowd with a

61. *Id.*

62. *Id.* at 126.

63. *Id.* at 126-27.

64. *Id.* at 127.

65. *Id.* at 129.

66. *Id.* at 130.

67. *Id.*

68. *Id.* at 132.

69. *Id.*

thoughtful look and leaning both his emaciated arms on the arms of his oak chair; bending over as usual to a colleague and drawing his papers nearer he would interchange whispers with him, and then suddenly raising his eyes and sitting erect would pronounce certain words and open the proceedings. But suddenly in the midst of those proceedings the pain in his side, regardless of the stage the proceedings had reached, would begin its own gnawing work. Ivan Ilych would turn his attention to it and try to drive the thought of it away, but without success. *It* would come and stand before him and look at him, and he would be petrified and the light would die out of his eyes, and he would again begin asking himself whether *It* alone was true. And his colleagues and subordinates would see with surprise and distress that he, the brilliant and subtle judge, was becoming confused and making mistakes. He would shake himself, try to pull himself together, manage somehow to bring the sitting to a close, and return home with the sorrowful consciousness that his judicial labours could not as formerly hide from him what he wanted them to hide, and could not deliver him from *It*. And what was worst of all was that *It* drew his attention to itself not in order to make him take some action but only that he should look at *It*, look it straight in the face: look at it and without doing anything, suffer inexpressibly.

. . . .
. . . . [N]othing could be done with *It* except to look at it and shudder.⁷⁰

Ilych, fighting the thought of death, is troubled by the stance of his friends and colleagues who act as if there were nothing wrong with him. There was "falsity around him and within him,"⁷¹ a falsity that seemed to poison his relations with everyone in his life.⁷² Neither Ilych nor his wife had the ability to

70. *Id.* at 132-34.

71. *Id.* at 138.

72. Ronald Sampson interprets the falsity that surrounds Ilych's life as central to the psychological and moral teaching of the story. Sampson puts it this way:

The way in which human beings customarily deal with facts that are painful or otherwise unacceptable is to deny them or, if this is not possible, to ignore them. The painful fact to be assimilated and managed in this instance is the

respond to each other or themselves outside the roles they had adopted for themselves and each other. No one in Ilych's life was able to talk with him about what was happening. In the course of all this, "[h]e saw that no one felt for him."⁷³ Suffering from loneliness and despair Ilych, perhaps for the first time in his life, finds a need for truth.

As Ilych becomes consumed by thoughts of death, he begins to question how his life has gone astray. There was a time, Ilych remembers, before the suffering, when he enjoyed life. Of that time, he remembers his days as a law student, and realizes that the real pleasures of those early times have been lost. Ilych says,

It is as if I had been going downhill while I imagined I was going up. And that is really what it was. I was going up in public opinion, but to the same extent life was ebbing away from me. And now it is all done and there is only death.⁷⁴

Later, Ilych finds his life best explained by an image: "a stone falling downwards with increasing velocity."⁷⁵

Ilych finally comes around to ask of himself, "What if my whole life has really been wrong?"⁷⁶

It occurred to him that his scarcely perceptible at-

forthcoming decease of Ivan Ilych, a fact on no account to be admitted or alluded to. Thus does Ivan Ilych find himself enshrouded in a world of protective falsehood and pretence. Everybody knows he is going to die; he knows he is going to die; they know he knows he is going to die; but the polite fiction must be maintained to the last that he is temporarily sick and in process of being cured. It is this enveloping, stifling aura of unreality and deception that tortures Ivan Ilych more than all else.

SAMPSON, *supra* note 33, at 128.

Sampson links Ilych's deception to the roles that Ilych and those around him have adopted:

As he throughout his professional life had assumed the lawyer's functionary pose to his clients, so now the doctor assumes his "doctor-patient" relationship, and his wife the understanding, tolerantly affectionate marital role. All alike share in the falsity that accompanies the etiquette of middle-class relations.

Id. at 129.

73. TOLSTOY, *supra* note 30, at 138. There is one relationship in which he could take comfort, the one with his servant Gerasim, who seems to pity him. "Gerasim alone did not lie." *Id.*

74. *Id.* at 148.

75. *Id.* at 150.

76. *Id.* at 152.

tempts to struggle against what was considered good by the most highly placed people, those scarcely noticeable impulses which he had immediately suppressed, might have been the real thing, and all the rest false. And his professional duties and the whole arrangement of his life and of his family, and all his social and official interests, might all have been false. He tried to defend all those things to himself and suddenly felt the weakness of what he was defending. There was nothing to defend.⁷⁷

“‘Maybe I did not live as I ought to have done,’ it suddenly occurs to him. ‘But how could that be, when I did everything properly?’”⁷⁸

III.

Charles Reich’s autobiographical account of his years as a Washington lawyer, like Tolstoy’s fictional account of Ivan Ilych, presents a man’s bafflement at how one can reach the pinnacle of success and still be a failure.⁷⁹ Reich most certainly did not envision failure when he gained admission to the corridors of legal power in Washington, D.C. There was a clerkship with a Supreme Court Justice, work in a major Washington, D.C. law firm, a professorship on the faculty of Yale Law School, and acclaim as a legal scholar. But no success is great enough to shield Reich from the realization that his life has been based on the “wrong curriculum.”⁸⁰ “My plan [for education, lawyering, happiness, life] was logical, but every year that I followed it, I found that the things I really wanted were yet further away.”⁸¹ Reich’s observations on his disaffection might be of interest to other young lawyers, to those who think they know what they want with a life in law and find, as they become insiders, that something is wrong with the life they imagined. “We sat at desks piled high with work, confident enough that we were going to bring home a great heap of happiness one day. What we did not tell one another was the fact that we had not found what we

77. *Id.*

78. *Id.* at 148.

79. REICH, *supra* note 19.

80. *Id.* at 21.

81. *Id.* at 22.

wanted.”⁸²

It was, says Reich, “logical” to set out on the course that he followed.⁸³ The logic consists of a prescription, or script, on how to get ahead and be successful.⁸⁴ The script even warns that sacrifice will be necessary. “At the time,” he says, “it did not seem strange to me that the path lead away from happiness—toward hard, intense, unrewarding work or toward spending my life in situations that did not feel good.”⁸⁵ The unrewarding nature of law school and law practice work is interpreted as the sacrifice that makes future rewards possible. The more legal work becomes devoid of intrinsic meaning the more we are likely to project our rewards into an expected future of contended happiness.

For Reich, as for Ivan Ilych and Robert Service, the sacrifice seems reasonable enough; the rewards, at least initially, are ample. But the logic and the life gives way as Ilych falls into despair; it gives way for Reich when he diagnoses himself as an unlovable, unloving person.⁸⁶ Coming back to his apartment one night, Reich says: “In the floor-length mirror in the lobby, I caught an image of myself. A young lawyer in a Brooks Brothers suit, shined shoes, and a short haircut. A young man already old, already encased in that suit: stiff, taut, inflexible, frowning

82. *Id.*

83. *Id.* at 20, 22.

84. ROGER C. SCHANK, TELL ME A STORY: A NEW LOOK AT REAL AND ARTIFICIAL MEMORY 7 (1990).

A script is a set of expectations about what will happen next in a well-understood situation. In a sense, many situations in life have the people who participate in them seemingly reading their roles in a kind of play

Life experience means quite often knowing how to act and how others will act in given stereotypical situations. That knowledge is called a script.

Id. Roger Schank, in my view, is a successor, in his exploration of scripts, to the father of scripts, Eric Berne. See, e.g., ERIC BERNE, GAMES PEOPLE PLAY (1964); ERIC BERNE, WHAT DO YOU SAY AFTER YOU SAY HELLO? (1972); ROGER C. SCHANK, THE CONNOISSEUR'S GUIDE TO THE MIND: HOW WE THINK, HOW WE LEARN & WHAT IT MEANS TO BE INTELLIGENT (1991) (providing a readable, intriguing account of the new script work).

85. REICH, *supra* note 19, at 21.

86. Reich's autobiography is not only a commentary on his years as a Washington, D.C. lawyer, but also of his evolving sexual identity. The author will not attempt, in this article, to speculate on the important and significant connections of Reich's sexual identity to the pathologies he locates in his role as a lawyer. See James B. Stewart, *Death of a Partner*, NEW YORKER, June 21, 1993, at 54 (providing an account of one Wall Street law firm's efforts to keep the sexual identity of its partners walled-off from the life of the firm).

—unlovable and unloving.”⁸⁷

Reich’s diagnosis requires him to confront the fact that he has faithfully followed the well-worn path and that it has not worked.

I accepted the doctrine that happiness was a reward for doing one’s duty. I believed that if I did well at what society wanted me to do, I would receive happiness because society made good on its promises. I thought that A’s in school and weekend work at the office would place me in a position to have the things I really wanted in life⁸⁸

To follow the socially prescribed path requires certain assumptions about life.⁸⁹ You expect things to work out. But Reich, like Ivan Ilych, finds with dismay, that he has been betrayed, or perhaps, has betrayed himself. We are, Reich points out, given every reason to believe, by those around us, and by society, that when we stay on The Path it will lead to happiness. Reich and Ilych learn that the assumed guarantees were empty promises. For Reich, it all begins innocently enough, he simply wanted to participate in public life, to “see firsthand how our society was run,” to be a decision-maker, a man of the public.⁹⁰ For Reich, coming of age in the years following World War II, the “real world” was the world of public affairs.⁹¹ In this real world of public life, Reich imagined a life of independence and competence. In being a lawyer he would be able to look after himself and cope with life. “I wanted,” he says, “to be a strong and independent man. I dreamed of being a leader.”⁹² I assume that Reich’s

87. REICH, *supra* note 19, at 94-95. Reich has caught what Seymour Wishman, the criminal lawyer, describes as a “chilling glimpse” of himself. WISHMAN, *supra* note 41, at 16.

88. REICH, *supra* note 19, at 21-22.

89. Pay the dues and reap the rewards. No pain, no glory. Buckle down, buck up, and get on with it. Take the good with the bad. With these lumpy bits of advice, we keep our eyes on The Path, do what we are told (most of the time) (saving rebellion for the curse of tormentors, after hours).

90. REICH, *supra* note 19, at 20.

91. *Id.* at 20. Compare RICHARD RODRIGUEZ, HUNGER OF MEMORY: THE EDUCATION OF RICHARD RODRIGUEZ (Bantam 1983) (1982) (providing a poignant account of education that entails the learning of a new language, initiation into the American middle-class, and gaining an identity as a public man) with RUBEN NAVARRETTE, JR., A DARKER SHADE OF CRIMSON: ODYSSEY OF A HARVARD CHICANO (1993).

92. REICH, *supra* note 19, at 72.

thinking about law and the possibilities it offers for placing us at the center of public life, at a place where important decisions get made, is shared by many who find themselves drawn to law work.

But Reich's logic has a dangerous undercurrent. Reich seeks a place in public life not only so he can be at the center of things but to ward off fears and the sense of weakness and vulnerability he experiences in his private life.⁹³ Reich sees in lawyering what many of us see: lawyers are secure, calm, competent, and realistic; qualities Reich associates with adult life. In becoming a lawyer Reich assumes he can heal the split he experiences between the adult competence he desires and the world of childhood anxieties and fears he carries around with him as a dark shadow in his professional life.⁹⁴ By becoming a lawyer he seeks to "cure" himself.⁹⁵ Reich assumes, it now turns out, erroneously, that his education as a lawyer will make him whole.

Rather than heal the split between inner and outer self, Reich's life as a lawyer accentuates the split. To manage his inner and outer selves Reich leads a double life. Charlie is the "young lawyer" in an influential Washington, D.C. law firm.⁹⁶ Charlie's quest for a sense of competence as a lawyer squares perfectly with a city whose "overriding value . . . was competence."⁹⁷ At the same time Charlie pursues a life of competence, Charles, the other self, carries the complex secret life of his repressed homosexuality, and the ever present "dark fears, inadequacies, and compulsions" which made him feel like "an immature, sick person."⁹⁸

The world that Charlie, the "young lawyer," inhabits is a powerful and alluring one. In the Law Firm World, Charlie is a "confident, busy young man."⁹⁹ The lawyer work makes him feel

93. Reich believes that becoming a lawyer will make him independent of his family who he fears is the source of his problems. Reich mentions in passing that he was looking for a father when he became a law clerk to Justice Hugo Black and lived with him as if he were a son. *Id.* at 22-23. The shaping of our adult lives by early family relations is a central feature in the Richard Rodriguez autobiography. See RODRIGUEZ, *supra* note 91.

94. Reich's autobiography reveals an interior world that many readers will find easy to disavow. The problem with disavowing the possibility that another's shadow (in this case the dark side of the inner world) has meaning in our own lives is that we disavow our own, differently configured, shadow.

95. REICH, *supra* note 19, at 20.

96. *Id.* at 20, 41-43.

97. *Id.* at 70.

98. *Id.* at 20-21; *see also id.* at 92-93.

99. *Id.* at 63.

powerful and competent.¹⁰⁰ There are good people to work with in this Law Firm World. "They were politically liberal, intelligent, sophisticated, lively, entertaining, and excellent lawyers. They were dedicated craftsmen, devoted to their profession."¹⁰¹

There is much to celebrate in the comforts and privileges of law practiced in our nation's capitol:

The firm was an elegant place. I got a spirited greeting from the receptionist when I arrived; then I sat back in my swivel chair, feeling that I was able to cope with the world. It was in many ways a highly privileged existence. Lawyers arrived at work well after the early-morning rush. I would get myself some coffee from the large percolator down the hall and then enjoy the luxury of settling back with *The New York Times* and the *Post*—even reading the comics.¹⁰²

Comfort and personal enjoyment are central to this Law Firm World, a world where one learns to live with privilege and assume a righteous sense of self-importance. Lawyers do important work, in important buildings, with important people.

Consider a conference with a high government official I strode purposefully from the office, turning around at the door to say impressively, "We'll be at the

100. *Id.* at 27.

101. *Id.* Craftsmanship in the corporate law firm leads to a product, the solving of a problem specific to a client's needs while ignoring the needs of those who work on the problem. See CARLA NEEDLEMAN, *THE WORK OF CRAFT: AN INQUIRY INTO THE NATURE OF CRAFTS AND CRAFTSMANSHIP* (Kodansha America, Inc. 1993) (1979) (discussing the relation of person and craft); see also WISHMAN, *supra* note 41 (providing another account of the dark shadow side of the transmutation of craft ideals in law).

One way we defend ourselves against the pathologies of the Law Firm World is to focus on the craft qualities of the work. Imagining the work as craft offers a way of centering ourselves, a way of regarding/imagining work that confirms that what we do is associated with Quality. Reich, for example, finds moments of real enjoyment in legal work. He values the craftsmanship of his colleagues and the power that comes from being associated with a craft like law.

The commitment to the craft features of law work can be subverted. Reich observes how his colleagues "fell back on craftsmanship as a justification for their work" so that it became "virtuosity for its own sake, a job that other professionals could appreciate." REICH, *supra* note 19, at 36. Reich argues that the way to avoid impoverishment of law as craft is to make the work "morally and socially responsible" and to insure that the craft is a means of "self-expression." *Id.*

102. REICH, *supra* note 19, at 25-26.

Department of Justice." We hailed a taxi and got in. Then there was the monumental facade of the building on Constitution Avenue. The marble hallways, the elaborate reception room, the office of the official, an American flag behind his desk, a view of the Capitol Building from the long windows, portraits of predecessors in office¹⁰³

In the Law Firm World one strides purposefully and speaks authoritatively, holding oneself out to others as a person of privilege and power. This is a world in which power and privilege are common; they are the pay-off for placing oneself at the center of public life.

Reich, in his celebration of the Law Firm World, seeks to hold on to the legal idealism he associates with Justice Hugo Black, with whom he has clerked. The dream/phantasy/reverie nature of Reich's ideals about law are best captured in his descriptions of his clerkship with Justice Black.¹⁰⁴ Reich reveals:

I never stopped marveling that here I was, sitting at dinner with Justice Black and talking about freedom of speech while the Justice divided a steak three ways, and we passed the corn sticks and greens. I told myself: When you recognize a moment that is an authentic part of your dream, you have to give it all the passionate belief that it deserves.

We sat in the kitchen at breakfast, eating the eggs the Justice had cooked, while he read aloud from *The Washington Post* or talked about the Constitution. The sun streamed in through the windows of the small, low-ceilinged, old-fashioned room, that looked out on a garden. There sat the grand old man, in pajamas and bathrobe, his face serious and majestic, talking about the

103. *Id.* at 26.

104. See also STANLEY HAUERWAS, VISION AND VIRTUE 32 (1974).

Because our freedom of choice is actually very limited, we are constantly tempted to engage in fantastic reverie in order to protect ourselves from the unpleasant realities of our existence. Confronted by the fact that our lives are bounded by chance and death, we anxious and self-preoccupied people construct a veil to conceal the essential pointlessness of our existence. To be human is to create illusion.

Id. (footnote omitted).

framers of the Constitution and the deep and terrible experience out of which had been born the protections of the Bill of Rights. He foresaw that we would become "a nation of clerks" if we could not remember what it meant to be a free people. And I knew this was my unique and magical moment to sit with the Prophet, the old man of the American Testament, and absorb his stern passion, his belief in truth, and carry it forward when I could.¹⁰⁵

In this Blackesque/Reichian phantasy world, the Law Prophets, with passion and truth, wield law to make us free. Reality and fiction, legal practice and legal ideal, come together in a world that is whole. In the world that Reich shared with Justice Black, law work and the dream of law are one. The sacred ideals associated with law and the profane world in which they must be lived out, made real, have become, in Reich's time with Justice Black, fused into a lived truth, a reality constituted of dreams. The law is a field of dreams, a world where law makes it possible for the lion to lie with the lamb.

Reich finds, in his Law Firm World, that the phantasy of law he shared with Justice Black and the grand comforts of privilege and power of the Law Firm World are undermined by underlying destructive forces. "The atmosphere in the firm was so often full of tension, overconcern, and uncomfortable pressure"¹⁰⁶ Reich prepares legal documents which are inevitably "met with some objections from the senior men."¹⁰⁷ The senior men want emphasis and strong language. The pressure results in overreaction and loss of objectivity. "The opposition were always 'those sons of bitches' or 'those bastards' or worse."¹⁰⁸ The position in legal briefs was restated, reworked, edited, and then redone, using every ounce of one's energy and reserves. The stance, voice, and

105. REICH, *supra* note 19, at 25. See also, Seymour Wishman's reflections on a revered judge with whom he had clerked, who, on closer scrutiny, had covered over the conflicts which underlay his convictions and practices as a judge. See WISHMAN, *supra* note 41, at 7-9.

106. REICH, *supra* note 19, at 27.

107. *Id.* On the relation of young lawyers to senior partners, see AUCHINCLOSS, *supra* note 3, at 3-11, 15-29.

108. REICH, *supra* note 19, at 28; see also JOHN JAY OSBORN, JR., *THE ASSOCIATES* (1979). Osborn's description of Lynch, the partner with which young Samuel Watson must learn to work, is the highlight of this otherwise disappointing novel. See, OSBORN, *supra*, at 9-14, 26-31, 34-42, 227-32.

zealousness demanded of Reich in the Law Firm World requires aggressive overstatement, the stance of a zealot. The "larger objectives" of the Law Firm World, legal thinking and client interest, demand arguments and writings that push Reich into a way of life that was, he says, "not necessarily in me."¹⁰⁹ It is a life that calls for a "certainty" he did not possess.¹¹⁰

To escape the Law Firm World, Reich retreats to the "sanctuary" of the Supreme Court library which feels like a "place of worship."¹¹¹

In the library of the Supreme Court—ornate, rich, magnificent, and hushed—I could have an immensely long and splendid wooden table to myself and the grave courtesy of attendants; even the washroom was of marble and scrupulously clean. . . . It was like the interior of a place of worship [H]ere all was dignity, repose and silence, with ornamented chairs and table lamps, carpeted floor and carved woodwork.¹¹²

Only by removing himself physically from the Law Firm World can Reich recapture and hold on to the idealized sense of law imparted by Justice Black.

The assault on Reich's fused law/dream image is present in virtually every interaction in the law firm. It was a world in which no limits were observed, where every conversation became an "oratory contest."¹¹³ Lawyers in the firm listened to others speak so they could make clever, amusing, brilliant replies, using every communication as if it were an edict of a profession or public self. The result was "a fundamental lack of limits" where language lost its meaning.¹¹⁴

Reich laments the cost of this overdetermined partisanship. The constant effort to overemphasize, to make every possible argument for every client, to create a strong (winning) case, to make every pronouncement take on the appearance of truth, takes its toll. Reich, speaking now of his colleagues, says they took

109. REICH, *supra* note 19, at 28.

110. *Id.*

111. *Id.* at 33-34.

112. *Id.* at 34.

113. *Id.* at 29.

114. *Id.* at 30, 35.

positions “with what seemed to be their heart and soul.”¹¹⁵ With such partisan zeal “there was little room left for a ‘real’ person to show himself.”¹¹⁶ “One put one’s entire self—writing, voice, manner, personality, personal appeal, even physical stance—at the service of the matter at hand. One coated over one’s real self with a public self”¹¹⁷ The Law Firm World prizes pretense, appearance, and dramatic overstatement; it centers life on the ego and away from the warning signals provided to us by our feelings, by the intuitions of the inner world and inner self.

Reich uses the persona he calls Charlie to protect a different self, Charles, that he shields from his colleagues and the alienation of the Law Firm World. “My true self was masked by Charlie’s smiling, seeming agreeableness that tactfully avoided stirring up useless trouble.”¹¹⁸ Charles, the private self, believed in the basic goodness of people¹¹⁹ and was in constant conflict with the hard-nosed attitudes and aggressive lawyer analytics of Charlie’s world. Charlie the lawyer represents a mature, competent, adult self, while Charles represents an inner Child who “wanted to stop feeling grown up and responsible.”¹²⁰ If our inner Child is a source of inspiration or wisdom, as it

115. *Id.* at 28.

116. *Id.*

117. *Id.*

118. *Id.* at 41.

119. *Id.*

120. *Id.* at 43. The compartmentalization of professional and private lives, maintained initially for functional and social purposes, is reassembled psychologically as a feature of the interior world. The defensive creation of two identities, Charlie and Charles, to deal with two social worlds, is supported by an interior splitting of inner Child and inner Parent. *Id.* at 21. The inner Child and inner Parent develop autonomous and conflicting orientations to the world. Reich, the adult, experiences an inner, wayward Child who will not behave. *Id.* At the same time, his life is “dominated” by an inner Parent who sees “life as a progression from an uncivilized childhood state to one of maturity.” *Id.* This psychologically interiorized parent orders him to “grow up.” *Id.* By the time Reich leaves his position as a Yale law professor and moves to Berkeley, he finds that “[t]his stiffness in me was central to my initial state of mind. It was the Great Negator in full control, the person who automatically says no.” *Id.* at 120.

The “child in me,” says Reich, is frightened, extreme, stubborn, gleeful, and needs support. *Id.* at 21. The inner Child has become for Reich a constant critic of both his inner Adult and the Charlie identity he has adopted for the Law Firm World. The lawyer self, Charlie, is cut-off from the inner Child. “I thought the more that showed of the real Charles within—that Charles of fears, anxieties, childishness, glee, despair, awkwardness, eagerness, terror—the less acceptable I would appear. I wanted to become a different person—polished, smooth, capable, confident.” *Id.* at 88.

sometimes is, it is seriously trampled and stifled by the strategies of adult life premised on the aggressions (and transgressions) of legal work.¹²¹ The compartmentalization, in Reich's case, is unstable and threatening. The "public self" that Reich adopts as the Charlie persona becomes threatening when it becomes the "only real self."¹²²

Reich, his identification with the Law Firm World failing, found that he could not "regain any sense of self when the working day was over."¹²³ "[M]y real self was driven far inside."¹²⁴ Reich's pathology is shared by his colleagues in the Law Firm World who "embraced" their legal persona, and "ate and drank" of Law Firm life; "it was life and love to them."¹²⁵ The problem for Reich, and perhaps his colleagues, is that the powerful, ego-driven, legal persona drives out secondary concerns expressed in the weak voice of non-lawyer self that is devalued. The totality of Law Work and Law World usurps the *self* of lawyers as it destroys consciousness attuned to the totalizing effect of the work.

Reich begins to take seriously his unhappiness and the cost of repressing Charles, the keeper of secrets, longings, fears (and ideals).¹²⁶ Reich's diagnosis of Law Firm work is also directed to other lawyers whose success has made them "victims" of their work.¹²⁷ "Our work was detrimental to us, in the most profound way. The moments of enjoying work did not last very long."¹²⁸ Reich is diagnosing not just a personal pathology but a pathology of the legal profession and the culture that promotes it.¹²⁹

121. See THOMAS MOORE, CARE OF THE SOUL: A GUIDE FOR CULTIVATING DEPTH AND SACREDNESS IN EVERYDAY LIFE 49-54 (1992) (summarizing briefly the Jungian perspective on the inner Child).

122. REICH, *supra* note 19, at 28.

123. *Id.* at 30.

124. *Id.*

125. *Id.* at 29.

126. The ideals of Charles have been problematized by their dream-like nature. They are, from the language Reich has used to describe them, unrealistic, that is, unrealizable in any real world legal practice.

127. REICH, *supra* note 19, at 27.

128. *Id.*

129. Seymour Wishman, in his "confessions" of a criminal lawyer, contends that his "distress" from reflecting on the moral aspects of his practices is "not just a personal matter" but "revealed some of the painful moral and emotional dilemmas of my profession." WISHMAN, *supra* note 41, at 18. Reich makes a similar move when he describes the doctrine of rewards—take the path that society offers and the rewards will be yours—he

Reich copes with the absence of limits in the Law Firm World and his unstable accommodation of inner and outer worlds by numbing himself. "There was one part of me who walked through each day at the office with a tense, set determination, numb to the cries of pain or anger within myself. I could bear anything, endure anything, and do my job."¹³⁰ Numbing is necessary to deal with the truth:

The truth was that I was spending my life in ways that were never what I really wanted to do. I did not want to be in Washington, I did not want to work for a law firm or even be a lawyer, I did not feel drawn toward the people I spent time with. I wanted to be somewhere else, doing something totally different¹³¹

Self-numbing is an effective, but temporary, shield against the excessive practices of the Law Firm World.

Reich's autobiography presents the story of a man who tries, as did Ivan Ilych and many of us, to create separate identities for

observes that this belief was not his alone but "a belief held by many of my generation." REICH, *supra* note 19, at 22. He goes on to describe his years as a lawyer in Washington as a kind of Limbo, a personal ordeal, but also one experienced by many of his generation. Reich observes that they "accepted the idea of being in Limbo, even for years, as a valid way of getting to a good place." *Id.*

Jean Baptiste-Clamence in *The Fall* describes his strategy of linking his failings to those of the reader:

Covered with ashes, tearing my hair, my face scored by clawing, but with piercing eyes, I stand before all humanity recapitulating my shames without losing sight of the effect I am producing, and saying: "I was the lowest of the low." Then imperceptibly I pass from the "I" to the "we." When I get to "This is what we are," the trick has been played and I can tell them off. I am like them, to be sure; we are in the soup together. However, I have a superiority in that I know it and this gives me the right to speak. You see the advantage, I am sure. The more I accuse myself, the more I have a right to judge you. Even better, I provoke you into judging yourself, and this relieves me of that much of the burden.

CAMUS, *supra* note 26, at 140.

130. REICH, *supra* note 19, at 32-33.

131. *Id.* at 36. It will be easy for some readers to deal with Reich's anguish: "If you feel so badly about the practice of law then you should abandon it." This facile response may turn out to be more uncaring than realistic. There are many reasons we continue in work, relations, and places that wound us. The failure to recognize that we are all, always, in danger of numbing ourselves to the truth of our desires results in a misreading of Reich's story.

different worlds.¹³² The effort to maintain his identities as Charlie, the “Young Lawyer” and Charles, the man of secret fears and longings, became over time neurotic rather than realistic. The legal persona created by Reich was initially a phantasy of a desired self and at the same time a psychological defense against an undesired self. For Reich, however, the legal persona was not adequate protection from himself. (The persona fails his colleagues as well, but for different reasons.)

Reich’s story offers an intriguing portrait of a lawyer, at once a consummate insider and totally alienated.¹³³ To deal with the incongruity of his contradictory selves, Reich finds that he has become a spy.¹³⁴ “[I]n secret I was a spy from another world, able to see that world of Washington, D.C.—the people in it, and even myself in the role of a young lawyer—as a spy might see it, from the inside, but with an outsider’s eye.”¹³⁵

For Reich, being a lawyer/spy gives rise to desperation. “I could not be sure,” says Reich, “of ever getting away” from the “alien territory” of the Law Firm World, “or ever finding a different world beyond.”¹³⁶ Reich, the lawyer/spy is trapped in the world on which he is spying; he is cut off from home. Reich, a spy without a portfolio, without a psychological home, is unable to wield the spy metaphor into an authentic way of life.

How is one to make an authentic way of life as a lawyer?

132. How does the life of one world affect our life in the other world? What contributions does one world make to the other? What kind of energies do the various strategies for moving between the worlds require? What filters and screens do we use to insure that matters of one world do not leach into (contaminate) the other world? How effective are the walls we construct to maintain the compartmentalization of the different worlds? How are the barriers that keep the worlds apart constructed and with what social and psychological resources? How is the compartmentalization experienced (which is different from asking how it is lived)? We not only live compartmentalization: we use it, rely on it, embrace it, imagine it as a necessity, figure its costs, promote it as a boon to productivity and efficiency, and fear it (in its capacity to impoverish or destroy our lives).

133. Reich provides the following assessment of the dangers of alienation:

To be subject to alienation is to lose self-knowledge. The more our minds, thought processes, feelings, and capacities become the victims of damage and depletion, the less we are able to remember that we were or could be different. All of our beliefs about ourselves, other people, and the surrounding “reality” of the world change without our knowing it.

REICH, *supra* note 19, at 9.

134. *Id.* at 20.

135. *Id.* This dual way of seeing—from “in” as well as “out”—is a kind of seeing that Stanley Fish denies is possible. See STANLEY FISH, *THERE’S NO SUCH THING AS FREE SPEECH* 23-25, 295 (1994); STANLEY FISH, *DOING WHAT COMES NATURALLY* 215-46 (1989).

136. REICH, *supra* note 19, at 20.

Reich frames the questions this way: "Could one make a life out of this? Could one be a hired knife-thrower and enjoy it? For what pay or for what prestige could it make sense for a person to spend his days this way?"¹³⁷ Reich's analysis of his professional life puts the pathology of the Law Firm World into focus. "In my law practice there was no grandeur, no public service, no commitment to a cause. No people to be close to. No sky, no sea, no forests, no mountains."¹³⁸ Whatever potentially rich and complex life one might imagine making of the varied psychological temperaments of different identities (one for the office and one for life outside the law office, with their reciprocal and at times antagonistic logics) this life has eluded Reich. The two-identity strategy has lead, in Reich's case, to psychic numbing and disaffection.¹³⁹ The compartmentalized life has become a pathological life, a life lived in constant fear of collapse and failure.

IV.

I turn now to another narrative, a story told by Alice Koller. Koller is a fearless explorer of the psychological wasteland presented in the Ilych and Reich stories. Koller writes about her life, in her powerful narrative of self-reflection, in a way that a lawyer interested in self-discovery and who seeks to understand the pathologies of his or her profession might find helpful.

Koller makes clear what she has set out to do: "I have to try to unearth from that massive deception I practiced on myself the things that were true. Real."¹⁴⁰ Ivan Ilych was faced with a similar task, a task for which he was unprepared. We are all, some of course more than others, practitioners of the kind of self-deception that Koller and Ilych practice. Lawyers, by reason of their profession, may face an even greater danger of

137. *Id.* at 36-37.

138. *Id.* at 37; see also GERRY SPENCE & ANTHONY POLK, GERRY SPENCE GUNNING FOR JUSTICE (1982) (telling a rare lawyer story that has sky, rivers, and mountains).

139. In order to do the work that Reich describes he numbs a part of himself, and walks through the day, doing the job, "with a tense, set determination, numb to the cries of pain or anger." REICH, *supra* note 19, at 32. It is this numbing of self that makes it possible to do the work and participate in the conversations. "I told myself, accept whatever the job brings with it, so long as you work here." *Id.* at 33.

140. ALICE KOLLER, AN UNKNOWN WOMAN: A JOURNEY TO SELF-DISCOVERY 109 (Bantam 1983) (1981).

self-deception than did Koller, the non-lawyer. Lawyers, then, might find Koller's story instructive on the practice of self-concealment so prevalent in professional life.

Koller promises to do the very thing that might have saved Ilych from himself, to engage in the kind of psychological exploration that might make it possible to learn how her life works. She takes seriously the disaffections and misdirections in her life and recounts them to herself and the reader so that she can learn the truth—at least a more far-reaching truth than that to which she had access before her self-explorations.

Alice Koller begins her inquiry by asking whether she is “one Me.”¹⁴¹ The question Koller poses about having a “one Me” should not sound peculiar to a student of law or a lawyer. Indeed, one of the common features of contemporary legal education and law practice is the experience of conflict, of being split, pulled in different directions, holding forth as different selves when we do legal work and when we are away from the work. Koller's story provides a detailed, relentless, descriptive self-diagnosis of a fragmented life. She diagnoses and explores, with clinical precision, the pathologies that envelope her.

For lawyers, the question Koller puts to herself about the absence of a “one Me” can be put this way: Are you the same person at the office as you are at home?¹⁴² Or is it possible that, like Ilych and Reich, you see home and law office as representing two different worlds, requiring different kinds of conversation, thought, and feeling? There is, in legal ethics circles, the notion that law constitutes a world apart, a world that calls for a different morality in the law office than the one we use in our private lives.

Robert Service is an example of a lawyer who subscribed to a dual sense of morality, a legal morality that he employed in his corporate takeover practice and a kinder, gentler (ordinary) morality in his life with Alice, his wife. Service, of course, viewed this dual morality to be far more a success than did either his wife, or Blanders Blakelock, Service's colleague at the law firm.

141. *Id.* at 26. This question—about one Me—is central to the Charles Reich narrative.

142. One of the things that the children of Atticus Finch learned is that their father, a lawyer, was the same man in town practicing law as he was at home with them. See HARPER LEE, *TO KILL A MOCKINGBIRD* (J.B. Lippincott Co. 1976) (1960); see also Thomas L. Shaffer, *The Moral Theology of Atticus Finch*, 42 U. PITT. L. REV. 181 (1981) (providing a commentary on Atticus Finch's moral character); Elkins, *supra* note 41, at 740-43.

The despair that Ivan Ilych experienced arose in part because he assumed his compartmentalized lawyer life had been a success. But he found, ultimately, that it blocked him from understanding what he needed to know. Charles Reich found that the compartmentalization he used to deal with his personal pathology was also a central feature of the Law Firm World. For both Ilych and Reich, the compartmentalization, initially functional and instrumental, turns pathological.

Many law students and lawyers take pride in the way they are able to compartmentalize and split their lives between the demands of professional work and private life. The pride, when it exceeds the demands of reality, can be psychological fool's work. If we are not to become fools doing what we think we know best, living our own lives, then we might take heed of a story like Koller's.

Koller decides to retreat, to isolate herself so she can begin to find out how her life has come to its present impasse.¹⁴³ The problem as she diagnoses it is that she doesn't really know what is going on in her life, in particular "what's going on inside [her]."¹⁴⁴ As Koller says, "I just don't know what my own feelings are. . . . I don't know what to look for inside me. I don't know how to identify *that* I'm feeling something, let alone to give a name to it. I think I've been anesthetized, deadened."¹⁴⁵ Like Charles Reich, Koller has become numb to feeling.

Koller's condition may be of especial interest to lawyers who cultivate, as a professional virtue, the habit of suppressing their feelings in order to zealously represent their clients. One way to do what lawyers are routinely asked to do is to anesthetize yourself, to cut yourself off from your feelings (so that, over time, you can avoid the experience of incongruence between feeling and action, inner and outer self, self and other). When we lose touch

143. Solitude is not only a central theme in Koller's story but fundamental to the analytics she practices on her "Journey to Self-discovery." KOLLER, *supra* note 140. Lawyers who place themselves at the center of things, in the middle of the action, might consider the need for solitude, for a retreat. On retreat we get away to some distant (other) place for contemplation, reflection, and conversation with ourselves. Getting away from what we normally do and expect, we find a place and time (a space in time) where we are not bound by appearance, routine, expectation, and assumption. We must get away because our lives become entangled with habits and routines, and a sense of necessity that colonizes our life and thinking.

144. *Id.* at 112.

145. *Id.*

with our feelings we lose touch with a part of the self that is providing commentary on the choices we are making. If we no longer know what it is we feel, then how are we to judge what we do, and whether our actions constitute the worthwhile professional life we fantasize we are living? How are we to reconcile our lives and stories with the good we claim for them?

Alice Koller, in her autobiography of a fragmented life, takes up the story when she was thirty-seven years old and had just managed to get a Harvard Ph.D. in philosophy.¹⁴⁶ But, like Reich, her education has not made her well or whole; she is unsure of herself, and overly reliant on the opinion of others. "I seem to believe there is no Me except in other eyes. I am what I see in your eyes, whoever you are."¹⁴⁷ The problem, Koller discovers, is that she sees the world through the eyes of others, their smiles and compliments, and when they dry up, she has no way of knowing who she is.¹⁴⁸ We lawyers are trained to see through the eyes of others (judges, opposing counsel, the client) and are constantly being judged by others. We practice our craft in the judgmental presence of each other and before judges who decide the fate of our clients.

Koller describes a life that has been (de)formed by the constant exercise of seeing life through the eyes of others. "I just want to find out whether there's anything in me that's genuinely mine: my making, my doing, my choice."¹⁴⁹ With a vision of the world thoroughly dominated by what others think she is now forced to ask: "Why can't I see? What's wrong with my own eyes? If I knew how to look at what I see, then what? Then I wouldn't

146. There are hints, at several points along the way, at how the study of philosophy and her decision to become a philosopher bear on Koller's self-diagnosis. See *id.* at 33, 64, 96, 216, 228. Koller recognizes the impact of philosophy on her thinking and self-reflection. See *id.* at 81, 87-88, 107-08. At one point Koller realizes:

that all the years I made myself sit over philosophy books, examine philosophers' reasoning, set out my own reasoning for a teacher to examine—all that accumulated discipline can now be shaped into the one tool I need: to be able to say with perfect care whatever I want to say. I can push my saying to the point of saying what I mean.

Id. at 33.

147. *Id.* at 94.

148. See JACK LONDON, *MARTIN EDEN* (Bantam Books 1986) (1909). London tells a story with a direct warning about something that we know but are likely to forget, that fame and social recognition are unreliable and often destructive.

149. KOLLER, *supra* note 140, at 1.

need other people's eyes."¹⁵⁰

A lawyer can know the worth of a method, or the value of anything for that matter, only if she maintains eyes to see and ears to listen. To see herself through her own eyes, Koller turns towards, rather than away from, the symptoms of her neurotic condition.

It's true that I've accomplished nothing in the eyes of people that I've let judge me. But suppose I use my own eyes. Suppose I take myself as my judge. That doesn't transform my failure into accomplishment, but it lets me see what the failure was: I failed because the things I set myself to do weren't things I *chose* to do. There was no real "I" to do the choosing. That hollow creature led by a child's heart, fighting rearguard actions all over the place to prevent anyone from noticing: I've torn it all away. And look what's left: this small shuddering self.¹⁵¹

Koller must honor the disguises and ruses she has used to keep herself in a muddle about life by way of self-diagnosis before she can escape the muddle she is in. It begins with the simplest of insights, "[m]y makeup has ceased to be a subterfuge: it looks thick and caked" ¹⁵² The ability to see her age is a precursor for the exploration of a variety of excuses: for the many years it took her to get her Ph.D.; the failure to obtain a teaching position; her ambivalence about teaching; and finally, her failure to get married.

Questions of the kind Koller poses are more common than we are willing to admit; questions some of us cannot tolerate. Questions of this sort demand that we do what Ivan Ilych and Robert Service do only when their lives are threatened—that we think about who we are and how our identification as lawyers has changed our lives. What lawyer can be free of these questions?

— When will I make it?

— Will I ever have enough money?

— Will I find a way to practice law that reflects who I want to be?

150. *Id.* at 94.

151. *Id.* at 211.

152. *Id.* at 1.

- Will I be a good lawyer?
- Will I make partner?
- Will I succeed in any kind of way that will satisfy me and those who have had confidence in me?
- Will the sacrifices (and compromises) I make and have already made be worth it?

Koller decides that her failures and her questions deserve attention. If we lawyers could hold on to questions like Koller does, and turn them into occasions for introspection and reflection, we might find that the dialogue that ensues could change our lives and the way we practice law.¹⁵³

When Koller sees that her makeup is thick and caked and that her years are becoming visible to her, she awakens not only to advancing age but aspects of her life she has concealed. The diagnosis is stark:

I don't have a life: I'm just using up a number of days somehow. There is no *reason* for me to be here. No plan formulated at some point in the past has led me to this void that is my day, every day. No obligation to anyone requires me to live in this apartment, or in this city. I don't live anywhere: I perch. . . . I despise my little busy-work job, and yet I don't try to find something else. I try, instead, to turn it into a permanent connection: I must be certain of my income, at least. I must have something certain in all this flux: no career, no home, no man.

. . . .
 . . . I'm tired, from the inside out. Tired of perpetually having to fight for everything, degree, men, jobs, money. Tired of running after things that always elude me.¹⁵⁴

"Each thing I do during the course of a day is something I've been told to do, or taught to do."¹⁵⁵ "I cannot shake off the sense of

153. See James R. Elkins, *Writing Our Lives: Making Introspective Writing a Part of Legal Education*, 29 WILLAMETTE L. REV. 45 (1993) (presenting anecdotal evidence that law students can benefit from the use of reflection and introspection in legal education); Mark Weisberg, *Learning to Trust Your Own Mind and Other Stories About (Legal) Education*, 17 QUEEN'S L.J. 304 (1992).

154. KOLLER, *supra* note 140, at 1-2.

155. *Id.* at 17.

fragmentation.”¹⁵⁶ “The past wants to swallow me up”¹⁵⁷ “I don’t know how to respond to things. I shake my head impatiently. No, that’s not it. I don’t know how *I* respond to things. I don’t know how to find out what’s going on inside me.”¹⁵⁸ “I just don’t know what my own feelings are. . . . I think I’ve been anesthetized, deadened.”¹⁵⁹ Koller concludes that she has turned her entire organism into a facade¹⁶⁰ and must now take a stand on how she wants to live, even if she cannot say how she will do it or what kind of person she might become.

I have to replace all of it [the patterns embedded in how she now lives] with what I choose to do. I have to learn how to choose one thing over another, one way of doing something over another way. That means I have to want one thing, or one way, more than another.¹⁶¹

To know what to choose (or even how she has chosen in the past) and what she might now want, Koller must become an archaeologist of the self. “I have to try to unearth from that massive deception I practiced on myself the things that were true. Real.”¹⁶² The task is not simple. Good intentions may not be enough. She says, “I don’t know what to look for inside me. I don’t know how to identify *that* I’m feeling something, let alone to give a name to it.”¹⁶³ It is not easy work. The outcome is uncertain. There are pitfalls and dangers to be confronted.

She begins by becoming conscious of the most simple tasks, trying to do what she wants to do while quieting the voices that have dominated her. She pays attention to the color of the clothes she wears and whether the clothes are warm; she ignores how others might judge what she wears. She begins to focus on the little distractions that pull her away from what she wants to do, and the real purpose for her retreat and the decision to be

156. *Id.* at 25.

157. *Id.* at 26.

158. *Id.* at 111-12.

159. *Id.* at 112.

160. *Id.* at 69.

161. *Id.* at 17.

162. *Id.* at 109.

163. *Id.* at 112.

alone.¹⁶⁴ She starts a journal of the outward events in her life and attempts to force herself “to fit together” these events with recovered memory.¹⁶⁵ Koller says, “I’ll write down everything I can remember, so that I can see the full extent of it, pick out some patterns in what I’ve been denying for so long.”¹⁶⁶ The discipline she seeks is to “push [her] saying to the point of saying what I mean.”¹⁶⁷

By doing this engaged memory work she begins, as did Charles Reich, to see the possibility of restoring and recapturing some new sense of herself.¹⁶⁸ But there is danger in this introspective work. Koller knows that the past can swallow her, that she may not be able to get enough hold on herself to make use of what memory makes available to her.¹⁶⁹

The first effort is to do something about the way she waits for things to happen.¹⁷⁰

Waiting? Why, the stupendous thing I used to wait for was something that was going to be done *to* me, or *for* me: to be initiated by someone else, independently of my choice. But there isn’t a someone else to make things happen to me: I’m the only person who can do what I decide needs to be done. And besides, there is no *reason* for anyone else to do anything at all for me, particularly something as glorious as that thing I expected.

So on two counts waiting is irrelevant. Nothing to wait for, because I’ll initiate what happens to me. Nothing to wait for, because these minutes now passing *are* my life. They are the minutes in which my living is to be done. Whatever I do, I’ll do in my own time, and *I* will do it.¹⁷¹

164. *Id.* at 30. Koller implies that some reflective work is best done by indirection, by working at the margins. A frontal assault may not be the best way to discover who we are.

165. *Id.* at 20.

166. *Id.* at 33.

167. *Id.*

168. Koller’s pathologizing is a way of inventing a new sense of self and a future (and new story) that lies beyond failure. Readers curious about Koller’s efforts to reinvent herself can follow her story in ALICE KOLLER, *STATIONS OF SOLITUDE* (1990). I have not attempted to integrate information from *Stations of Solitude* into this article.

169. KOLLER, *supra* note 140, at 26.

170. *Id.* at 154-55, 157, 161.

171. *Id.* at 213.

Reflecting on how she sees the world through the eyes of others, puzzling over her relationship with men and with her parents, leads Koller to another area of practical psychological insight.

Suddenly the two lines of ideas crash together inside my head. The applause I played for everywhere and the attention I made my mother give me were exactly the same thing: substitutes for her love. I tried to make the whole rest of the world give me what she couldn't give me. If I were the greatest actress, maybe she'd look at me. If I were a brilliant philosopher, maybe she'd look at me. And if she looked at me, I'd have her attention, her real attention, which was her affection: I'd have her love. So of course I could never get enough attention from other people, because they were always giving me the wrong thing: they weren't giving me her love. I've never believed that I'm beautiful because she never told me that I was.¹⁷²

Koller may be unduly harsh on herself, even guilty of overstatement, but her dramatic way of expressing this insight signals that something is sinking in—that what she now sees is of value, that she has discovered something that can be put to use. There is a turning point when she avows:

I won't ever again put up with unthinking habit or being bored, or ugliness in things or persons. I have nothing important to do, but I have no time to waste marking time. Each thing I touch or see or smell or taste or hear during my day must give me the sense of something good in the doing.¹⁷³

172. *Id.* at 104. The conclusion is both simple and profound. "I went to bed with men," Koller now sees,

looking for her [my mother] to hold me. I was an actress and then a philosopher, to get her to look at me Thirty-seven years of being blind. Deaf. Marking time on the same spot. A little girl looking for her mother to hold her. Everything else is fraud.

Id. at 164. Koller gets to the core of her neurosis by seeing how she has lived her life in an elusive search for substitutes for love from parents who made her feel like a "dwarf."

Id. at 165.

173. *Id.* at 212-13.

The truth, for Koller's revisioned self, lies not in the need to blame others for her fate, but in the discovery of a motif that has dominated her life.¹⁷⁴ Koller has found the plot that makes her life story understandable and livable: "all the fragments" of her life "have been tied into one bundle by one single strand" that held her together without her knowing it, a way of living and "a way of being whole that nullifies thirty-seven years."¹⁷⁵ The understanding that there is a unifying theme in her life contradicts a view that Koller has previously held of herself:

I've thought of myself as being a different person depending upon what I was doing, who was talking to me, where I was. A different person to each man; different when I talk to a teacher from when I talk to a friend; different depending upon whether I'm walking through the snow or walking into an expensive restaurant.¹⁷⁶

Koller had assumed she was doing something that lawyers took pride in doing. But she learns that her skills at adopting different identities were not as pronounced as she had assumed.

Koller now detects what has been missing, but it requires that she understand that her purposes have been unclear, her wants unrelated to her feelings, her feelings muted and numbed. The insight is rooted in her new ability to see how she has used words to cover up and maintain a personable facade. "Half of the words I've uttered in my life have probably been some sort of stuffing: to fill the void, to be polite, to be agreeable."¹⁷⁷ Koller's deformed self is linked to an impoverishment of language, a way of talking that was itself pathological.¹⁷⁸ We regain psychologi-

174. Koller has discovered what psychiatrist Donald Spence calls "narrative truth." See DONALD P. SPENCE, *NARRATIVE TRUTH AND HISTORICAL TRUTH: MEANING AND INTERPRETATION IN PSYCHOANALYSIS* (1982).

175. KOLLER, *supra* note 140, at 165.

176. *Id.*

177. *Id.* at 235.

178. Charles Reich points to the way lawyers talk and their conversations with each other as a sign of the pathology that lurks in our midst:

[At lunch with other young lawyers] [w]e talked about politics, but it seemed as if they were simply making an effort to sound clever and amusing. The young men waited eagerly for a chance to seize the center of the conversational stage. They did not really listen to each other, they prepared their own remarks for the moment when the person who was speaking finished. They listened only for the purpose of replying. What they said seemed always to be

cal health when we reestablish an appropriate relationship with words we are using, with the story we are telling.

Koller finds self-reflection healing.¹⁷⁹ She learns that she is not destined to be forever disappointed. Koller is looking for a way to live that will reawaken her feelings, help her recognize what is going on inside so she can maintain a sense of purpose, a sense that her life has a purpose. Koller's self-reflection is a case study in soul-making.¹⁸⁰

addressed not to the others at the table, but to some invisible judge or authority figure. So even at a casual moment, when there was no authority present, the conversation continued to be an oratory contest, the brilliant speakers impatiently waiting their chance to earn an A in Lunch.

REICH, *supra* note 19, at 29.

179. Self-reflection can, in contrast to its healing potential, "swallow" you, KOLLER, *supra* note 140, at 26, and just become another role, another way of acting, another pretense. *Id.* at 50. For Koller's reflections on the dangers of self-reflection, see *id.* at 12, 52, 121, 136, 147, 166, 170, 215, 221, 235.

180. James Hillman argues:

Therapy, or analysis, is not only something that analysts do to patients; it is a process that goes on intermittently in our individual soul-searching, our attempts at understanding our complexities, the critical attacks, prescriptions, and encouragements that we give ourselves. We are all in therapy all the time insofar as we are involved with soul-making.

JAMES HILLMAN, *RE-VISIONING PSYCHOLOGY* at xviii (1976). For Hillman, soul-making is related to psychology, a psychology of reflection. "The soul's first habitual activity is reflection . . ." *Id.* at 117. We might note here that Koller's story is told in the language of psychology, in the Freudian language of neurosis. The story could be told in other languages, and the crisis described in other terms, for example, in spiritual or political (e.g., feminist) language. Politics and spirituality are still other connections to the soul, but it is the psychological that Koller uses for her story. Koller's psychologized story takes us into and through an interior landscape; a story that "returns to the soul." *Id.* It is in a psychologized story that we re-view, re-present, and re-vision "where we already are" and "discover the psyche speaking imaginally in what we had been taking for granted as literal and actual descriptions." *Id.* at 127. Psychologizing has the power that it does, as Hillman explains it, because it "justifies itself." "As we penetrate or try to bring out, expose, or show why, we believe that what lies behind or within is truer and more real, powerful, or valuable than what is evident." *Id.* at 140. Psychologized reflections provide a "countereducation." *Id.*

Donald P. Spence, drawing on his psychoanalytic training, confirms the connection that Hillman makes between psychologizing and stories:

There seems no doubt but that a well-constructed story possesses a kind of narrative truth that is real and immediate and carries an important significance for the process of therapeutic change. . . . [N]arrative truth by itself seems to have a significant impact on the clinical process.

SPENCE, *supra* note 174, at 21-22. Spence goes on to say of narrative truth, that it can be defined as:

the criterion we use to decide when a certain experience has been captured to our satisfaction; it depends on continuity and closure and the extent to which the fit of the pieces takes on an aesthetic finality. Narrative truth is what we have in mind when we say that such and such is a good story, that a given

Koller has come a long way, as she works toward understanding how her life works, and how she can put the results of her reflection to work. The conclusions are both simple and profound:

On my way upstairs, I find myself smiling. Twice now in the last two days I've found myself smiling. I shake my head in disbelief

I have a peculiar sense of newness. I'm not sure what it is. I have the feeling that the words that come to me are new. . . .

. . . . The sense of newness now is that the script is gone. I *find* myself thinking. I find myself talking. My words don't follow a prearranged pattern. They surprise me, even as I speak or think. Their unexpectedness catches my own attention, and, examining them, I discover what I *mean* to say.

I know what it is: I'm not being tested any longer. I've stopped submitting myself to an unending examination that I keep failing, question by question, letting the accretion of terror from past failures foredoom the next failure and therefore further terror. That's gone, that perduring sense of catastrophe, both present and impend-

explanation carries conviction, that *one* solution to a mystery must be true. Once a given construction has acquired narrative truth, it becomes just as real as any other kind of truth

Id. at 31.

Hillman argues that we attend to the soul by attending to its pathologized condition.

This is the way Hillman puts it:

Each soul at some time or another demonstrates illusions and depressions, overvalued ideas, manic flights and rages, anxieties, compulsions, and perversions. Perhaps our psychopathology has an intimate connection with our individuality, so that our fear of being what we really are is partly because we fear the psychopathological aspect of individuality. For we are each peculiar; we have symptoms; we fail, and cannot see why we go wrong or even where, despite high hopes and good intentions. We are unable to set matters right, to understand what is taking place or be understood by those who would try. Our minds, feelings, wills, and behaviors deviate from normal ways. Our insights are impotent, or none come at all. Our feelings disappear in apathy; we worry and also don't care. Destruction seeps out of us autonomously and we cannot redeem the broken trusts, hopes, loves.

HILLMAN, *supra*, at 55. Hillman contends that it is "[w]hen you feel beaten, oppressed, knocked back . . . then something moves and you begin to feel yourself as a soul. You don't feel yourself as a soul when you're making it and doing it." JAMES HILLMAN, INTER VIEWS 11 (1983). "The soul builds its endurance, its 'stamina' . . . through hopelessness and depression." *Id.* at 19.

ing. In its place is a sense of exploring, of tentativeness, almost of daring. . . . The question has stopped being whether I shall fail or succeed. Now it's merely whether the thing I'm doing is new or interesting. I can even make mistakes and *call* them "mistakes," instead of immediately considering them calamities.¹⁸¹

. . . I know where I end and where other people begin.

. . . .

. . . I hear them [others who speak] because I don't get in my own way. I never understood what other people were doing because my needs made a barrier between me and any other person. But now I've torn away those unfulfillable needs. I deal with problems in this new way that I work out as I go along, and suddenly people themselves stand forth clearly to me in the very space where I used to see only mirrors. Incredible!¹⁸²

I follow Koller into her bleak pathologized world for two reasons. First, she uses self-reflection to rethink her life, to heal some of the wounds that shaped her fate. Second, I trust Alice Koller as a teacher about those parts of the self that we most want to ignore or deny. With Koller, as with Reich and Ilych, we confront directly this issue of trust. Can I trust the author of this narration of pathology to teach me something about the world, a world about which I often assume to know more than I actually do?¹⁸³

To read Alice Koller requires that we cultivate trust, knowing how vulnerable it is, and how often trust is betrayed. When Koller begins this story of how she became "unknown" to herself, I decide early on that I can trust her.¹⁸⁴ I may change my mind

181. KOLLER, *supra* note 140, at 214-15.

182. *Id.* at 240.

183. Is it possible, by attending to the story of Alice Koller, that I might experience in a different way the relation of my own success and failure? If I can understand the pathologized condition described by Alice Koller, and her world, can I better understand my own life?

184. Reading Alice Koller with others, I find that some readers do not trust her. For example, Koller reaches a point where she actively contemplates suicide. Koller has been careful to point out that self-reflection has its dangers and for Koller taking her own life may be one of them. Koller, as she begins to reflect seriously on the mess that her life has become, sees suicide as a rational and defensible way out—life fragmented and splintered, a life in which too much energy had been invested in a facade ultimately was a life, for

about her. I may be betrayed. I may learn that I cannot trust her when she talks about her life the way she does, or I may learn that my own judgment about who and what to trust are misguided. Over the years, I have learned to trust Alice Koller and her relentless pathologizing.¹⁸⁵

V.

The protagonist and narrator of Albert Camus's novel, *The Fall*, introduces himself to a patron in an Amsterdam bar as Jean-Baptiste Clamence—"a lawyer before coming here."¹⁸⁶ "A few years ago," says Clamence, "I was a lawyer in Paris and, indeed, a rather well-known lawyer."¹⁸⁷ And now, says Clamence, I am a "judge-penitent."¹⁸⁸

To the stranger in the bar, Clamence asks, "May I, *monsieur*,

Koller, not worth living. KOLLER, *supra* note 140, at 170-71, 198-200, 205-10.

Some readers respond negatively to Koller's story, first because they have no experience with the kind of relentless self-critique that Koller pursues and second, because her self-diagnosis is so bleak. The reader may respond to Koller's pathologizing and talk of suicide with one or another moralism: What do you mean, your life is a mess and you want to end it? The mess you are in is by comparison a small mess. It could be worse, much worse. And what makes you think your life is so bad? You have simply miscalculated how bad things are and how bad they can be. Alice, buck up, get on with it. You have elevated the rumblings in your own psyche to a justification for ending your life. Can you not see that you have deluded yourself? There is arrogance in the hope that you can (or should) be free of anguish, uncertainty, and knowledge of your own complicity in the mess of your life. What you seek is impossible, a freedom that lies beyond human possibility. You have got it all wrong.

185. While Koller has learned a great deal about her life, and has become my teacher in doing so, she argues that her new awareness cannot be taught.

It can't be taught, but it can be learned. You have only to set yourself to be both teacher and learner at the same time. What you learn is something true of yourself alone. The reason no one else can teach it to you is that anyone else who has such knowledge knows only something which is true of himself, of herself, alone, too. Should it be called "knowledge" at all, then, since it concerns what is unique, as every self is?

Id. at 216.

186. CAMUS, *supra* note 26, at 8.

187. *Id.* at 17.

188. *Id.* at 8. Clamence repeats the self-description but remains cryptic about what he means by "judge-penitent."

I have already told you, I am a judge-penitent. Only one thing is simple in my case: I possess nothing. Yes, I was rich. No, I shared nothing with the poor. What does that prove? That I, too, was a Sadducee . . . Oh, do you hear the foghorns in the harbor? There'll be fog tonight on the Zuider Zee.

Id. at 10.

offer my services without running the risk of intruding?"¹⁸⁹ What services, one wonders, can this lawyer offer anyone? The bar patron does not respond, either to this question, or to any that are put to him as Clamence commences his story. Faced with the stranger's silent assent, Clamence begins what the reader is soon to learn is a confessional monologue. Basically, Clamence is a man who cannot stop talking, cannot stop observing his past life and reporting his observations to us. As Clamence, commenting on his own pathologizing, puts it, "I seize any and every opportunity."¹⁹⁰ Clamence's intrusion on the stranger's solitude (the setting of the story is a virtually abandoned Amsterdam bar) is paralleled by Clamence's intrusion into the secure world of the reader. Bar patron and reader alike are lured into serving as an audience for Clamence's labored efforts to discover the truth about his life.¹⁹¹

Clamence, a lawyer of "noble cases," specializes in the fortunes of "[w]idows and orphans."¹⁹²

I was truly above reproach in my professional life. I never accepted a bribe, it goes without saying, and I never stooped either to any shady proceedings. And—this is even rarer—I never deigned to flatter any journalist to get him on my side, nor any civil servant whose friendship might be useful to me. I even had the luck of seeing the Legion of Honor offered to me two or three times and of being able to refuse it with a discreet dignity in which I found my true reward. Finally, I never charged the poor a fee and never boasted of it. Don't think for a moment, *cher monsieur*, that I am bragging. I take no credit for this. The avidity [eagerness, greed] which in our society substitutes for ambition has always made me laugh. I was aiming higher¹⁹³

189. *Id.* at 3.

190. *Id.* at 5.

191. Before the monologue ends Clamence raises a question about whether his companion in the bar is real or imagined. Clamence, under the influence of a fever, says of the confession, the companion, and his life: "I may have lived or only dreamed." *Id.* at 127. But would it matter? Some memories and dreams are like rocks hurled from the unconscious. Companion or not, we readers sit in the bar along with Clamence, listening to his story. Our listening has made it real.

192. *Id.* at 17.

193. *Id.* at 19-20.

He is not just a lawyer trying to do good, but righteous about virtue, he is “[a] real tornado!”¹⁹⁴

You would really have thought that justice slept with me every night. I am sure you would have admired the rightness of my tone, the appropriateness of my emotion, the persuasion and warmth, the restrained indignation of my speeches before the court. Nature favored me as to my physique, and the noble attitude comes effortlessly. Furthermore, I was buoyed up by two sincere feelings: the satisfaction of being on the right side of the bar and an instinctive scorn for judges in general.¹⁹⁵

Clamence is a man with a satisfied conscience; he is what we now call “politically correct.” “The feeling of the law, the satisfaction of being right, the joy of self-esteem, *cher monsieur*, are powerful incentives for keeping us upright or keeping us moving forward.”¹⁹⁶ Clamence reports: “I have never felt comfortable except in lofty places. Even in the details of daily life, I needed to feel *above*.”¹⁹⁷ Clamence contends that his life was an achievement that rose above “the vulgar ambitious man . . . to that supreme summit where virtue is its own reward.”¹⁹⁸ It is at these “heights” and “lofty places” of “supreme summits” that Clamence has staked out a life.

What could go wrong in such a life, a life defined by devotion to virtue? We know, from Clamence’s introduction of himself, the locale in which his story is being told, and the way the story begins, that something has gone wrong. But before we find out how Clamence has gone astray, and for his having done so to have any emotional impact on us, we must learn what kind of person he is, something of his character, and how his efforts at virtue have been born out in the way he lives.

In the beginning, before his days in Amsterdam bars, Clamence says, “you can already imagine my satisfaction. I enjoyed my own nature to the fullest”¹⁹⁹ “I took pleasure

194. *Id.* at 17.

195. *Id.* at 17-18.

196. *Id.* at 18.

197. *Id.* at 23.

198. *Id.*

199. *Id.* at 20.

in life and in my own excellence."²⁰⁰ It was, says Clamence, a life "lived with impunity."²⁰¹ A life "shielded from judgment as from penalty" ²⁰² There was, he says, "no intermediary between life and me;"²⁰³ it was a life blessed by happiness and pleasure and contentment with lofty heights, heights that Charles Reich describes but experiences only in fleeting moments. Clamence, unlike Reich, experiences his success "[a]t every hour of the day;" he is able to constantly "scale the heights and light conspicuous fires" and experience a "joyful greeting" rising toward him.²⁰⁴ Clamence takes "pleasure" in his "own excellence."²⁰⁵

Clamence seems overly self-conscious of his virtue, taking satisfaction in the assumptions he makes about his own good character.

I always enjoyed giving directions in the street, obliging with a light, lending a hand to heavy pushcarts, pushing a stranded car, buying a paper from the Salvation Army lass or flowers from the old peddler, though I knew she stole them from the Montparnasse cemetery. . . .

Let us speak . . . of my courtesy. It was famous and unquestionable. . . . If I had the luck, certain mornings, to give up my seat in the bus or subway to someone who obviously deserved it, to pick up some object an old lady had dropped and return it to her with a smile I knew well, or merely to forfeit my taxi to someone in a greater hurry than I, it was a red-letter day.²⁰⁶

It is one thing to endeavor to lead a virtuous life but another to glory in it. We begin to suspect Clamence. What kind of person proclaims his own goodness? Do those who do good and make a life of it entitle themselves to self-laudatory thoughts, or does Clamence's self-laudation in some way undermine his proclaimed virtue? Can we claim goodness for ourselves or must we rely upon others to render judgment on our character? Clamence says

200. *Id.* at 25.

201. *Id.*

202. *Id.* at 27.

203. *Id.*

204. *Id.* at 25.

205. *Id.*

206. *Id.* at 21.

enough to speculate that his devotion to virtue puts him in danger of what C.G. Jung called inflation,²⁰⁷ an overdetermined view of one's place in the world.

Before any attempt can be made to assess Clamence's claims to virtue, we must listen, painful as it may be, to Clamence tell his "inflated" story of the good life.

Familiar when it was appropriate, silent when necessary, capable of a free and easy manner as readily as of dignity, I was always in harmony. Hence my popularity was great and my successes in society innumerable. I was acceptable in appearance; I revealed myself to be both a tireless dancer and an unobtrusively learned man; I managed to love simultaneously—and this is not easy—women and justice; I indulged in sports and the fine arts [J]ust imagine, I beg you, a man at the height of his powers, in perfect health, generously gifted, skilled in bodily exercises as in those of the mind, neither rich nor poor, sleeping well, and fundamentally pleased with himself without showing this otherwise than by a felicitous sociability.

. . . .
. . . Each joy made me desire another. I went from festivity to festivity. On occasion I danced for nights on end, ever madder about people and life.²⁰⁸

Fatigue, when he experienced it, passed and he "would rush forth anew. I ran on like that, always heaped with favors, never satiated, without knowing where to stop" ²⁰⁹

Clamence was equally blessed, he tells us, in his pursuit of happiness and virtue as a lawyer:

[the legal profession] satisfied most happily that vocation for summits. It cleansed me of all bitterness toward my neighbor, whom I always obligated without ever owing

207. Clamence's inflation is found in his view of himself as "something of a superman," a "king's son," a "burning bush," as being "marked out" for success, soaring through life, at ease in everything, having achieved a "relaxed mastery." *Id.* at 28, 29. Clamence is "riding the crest of the wave." *Id.* at 37.

208. *Id.* at 27-28, 30.

209. *Id.* at 30.

him anything. It set me above the judge whom I judged in turn, above the defendant whom I forced to gratitude. Just weigh this, *cher monsieur*, I lived with impunity. I was concerned in no judgment; I was not on the floor of the courtroom, but somewhere in the flies like those gods that are brought down by machinery from time to time to transfigure the action and give it its meaning. After all, living aloft is still the only way of being seen and hailed by the largest number.²¹⁰

Being a lawyer does not hamper life's joys as it did for Charles Reich. But rather, delight, says Clamence, has been felt "especially in my profession."²¹¹ Clamence's ease with success reminds us of Ivan Ilych. It is, Clamence finds, "a result of being showered with blessings," so much so, he feels "marked."²¹²

But there are indications from Clamence himself that all was not well. He finds that he is far less comfortable "in the details of daily life" than "in lofty places."²¹³ He has always "needed to feel *above*."²¹⁴ He later observes that: "I was at ease in everything, to be sure, but at the same time satisfied with nothing."²¹⁵ Clamence, like Ilych, has been so successful that he "never had to learn how to live."²¹⁶ He says later, he has "dreamed" himself to be a "complete man who managed to make himself respected in his person as well as in his profession."²¹⁷

Clamence indeed seems blessed "until the day—until the evening rather when the music stopped and the lights went out."²¹⁸ There is an incident one night walking home. He hears laughter, but there is no one in sight. When Clamence reaches his apartment, he reports: "I was dazed and had trouble breathing. That evening I rang up a friend, who wasn't at home. . . . I went into the bathroom to drink a glass of water. My reflection was smiling in the mirror, but it seemed to me that my smile was

210. *Id.* at 25.

211. *Id.* at 22.

212. *Id.* at 29.

213. *Id.* at 23.

214. *Id.*

215. *Id.* at 29-30.

216. *Id.* at 27.

217. *Id.* at 54.

218. *Id.* at 30.

double²¹⁹ In “a successful life” proclaimed “without immodesty”²²⁰ one would assume that a bit of strange laughter of the sort Clamence reports would be readily forgotten. Not only were Clamence’s successes “innumerable”²²¹ but he has a feeling of “relaxed mastery” and “completion.”²²² Clamence’s experience of life seems in almost every way the reverse of Charles Reich’s and Alice Koller’s. He has, in a psychological sense, everything they seek. How then, can strange and annoying laughter, a doubleness of image in the bathroom mirror, be the undoings of such a successful, satisfied man? What fate can draw a man out of the shell of success and security?²²³

After the incident involving the mysterious laughter, Clamence finds that “a sort of silence” has descended on him and like Ilych he seeks the advice of physicians.²²⁴

I was waiting, I believe. . . . I also had some health problems at that time. Nothing definite, a dejection perhaps, a sort of difficulty in recovering my good spirits. I saw doctors, who gave me stimulants. I was alternately stimulated and depressed. Life became less easy for me: when the body is sad the heart languishes. It seemed to me that I was half unlearning what I had never learned and yet knew so well—how to live. Yes, I think it was probably then that everything began.²²⁵

What a thin veneer this armor of success turns out to be, pierced so suddenly, without expectation, by laughter of the unseen!

The laughter incident evokes a memory: Clamence had witnessed a young woman jump from a bridge and disappear in the river. He realizes, in retrospect, that he might have saved the woman, but he made no attempt to do so. The strange laughter echoes the cry of the young drowning woman as she moves

219. *Id.* at 39-40. Clamence says that the sign that represents his life is that of “a double face, a charming Janus.” *Id.* at 47.

220. *Id.* at 28.

221. *Id.* at 27.

222. *Id.* at 28, 39.

223. The archetypal motif of the fall of a good man is most vividly presented in the Biblical story of Job. For a modern translation, see *THE BOOK OF JOB* (Stephen Mitchell trans., 1987).

224. *CAMUS*, *supra* note 26, at 42.

225. *Id.* at 42-43.

downstream to her death.²²⁶ This incident with the strange haunting laughter takes Clamence by surprise, a surprise that calls his life into question. The memory of the drowning woman's death cry brings Clamence to speak more honestly of himself: "I had the suspicion that maybe I wasn't so admirable."²²⁷ Suddenly, the all-embracing virtuous life is revealed (as the reader has long suspected) as a cover story.

Clamence begins to see himself "bursting with vanity. I, I, I is the refrain of my whole life, which could be heard in everything I said. I could never talk without boasting"²²⁸ Clamence's self-diagnosis confirms what the reader has already concluded—there is a dark, shadow side to all this talk of self-proclaimed virtue:

I recognized no equals. I always considered myself more intelligent than everyone else, as I've told you, but also more sensitive and more skillful, a crack shot, an incomparable driver, a better lover. . . . I admitted only superiorities in me and this explained my good will and serenity. When I was concerned with others, I was so out of pure condescension²²⁹

"In short, I wanted to dominate all things."²³⁰ "I discovered in myself sweet dreams of oppression."²³¹ "I lived my whole life under a double code, and my most serious acts were often the ones in which I was the least involved."²³² "For more than thirty years I had been in love exclusively with myself."²³³ Clamence had perfected an illusion of virtue, a "fine picture" of himself, an idealized self-image presented to the world as a persona. Clamence has fashioned a public identity for himself rooted in self-deception. "I had dreamed," says Clamence "of being a complete man who managed to make himself respected in

226. *Id.* at 69-70.

227. *Id.* at 77.

228. *Id.* at 48.

229. *Id.*

230. *Id.* at 54.

231. *Id.* at 55.

232. *Id.* at 88-89.

233. *Id.* at 100.

his person as well as in his profession."²³⁴

Clarence's discovery of the truth about himself happens "little by little" following the evening he hears the repressed sound of the drowning woman's laughter.²³⁵ He tells us how he begins to uncover those parts of his life that did not fit the self-image, the shadow of his virtuous life.

First I had to recover my memory. By gradual degrees I saw more clearly, I learned a little of what I knew. Until then I had always been aided by an extraordinary ability to forget. I used to forget everything, beginning with my resolutions. Fundamentally, nothing mattered. War, suicide, love, poverty got my attention, of course, when circumstances forced me, but a courteous, superficial attention. At times, I would pretend to get excited about some cause foreign to my daily life. But basically I didn't really take part in it except, of course, when my freedom was thwarted. How can I express it? Everything slid off—yes, just rolled off me.

. . . .
I lived . . . without any other continuity than that, from day to day, of I, I, I. From day to day women, from day to day virtue or vice, from day to day, like dogs—but every day myself secure at my post. Thus I progressed on the surface of life, in the realm of words as it were, never in reality. . . . I went through the gestures out of boredom or absent-mindedness. . . .

Gradually, however, my memory returned. Or rather, I returned to it, and in it I found the recollection that was awaiting me.²³⁶

As the narrative proceeds, Clarence speaks more of his private life, in particular his life with women. "To begin with, you must know that I always succeeded with women—and without much effort."²³⁷ But here too, Clarence has created and lived behind a facade. Clarence tells us that he knew what women wanted, and acted to make them believe he was the kind of

234. *Id.* at 54.

235. *Id.* at 49.

236. *Id.* at 49-51.

237. *Id.* at 56.

person that could give them what they wanted. He manipulated them through sincerity, through his idealization of them ("setting them so high").²³⁸ He loved women, but it was an odd kind of love. Love was a "game," involving "little speech[es]" which he had "perfected."²³⁹ The complexity of the game lay in his ability to use a psychology of reversal: "[t]he essential part of that act [with women] lay in the assertion, painful and resigned, that I was nothing" and that the relationship would not work.²⁴⁰ Sensitive women "tried to understand me, and that effort led them to melancholy surrenders."²⁴¹ Clamence even returns to women after long absences and repeats the process a second time.²⁴² The essential technique, a manipulative skill, is to make that which is not love appear as love, a technique derived from his ability to keep all his "affections within reach to make use of them when I wanted."²⁴³

Clamence, with his new effort at honesty, can now laugh at himself. Moreover, he can admit that his depraved private life with women is a reflection of his public life with its "professional flights about innocence and justice."²⁴⁴ Being truthful about his relations with women, Clamence can no longer deceive himself "as

238. *Id.* at 57.

239. *Id.* at 61.

240. *Id.*

241. *Id.*

242. *Id.* at 62.

243. *Id.* at 68. The legal persona requires the reigning in of feelings. Seymour Wishman, exploring his work as a criminal lawyer, observes: "If a crime or a criminal had been particularly offensive, I had always coped with my feelings by putting them aside, out of the way of my professional judgments. My method of dealing with these kinds of cases had seemed emotionally necessary and ethically appropriate." WISHMAN, *supra* note 41, at 42. Wishman finds that what initially is viewed as an emotional necessity takes its toll when the need to "function dispassionately" separates his "emotional and intellectual reactions." *Id.* at 239. Wishman concludes:

[emotional] detachment had been of an even colder sort because I had been conjuring up false emotions in an effort to influence the jury. I was suddenly, overwhelmingly aware of just how much these contrived emotions had been deceitful performances—calculated lies. Too many of the performances had been successful, and, as a result, I had become suspicious of my own emotions in other contexts. And certainly I had been suspicious of the emotions expressed by others

Id. at 240.

244. CAMUS, *supra* note 26, at 66. One wonders whether Clamence's relations with women is not an analogue of his relation with clients, perhaps an analogue of the relation that many lawyers have with clients.

to the truth” of his character.²⁴⁵ He laughs at the foolishness of his speeches and pleadings in court. “Even more,” he says, “at my court pleading than at my speeches to women.”²⁴⁶

Clarence calls what has happened, and his feelings about himself, shame, but only reluctantly and without commitment. But whatever the feeling, he claims it has never left him since the “adventure” on the bridge and the cries of the drowning woman that lies “at the heart” of his memory.²⁴⁷

Where does Clarence’s insight and self-discovery lead? We want to think it leads somewhere, that it might result in a more truthful life. If self-knowledge is a way of seeing ourselves more truthfully, then we want to think that seeing ourselves truthfully will be an impetus for a more responsible professional life. But Clarence, like the alcoholic unready to give up drinking, has not reached bottom; not yet.

To be sure, I knew my failings and regretted them. Yet I continued to forget them with a rather meritorious obstinacy. The prosecution of others, on the contrary, went on constantly in my heart. . . . [D]oes that shock you? Maybe you think it’s not logical? But the question is not to remain logical. The question is to slip through and, above all—yes, above all, the question is to elude judgment. . . . [I]t’s a matter of dodging judgment, of avoiding being forever judged without ever having a

245. *Id.*

246. *Id.* at 65.

247. *Id.* at 69. Earlier Clarence has noted that “the heart has its own memory.” *Id.* at 6. Clarence’s monologue, lasting we are told some five days, is itself a work of memory, creating a story that moves from the surface of how he has lived (with a set of assumptions about his self-proclaimed virtuous life) to the darker shadow side of his character. The story that Clarence tells is a work of remembered life:

First I had to recover my memory. By gradual degrees I saw more clearly, I learned a little of what I knew. Until then I had always been aided by an extraordinary ability to forget. I used to forget everything

. . . . I never remembered anything but myself.

Id. at 49-50. “But just think of your life, *mon cher compatriote!* Search your memory and perhaps you will find some similar story that you’ll tell me later on.” *Id.* at 65. “[A]fter prolonged research on myself, I brought out the fundamental duplicity of the human being. Then I realized, as a result of delving in my memory, that modesty helped me to shine, humility to conquer, and virtue to oppress.” *Id.* at 84. Clarence speaks of practicing a “useful profession” that “consists to begin with . . . in indulging . . . myself up and down. It’s not hard, for I now have acquired a memory.” *Id.* at 139.

sentence pronounced.²⁴⁸

Clarence has used success to avoid being judged. “[W]ealth shields from immediate judgment, takes you out of the subway crowd to enclose you in a chromium-plated automobile, isolates you in huge protected lawns, Pullmans, first-class cabins. Wealth, *cher ami*, is not quite acquittal, but reprieve, and that’s always worth taking.”²⁴⁹

In seeing himself more clearly, Clarence becomes distrustful and vulnerable.²⁵⁰ His social and public world begins to fall apart. He becomes “aware only of the dissonances and disorder that filled me; I felt vulnerable and open to public accusation.”²⁵¹ He discovers that he has enemies.²⁵² The truth takes its toll. “The day I was alerted I became lucid; I received all the wounds at the same time and lost my strength all at once. The whole universe then began to laugh at me.”²⁵³ The conversion to honesty does not make for instant healing.

There is not much need to wrestle with Clarence’s story if we assume we are morally innocent, or at worst, more moral than others. As a teacher of legal ethics I find that those who set out to be lawyers, regardless of their moral attentiveness, assume that they are, basically, essentially, good, honest, and true, and that in becoming a lawyer they will live a version of the good life. But are we, like Clarence, deceiving ourselves? Clarence argues:

[W]e don’t want to improve ourselves or be bettered, for we should first have to be judged in default. We merely wish to be pitied and encouraged in the course we have chosen. In short, we should like, at the same time, to cease being guilty and yet not to make the effort of cleansing ourselves. Not enough cynicism and not enough virtue. We lack the energy of evil as well as the

248. *Id.* at 76-77.

249. *Id.* at 82.

250. *Id.* at 77-78. Alice Koller also warns of the dangers of self-reflection. *See supra* note 179.

251. CAMUS, *supra* note 26, at 78.

252. *Id.* at 79.

253. *Id.* at 80.

energy of good.²⁵⁴

Clarence, the consummate game player, admits the difficulty of self-insight, and that even insight can become a game. Clarence, on this point, joins Alice Koller who warned that self-reflection can become an act, another role. "To be sure, I occasionally pretended to take life seriously. But very soon the frivolity of seriousness struck me and I merely went on playing my role as well as I could. I played at being efficient, intelligent, virtuous, civic-minded, shocked, indulgent, fellow-spirited, edifying"²⁵⁵ We are, it seems from Clarence's narrative, so strongly fortified against insight and so taken with game-playing that we will, without caution, undermine efforts at self-reflective honesty. One way Clarence defends himself against insight is by immersing himself in his work. "I was still living on my work although my reputation was seriously damaged by my flights of language and the regular exercise of my profession compromised by the disorder of my life."²⁵⁶ Clarence finds that his professional work is "compromised" by the disorder in his life.²⁵⁷ And the reverse is true as well; Clarence recognizes that "real vocations are carried beyond the place of work."²⁵⁸

Clarence, following the ebb and flow of his narcissism, bottoms-out and falls into "the most utterly forlorn state."²⁵⁹ "For more than thirty years I had been in love exclusively with myself."²⁶⁰ I had "a longing to be immortal."²⁶¹ "I was," says Clarence, "absent at the moment when I took up the most space."²⁶² The only way to proceed, Clarence concludes, is "to break open the handsome wax-figure I presented to the world."²⁶³

254. *Id.* at 83.

255. *Id.* at 87.

256. *Id.* at 106.

257. For a dramatic visual representation of the relationship of personal and private, see the film, *THE VERDICT* (Twentieth Century Fox 1982); see also REED, *supra* note 1.

258. CAMUS, *supra* note 26, at 130-31.

259. *Id.* at 96.

260. *Id.* at 100.

261. *Id.* at 102.

262. *Id.* at 87.

263. *Id.* at 94.

VI.

Jean-Baptiste Clamence engages in what he calls “public confession.”²⁶⁴ Charles Reich, a highly acclaimed Yale law professor and author of a best selling book, *The Greening of America*, writes at length about his self-diagnosed neurosis and repressed homosexuality. Alice Koller needs several hundred pages to tell the detailed story of her failed and fragmented life. Some readers are going to take objection to the idea that we might have anything to learn from this practice of public confession. We should, the objectors contend, bear the anguish of our pathologies in silence.

Confessional pathologizing, even if a distinctively human necessity, is awkward. We are warned against it, against whimpering and self-pity, of making private failures public; we fear being seen as sick, weak, vulnerable, confused, conflicted, impotent, inept, incompetent. We subscribe to the power of positive thinking. Winners ignore doubts. We believe in the virtue of having one self for the world to see (a comforting, non-doubting persona) and another for use when the world is not watching (a self that encompasses all that we are not willing to have the world to see and know).

We are taught many things, even to tell the truth, but we are not taught how to deal with the shadow (non-public, unrepresented, doubtful, dark) side of professional life. No one tells us how to use and to learn how these thoughts that cut against the grain of success are essential to any success worth having. Is it no surprise then, that we do not know exactly what to make of the confessions and pathologizing of Ilych, Reich, Koller, and Clamence? What do they teach? We are taught to turn away from pathologized views of the world. Belief in the power of positive thinking presets us against attentiveness to the power of bottom-up, pathologized thinking.²⁶⁵

264. *Id.* at 139.

265. James Hillman uses the term pathologizing “to mean the psyche’s autonomous ability to create illness, morbidity, disorder, abnormality, and suffering in any aspect of its behavior and to experience and imagine life through this deformed and afflicted perspective.” JAMES HILLMAN, *A BLUE FIRE* 143 (Thomas Moore ed., 1989).

We pathologize—look at the world and ourselves from the perspective of our pathologies—so we can see, experience, and act on the contrast between surface and depth, appearance and reality, worth and waste, success and failure, as they produce conflict and energy in our lives.

To talk about our symptoms, our pains and suffering, our pathologies, is a way, according to James Hillman, back to the soul, and a needed re-visioning of psychology. Hillman makes pathologizing central to soul-centered psychology. “Fundamental to depth

Why, then, confess to the kind of shadow life that figures so prominently in the narratives and autobiographies explored in this essay? Why should we bother to concern ourselves with the failures outlined so vividly by Ilych and Clamence? It is, evidently, uncomfortable to have the unsaid bearing down on us, weighing on us, pulling at us.²⁶⁶ We confess to alleviate the incongruity of what we know (the real, the true) and others do not (appearance, facade). We confess to honor the gap, the distance, the gulf, that lies between who we are and what we purport to be (Clamence), who we are and what others would have us be (Reich and Koller). Confession comes from an articulation of self-acknowledged failure: I did not love enough; my love was too modest; my need to win harmed others. I did not care enough; I held myself out to be an altruist when I cared most about myself. In becoming a judge of others, I learn, with Clamence, that I have mistakenly assumed that I could remain free from judgment. We confess because we are burdened with lives that deviate from the straight and narrow of well-worn paths.

Confessions are never straightforward, as in the recital of facts; they are no more truthful in this literal way than any other description of human affairs. Confession takes us into a labyrinth of rationalization, self-deception; a world of entangled stories,

psychology and to the soul is hurt, affliction, disorder, peculiarity" JAMES HILLMAN, *On the Necessity of Abnormal Psychology: Ananke and Athene*, in *FACING THE GODS* 1, 1 (1980). The symptom, starting point in Freudian psychoanalytical psychology, is for Hillman, an opening into the labyrinth of the soul. Russell Lockhart, another follower of C.G. Jung, points out:

From the perspective of analytical psychology, a symptom not only expresses an underlying psychic process but also may represent a *positive* attempt by the unconscious to force the individual into a process of consciousness, the aim of which is a progressive realization of the Self.

RUSSELL A. LOCKHART, *WORDS AS EGGS: PSYCHE IN LANGUAGE AND CULTURE* 9 (1983). Lockhart goes on to suggest that ridding an individual of his symptoms "may be clothed in humanitarianism, but it may also deprive him of an opportunity to learn the meaning of his own life. It may, in fact, deprive him of the opportunity and will toward individuation." *Id.* at 31

266. We speak our minds and say what we know about our lives to ease the pressure: we want to get shadow matters "off our chest." We confess this shadow life to ease the burden, to speak the unspeakable. The basic honesty we learn as children calls for confession; humility demands it. Confession is integral to psychological therapy, some religious practices, and to our present system of justice. (The conviction of criminal defendants often relies upon confession of the defendant.). The severity of justly deserved punishment, for the criminal and non-criminal alike, is thought to depend on confession. While it's hard to find anyone, except practicing Catholics, young children, and naive first criminal offenders, expected to confess on a regular basis, yet, we continue to confess.

stories that conflict and confound; stories in which we ask for forgiveness (from ourselves and others) and it is not forthcoming, or it comes too late, or it comes but with reservations.

A confession leaves us breathless, fearful, confused, at a loss for words, or numb to feeling. Confession turns what was solid ground beneath us to quagmire. In a heart-rending moment of confession, a new version of the truth is pronounced, and we learn in the most frighteningly immediate and real way about truth, a truth that relocates us in a different story, a different world than the one we had imagined for ourselves in the moment prior to the confession.²⁶⁷ A confession derails stories and is itself a kind of story. In confession stories the lives we live are diagnosed and we are asked to see a life from the bottom up. A confessional narrative has the power to change the life we think we are always, forever, going to be living. Alive and well, a plan and a purpose, doing what we want, getting ahead; the confessional stories explored in this essay suggest it could, at any time, be otherwise.²⁶⁸

We do not enter readily this world of self-diagnosed failure; a world by nature bleak, unappealing, and dark. In this world of failed dreams, false virtue, and success achieved at the highest of moral and psychological cost we are all neighbors who treat each other as strangers.

The stories presented here confront us with the harsh reality of lives that have gone astray, with choices and fates that

267. Some confessions, small in nature, do not shake the world. I do not keep my checkbook balanced; I have loved two women and did not have the courage to be honest with either. The confession of a spouse, "I have been having an affair," works differently than saying "I confess that I am bored with my work." We know the difference, in confessing that we have AIDS and admitting that we do not spend enough time with our aging parents.

268. We may all, sooner or later, get to a cross-roads, a life-stage, where we find we have trouble getting on with what we are doing. Our imaginative energy for the work dries up; or we see, anew, with new images, the way the work deforms the story we most want to live. Something, in our work, our loving, our images, seems inadequate, or false, and we are thrown into turmoil, crises. What we have taken to be virtue now reveals itself to be vice, old ways of doing things now make us sick, feats of strength are now seen as destructive. Ease becomes dis-ease. Reality catches up with and trumps appearance. Our pathology has caught up with us. Our immunity to disorder is cancelled. We find ourselves uneasy with life, with the work we do, with the person we have become. Something has gone wrong.

undermine dreams of success.²⁶⁹ We are placed (as readers and as lawyers) in an awkward position. We can resist and turn our back on these confessional narratives,²⁷⁰ question the narrator's self-diagnosis, patronize their disappointment and suffering, go on about our lives, or we can enter the fray and see how the misshaping, corrosive forces found in these narratives are induced in our own lives by the way we imagine our work and our lives as lawyers.

Some of us will shy away from these "shadow" narratives and the pathologized images they present. The reason is simple: "[t]he conscious self, the daytime self, ordinarily has no interest in exploring the dark; it is only when ego-consciousness feels itself about to be engulfed that it acts."²⁷¹ Lawyer stories of disaffection and pathology, like lawyer jokes and cartoons,²⁷² confront us with realities we would rather ignore.

If the stories of disaffection are real, in relation to the lives lawyers live, they demand attention.²⁷³ What we may come to

269. Thomas Moore argues that one who cares for the soul is at ease with the unexpected. THOMAS MOORE, *CARE OF THE SOUL: A GUIDE FOR CULTIVATING DEPTH AND SACREDNESS IN EVERYDAY LIFE* 17 (1992). "If we are going to be curious about the soul, we may need to explore its deviations, its perverse tendency to contradict expectations. And as a corollary, we might be suspicious of normality." *Id.* at 18.

270. Professionals have access to a variety of practices that protect and shield them from education by way of confessional narrative. The strong and powerful of politics, business, and the professions have created a world in which the currency of truth is constantly devalued, making it hard to imagine any social or pedagogical investment in a study of how lives go astray. In our fast-track culture, those who confess to failure and pathology are simply dysfunctional or self-destructive. The live-for-success fascination with manipulative commercialized images warns us away from confessional narratives.

271. WILLIAM J. O'BRIEN, *STORIES TO THE DARK: EXPLORATIONS IN RELIGIOUS IMAGINATION* 41 (1977). What we learn from a story, assuming that a story may help us learn something about life, depends on how we read it, what we think we need to learn, and what we are open to learn about what we assume we already know.

272. Consider how lawyers get defensive when the legal profession is criticized. We laugh at lawyer jokes because it is threatening to see them as truthful, as reflections of how we are seen by others.

273. Jean-Baptiste Clamence claims that his confessional narrative is not a narcissistic indulgence but implicates the life of the reader:

[L]et me point out that I don't accuse myself crudely No, I navigate skillfully, multiplying distinctions and digressions, too—in short, I adapt my words to my listener and lead him to go me one better. I mingle what concerns me and what concerns others. I choose the features we have in common, the experiences we have endured together, the failings we share—good form, in other words, the man of the hour as he is rife in me and in others. With all that I construct a portrait which is the image of all and of no one. A mask, in short, rather like those carnival masks which are both lifelike and stylized, so that they make people say: "Why, surely I've met him!" When the portrait is

finally admit is that “[t]he lives of those who failed are equally real, equally lived—perhaps they were lived better, but at all events it cannot be denied that they were there.”²⁷⁴ To enter the world of Ivan Ilych we must accept the reality of his fall into anguish. We cannot appreciate Reich’s Charlie persona and his description of the Law Firm World until we see and feel what it means to compartmentalize our lives. Koller’s pathologies will be alien to us until we see courage in her relentless effort to “unearth” a self beneath her fragmented life. Jean-Baptiste Clamence’s story records the musings of a Parisian lawyer who spends his waking hours in an Amsterdam bar until we accept the possibility that assumptions about our own goodness can lead to an elaborate facade and a cover story rooted in self-deception and denial.

Yet, we as readers have ways to keep the protagonists of stories, fictional and autobiographical, at arms length to avoid readings that question our own life.²⁷⁵ We assume that in our own lives we are captains of the ship and can avoid the tangled messes in which the text-bound protagonists find themselves.²⁷⁶

finished, as it is this evening, I show it with great sorrow: “This, alas, is what I am!” The prosecutor’s charge is finished. But at the same time the portrait I hold out to my contemporaries becomes a mirror.

CAMUS, *supra* note 26, at 139-40.

274. PETER GOODRICH, *LANGUAGES OF LAW* 16 (1990). Goodrich makes a strong claim for the study of failure.

To trace the underside of a discipline—to ask what it cost—is to recuperate the specific motive fears that underlie the form of life, the weaknesses that border any science conceived as truth, the excluded lives, the solitary figures, the ashes of those who were burnt in the name of law. It is not just that myth or irrationality are the necessary boundaries, the limits, of a science, but also that the underside, the failures, the other history of a discipline, provides a ground for reinterpretation.

Id. at 17.

275. One way we distance ourselves from the reality of Ilych’s and Clamence’s “fall” is to read them as “fiction.” For a brief commentary on the use of the fictional/real dichotomy to distance ourselves from the moral lessons of lawyer narratives, see James R. Elkins, *The Stories We Tell Ourselves in Law*, 40 J. LEG. EDUC. 47, 59-63 (1990). Yet, Koller and Reich are, in a sense, as fictional as Ilych or Clamence. We read the autobiographical accounts of their lives and doubts arise as to how much of their self-diagnosis can be literally true. What literal truth is there in the self reporting on itself? We have strategies for distancing ourselves from reality just as we do from “fiction.”

276. As readers we distance ourselves by placing ourselves outside the text—a reader is always an outsider—so we can see the narrator’s self-diagnosed pathology as a mistake that could have been, with reasonable care, avoided. A reader can find in her own life, careful, deliberate choices make a different, safe life (a life more immune to pathology than was Ilych, Reich, Koller, or Clamence) possible.

We assume we can avoid going astray. Like Tolstoy's Ivan Ilych, we assume we know what we want, can follow the well-worn path, take our promotions and yearly raises, adapt ourselves to family and community, and move through life day-to-day without reflection, regret, or sadness.²⁷⁷ Some contend that living this way is a virtue. Their advice goes something like this: Live life one day at a time.²⁷⁸ Living life one day at a time may be the only way it can be done—if Necessity would have it so—and again it may turn out to be one of these slogans that hides us from a once healthy illusion devoured by self-deception.

Consider another kind of distancing, one that puts us at arms-length from Alice Koller and her pathologies. Some readers will find Koller's self-diagnostic autobiography too much to bear. She suffers too much. She is self-absorbed in pain. Who, the skeptical reader asks, can possibly benefit from the pains of another person's life recounted so exhaustively? What are we supposed to learn from a woman who has been unable to form lasting commitments and has, by her own account, no self-sustaining sense of purpose in life? How can any one of us, profession-bound, achievement-oriented, with the conditions for material success in place, contemplate a life from the perspective of its pathologies?²⁷⁹

One fear is that no one can be so hard on themselves and continue to function. (Lawyers risk placing the ability to function

277. "Sadness is a rattlingly common experience . . ." Leon Wieseltier, *The Prince of Bummers*, NEW YORKER, July 26, 1993, at 40, 40 (A brief phenomenology of sadness, and the place of sadness in the songs of Leonard Cohen, the "prince of bummers.")

278. The admonition to slow down may mean that we should think about getting off the fast-track and living more simple lives, or it may mean that we are to immerse ourselves in the reality of everyday life, a reality so compelling that we can avoid self-reflection.

279. With my life working the way it does, and with the security it affords (juxtaposed against the uncertain fate that so many experience in their day-to-day lives and that must surely wait in the wings for me as well), I can read my life story as a counter-point to the story of disaffection told by Alice Koller.

No one of us may paint our own life in the bleak terms that Alice Koller uses. I do not. I have work that constantly reminds me of the need for what Robert Pirsig in *Zen and the Art of Motorcycle Maintenance* calls Quality. See ROBERT PIRSIG, *ZEN AND THE ART OF MOTORCYCLE MAINTENANCE: AN INQUIRY INTO VALUES* (1974). Teaching law students demands as much excellence of craft and character as I can muster. Consequently, there has never been a moment in my 17 years of teaching when I could say of teaching, as Koller does of her work, that it is a "little busy-work job." See KOLLER, *supra* note 140, at 2. Teaching work has always, for me, loomed bigger than the life I find possible to make of it. I do not share with Koller the sense that "I'm just using up a number of days." See *id.* at 1. My days are full, alive, rich, demanding.

ahead of their continued psychological well-being). Another concern is that turning inward in the way Koller does only makes matters worse. Koller's self-analysis appears, to the action-oriented student of law, as dysfunctional.²⁸⁰ A law student, or young lawyer, unlike Koller, may not imagine herself at "this outermost edge" of life.²⁸¹ Becoming a lawyer is, after all, as Charles Reich observes, a way of becoming an insider, a way to experience being "in" on the action. The problem for Koller's lawyer readers, as in readers of Ivan Ilych's despair, is that they may have little sense of connection to the outermost edge of their lives. And how could they when legal work catches us up in the illusion that we are at the center of things?

There are many ways to distance myself from Koller, and when I do a quiet calm settles in, a sense of reassurance; I am not living this story that Alice Koller tells. I am a man and Koller is a woman. That might make a difference. (The difference it might make may get lost in the psychological politics of our present thinking about gender differences.) I may see Koller as telling a disempowering victim's story.²⁸² Or, perhaps things aren't as bleak as Koller would have us believe. It is tempting to talk back to Koller, to say to her, things will get better. They do for me; they will for you. Perhaps the story she tells distorts the relation of bad and good times in her life. One way to distance ourselves from pain and suffering is to question the reliability of the narrator.

If I am not in the mess that Koller is in, I can keep Koller's story at arm's length. My own life, at least by one accounting of it, seems too simple and straightforward, normal and secure, for any identification with Koller's narrative of disaffection. Whatever mess I find myself in or imagine for myself, my own troubles pale by comparison with Koller's.

The stories of disaffection and pathology turn a settled world of achievement and success on its head. They suggest, as they unsettle us, an element of life we busily avoid and deny. They implicate the tendency of lawyers to use self-deception and denial

280. It is not only Alice Koller's story that legal readers will find problematic, but any story that calls into question the ego trips we take as lawyers.

281. KOLLER, *supra* note 140, at 17.

282. My own reading of Koller's pathology is that she does not seek relief by blame or stepping away from her own responsibility. Consequently, I do not see Koller as a victim or as telling a victim's story.

to get what we think we want (and what we assume our profession demands). It is difficult to accept the possibility that we are engaged in self-deception and self-destruction. We see those around us doing it. And we can, in brief glimpses, see that we ourselves do it. So what is one to do? You can deny it. You can rationalize it. And you can try to understand how it works.²⁸³

The path to success, paved with good intentions and social encouragement, is no guarantee that we will not go astray. If, as Francis Allen argues, "victories are not inevitable" and "effort and rectitude" are not enough, then "there is no certainty that the forces of light will prevail over the forces of darkness."²⁸⁴ One might speculate that there are pedagogical and professional consequences in the knowledge that

one may devote a lifetime to a purpose or a cause, make sacrifices of health and pleasure, and still be denied the satisfaction of seeing one's goals achieved. But there is perhaps an even more insidious realization. One may pay dearly to achieve one's purpose and succeed, only to discover that one's small triumph is too insignificant to matter; or, even worse, to conclude that one was mistaken in his choice of goals, recognizing that one's achievement has done harm rather than good.²⁸⁵

Professional life, with all its satisfaction, exhilaration, and wonder carries an underestimated, unexamined, dark side. Stories of lawyer pathology suggest a need to be more attentive to the dark, shadow side of professional life, to the pain, agony, suffering, and tragedy that we live in and live out, and to which lawyers, by the nature of their work, cannot be strangers. The knowledge that others have gone astray, or that the success

283. The gap between the way I live and the story I tell is both a measure of self-deception and a reflection of the hope that I have for myself. There is some possibility that I can use my story (if I am able and willing to articulate it) to help me see the tendency to engage in self-deception and how self-deception undermines what I want my story to mean. One of the ways we disguise our lives is in glorifying them, taking up and living illusions that we have created for ourselves (or had created for us). We tell stories that embody phantasies of glory and use them as a subterfuge to avoid the truth. While some of our illusions are healthy, sustaining ideals that receive harsh treatment in the world, others are the makings of neurotic stances and pathologies in the making.

284. FRANCIS ALLEN, *LAW, INTELLECT, AND EDUCATION* 156 (1979).

285. *Id.* at 15-16.

achieved by Robert Service or Ivan Ilych comes at high cost, will not be a final deterrent to folly's in the life we have set out to live. But the failure to heed the warnings implicit in these and other cautionary tales should not deter us from remembering and taking whatever precautions we can.

If you take the stories of Ilych, Reich, Koller, and Clamence seriously, they offer a look around the corner of professional life by demanding that we pause and ask: How does this way of life I have chosen as a lawyer lead to trouble? Do lawyers not attempt, in the name of professional virtue, to distance themselves from the painful realization that law has its own dark shadow and that this shadow is cast over and into the life of those who practice law? What are we to do with our pathologies, the small ones of everyday life, and the large ones that threaten to engulf us? Can our pathologies be viewed through any lens other than that of dread? Can they be re-visioned as potentially transformative rather than as troubles to be eradicated?²⁸⁶

To understand how the culture of legal work with its gloss of idealization can lead us astray, into moral confusion, arrogance of certainty, and willed effort to deny the harm we do ourselves, we may find stories of disaffection helpful. Stories of disaffection can be instructive as evocative works of literature, as moral cautionary tales, and as psychological explorations that can be "put to work" in our own lives.²⁸⁷ Pathologizing combats the inflation (as costly in personal life as in the economy) of false optimism and illusion and grounds us in the humility of convoluted self-deceptions and the inability to achieve perfection. It makes our lives real, as it makes them truthful. It highlights hope by calling success and deluded optimism into question. Stories, in

286. The case of pathology re-visioned as a life's work that has most influenced me is that of C.G. Jung, recounted in his autobiography, *CARL G. JUNG, MEMORIES, DREAMS, REFLECTIONS* (Richard & Clara Winston trans., Aniela Jaffe ed., Vintage Books 1989) (1961).

287. James Boyd White suggests we adopt an approach to reading, "a way of reading," that connects reading to living. *JAMES B. WHITE, WHEN WORDS LOSE THEIR MEANING* 5 (1984). There is, says White, "a way of engaging the mind with a text, and learning from it, that will affect the way one lives both with other texts, including those of one's own composition, and with other people." *Id.* The confessional stories of self-diagnosed pathology work on the reader and are "put to work" because "the relationship between reader and writer is a kind of negotiation in which the reader constantly asks himself what this text is asking him to assent to and to become and whether or not he wishes to acquiesce." *Id.* at 16. A story can, argues White, teach us "how it should be 'read'" and "how it should be understood and lived with, and this in turn teaches us much about what kind of life we can and ought to have, who we can and ought to be." *Id.* at ix-x.

particular stories of disaffection, may push us toward reflection we would not otherwise do; they push us to consider new configurations of meaning that make our lives more attentive to vulnerabilities, disabilities, and darkness.

We may find, in the pathologized and pathologizing characters of lawyer stories, something of value buried where we least expect to find it. We may find that honest, truthful accounts of how life fails will help us respond to the question that Socrates, the patron saint of legal education, made the first question of philosophy: How is one (who happens to be a lawyer) to live a good life?

