

# The Quest for Meaning: Narrative Accounts of Legal Education

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## Questions When the Journey Begins

Imagine for a moment the exhilaration of setting forth on a journey you have chosen to take. Beginning law school is itself a journey, and, like any venture from home, it brings questions, doubts, and concerns.

When students begin their legal education they have questions about their choice, about what they have left behind, about what kind of character they will have as a lawyer, and what kind of person they will turn out to be. Such questions are the soul's intrusion into the mundane activities of beginning—finding a place to live, getting a new phone, opening a bank account, buying books, figuring out where to sit in the classroom. Our questions tell us something about who we are and what is happening to us, about who we have been and who we are about to become. When we begin a journey, something makes us pause and reflect on the possibility that the journey will change things, that some transformation will occur.

There are also doubts in the psychological moment of beginning. Our questions carry our doubts. With doubt we circle around rather than drive forward. Doubts call into question the inevitability of our moving toward some set destination.

*What am I doing here?  
Will I be able to do it?  
What do they expect of me?  
Does it have to be done this way?  
Is this way of learning going to help me become a good lawyer?  
Why am I so anxious?  
Why does everyone seem to know so much more than I do?  
Why can't I seem to get it right?  
How long will it take?  
Is it worth it?*

We look for quick answers to such questions because we want to be sure that our effort (and pain) will produce good results, that our labors will be rewarded, that the journey takes us where we want to go. Carla Needleman, in a book of meditations about skills and failures in craftwork, observes that "[t]he need for positive results is so much a part of our way of life, the

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attitude of the achiever is so fixed in us, that we scarcely can envision a different way of life.”<sup>1</sup>

One of the most poorly kept secrets in legal education is that there is something important going on in the first year of law school. (Law teachers have their own reasons for wanting to teach in the first year, reasons that sometimes ignore what draws them to teaching.) Our students' questions about where they are and what they are doing, about what it means *actually* to become the kind of person that it takes to practice law and how the practice of law will affect their life, as well as their questions about the law and how it works, slow them down and suggest that legal education is at once more and less in reality than it promised to be.<sup>2</sup> If reaching a specific destination or accomplishing a specific task is the objective, then every existential question is an obstacle in the path. If we hesitate with our questions and stay with the psychological moment of beginning, we open ourselves to doubt and confusion. Beginning a journey, however, can be an opening to the self, an opening made possible as much by the doubt and confusion of beginning as by the exhilaration of starting a new venture.

At the beginning of the journey into law, the student experiences the liminality of passage from one stage of life to another. The openness of the threshold state makes the student vulnerable to the swings of exhilaration and depression, hope and despair, that we have come to identify with legal education. The psychological vulnerability that accompanies such swings of emotion makes way for “moment[s] of reflection, wonder, puzzlement, initiated by the soul which intervenes and countervails what we are in the midst of doing, hearing, reading, watching.”<sup>3</sup>

Beginnings, then, have a double-edged quality. The exhilaration of beginning imparts a strong sense of self (even if founded on the inflated ego of high academic achievement) and a hope that our ideals are real. But as soon as we suspect that the exhilaration may be spurious, beginning becomes a time of uncertainty and anxiety. Such apprehensions, however, cannot completely disguise the way our questions serve as an impetus and source of hope. Before the reality of doing puts us to the test, everything is possible. We hope we will get where we want to go, that we will be “good” at what we do, that life will be rich and meaningful. We begin, in psychologist James Hillman's words, with “the fiction of perfection,” a fiction that, “is part of the impetus.”<sup>4</sup> In beginning, whether a new job, a marriage, or a journey, or the first efforts at learning law, we confront our ideals and the self that we have imagined. We remember (and deny) fantasies and images that carry us into professional life. Beginning is a time to transcend limits and confront both real and imagined obstacles.

1. Carla Needleman, *The Work of Craft* 3 (New York, 1979).
2. See James C. Foster, *The “Cooling Out” of Law Students*, 3 *Law & Pol. Q.* 243 (1981), *Legal Education and the Production of Lawyers to (Re)Produce Liberal Capitalism*, 9 *Legal Stud. F.* 179 (1985), and *Antigones in the Bar: Women Lawyers as Reluctant Adversaries*, 10 *Legal Stud. F.* 287 (1986).
3. James Hillman, *Re-visioning Psychology* 140 (New York, 1975).
4. James Hillman, *Inter Views* 173 (New York, 1983).

### Narratives of Beginning

Elie Wiesel, known for his evocative writings on the Holocaust, is reported to have said that "God created men and women because he loves stories." Our lives are rooted in story. Our stories are our lives. We find out who we are by the stories we tell and are told. The lives we live and the conflicts we embrace are held together by motif and myth. Consequently, our stories speak to what we are doing, where we are going, and what we should be doing. If we are to gain a sense of who we are, where we stand in the world, what our relationship in and with the world is to be, then we must see how our story works. A story is a way to articulate what it is that we are living through and how the world lives in us as we live in it.

Stories confirm our existence, locate us in the world, help us find what it is that we have already made of ourselves, and how the present ongoing process of remaking ourselves (in this instance, into lawyers) will bring a meaningful life. Stories give meaning to common and shared experience.<sup>5</sup> The law school story identifies students as a particular kind of public actor and connects disparate elements and fragments of a life into a meaningful plot. A good story weaves thought with feeling, time with place, and self with other. Although a life story can embrace a single theme, it is more often like a tapestry of interwoven themes and motifs.<sup>6</sup> The stories law students and their teachers live are usually not straightforward plots with clear beginnings and endings. Rather, our lives are entangled and entangling, stories nestled within stories. Our stories are as complex, puzzling, contrary, and banal as our lives. We are drawn to narrative accounts of profound choices and transformative change both because we experience them in our own lives and because we deny their presence. When the world becomes complex beyond explanation, when confusion clouds the intellect, and there is too much or too little meaning, we turn to stories, the stories we tell of our own lives and the stories we see lived around us.<sup>7</sup>

Law school sets one on a path toward a new identity. The story begins with an act of faith. We believe that legal skills and knowledge of law will turn our lives into stories of self-realization and of the finding of significant

5. See Michael Novak, *Ascent of the Mountain, Flight of the Dove: An Invitation to Religious Studies*, rev. ed. (New York, 1978) (relating personal and cultural stories). One of the common motifs of the law school story is the sense of solidarity that law students experience in their first months together. This sense of togetherness, however, is destroyed when the hierarchical world of grades is introduced.
6. For the argument that a single story and "unitary" life are not possible in contemporary culture, see Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* 190-209 (Notre Dame, Ind., 1981); David L. Miller, *The New Polytheism* (Dallas, 1974); Xavier Rubert de Ventos, *Self-Defeated Man* (New York, 1975). For a guarded but optimistic view of the "divided self," see James Hillman, *Healing Fiction* (Barrytown, N.Y., 1983) ("The self divided is precisely where the self is authentically located. . . ." *Id.* at 39).
7. Hayden White observes that

[N]arrative might well be considered a solution to a problem of general human concern, namely, the problem of how to translate knowing into telling, the problem of fashioning human experience into a form assimilable to structures of meaning that are generally human rather than culture-specific.

Hayden White, *The Value of Narrativity in the Representation of Reality*, in *On Narrative*, ed. W. J. T. Mitchell, 1 (Chicago, 1981).

work, work that will be useful to others. The decision to become a lawyer can be a turning point, an intense psychological moment that opens or reawakens hope, or that plunges one into failure and despair. An education in law is a love/hate relationship, a time of personal and social mythmaking. (I use "myth" in its older and nonpejorative sense.)

One student, just weeks after he had started law school, asks himself why he came to law school.

And why did I decide that I wanted to be a lawyer? I guess generally because lawyers live a meaningful life. Possibly, the most meaningful life one could live in American society. A lawyer had an aura about him: He was well-educated, well thought of, and served a valuable function in society. A lawyer had a key role in the system, he was part of the system, and he could affect control in and over the system. Just being a lawyer meant something. At the time, it seemed almost mystical. I still carry many of these perceptions about being a lawyer.

Such attempts to establish a reason for taking the journey capture my attention when I read the journals of beginning law students.<sup>8</sup>

*i*

I want to be at the top and be admired by people. It is very important to most people to be deemed a success by their peers in order to sustain their personal satisfaction.

*ii*

As a lawyer, I won't have to bow and scrape to anyone. Won't have to fight for a place with the tit suckers, either.

*iii*

Lawyers have loads of personal discretion and that means being my own man, a self-contained, independent unit, coming and going when I please. To be an attorney means more than just being thrown into a category. It means maintaining a state of inner eliteness that is not to be mistaken for arrogance or conceit.

*iv*

The law is a supreme force that guides behavior. Lawyers, then, have a big advantage over the general population in just knowing what the law is and how to get it.

8. My experiments with various forms of introspective and reflective writing in my courses began ten years ago with Introduction to Law, a course for first-semester law students. In the first year, we are not just introducing students to the structure of the court system, the anatomy of a law case, the nature of judicial reasoning, and the evolution of common law. Because we are also introducing a way of life, with its own way of shaping and molding the person, I felt that the course should focus on the sometimes subtle and sometimes painful transformation by which students move out of whatever world they are in and into the world of law. For an evocative account of the pedagogical and jurisprudential implications that parallel what I imagined in the Introduction to Law course, see Karl Johnson & Ann Scales, *An Absolutely, Positively True Story: Seven Reasons Why We Sing*, 16 *N. Mex. L. Rev.* 433 (1986).

In Introduction to Law, I gave students the option of keeping journals instead of writing papers or taking an examination. Over the years I have used a variation of journal writing in the form of directed writing exercises. As my students explain their lives, I have tried to listen to them and retell what I hear, reshaping the student voices into a collective story that constitutes an ongoing description and critique of legal education as a felt experience. See James R. Elkins, *Coping Strategies in Legal Education*, 16 *Law Teacher* 195 (1982), *Moral Discourse and Legalism in Legal Education*, 32 *J. Legal Educ.* 11 (1982), *Becoming a Lawyer: The Transformations of Self During Legal Education*, 66 *Soundings* 450 (Winter 1983), and *Rites de Passage: Law Students "Telling Their Lives,"* 35 *J. Legal Educ.* 27 (1985). See also *Worlds of Silence: Women in Law School*, 8 *Am. Legal Stud. F.*-161 (1984).

v

Law is a way to prevent people from, using an old cliché, putting the bag over my head or the heads of others. I do not want other people telling me what my rights are. I will tell them what my rights are. I have known people who have been taken advantage of due to their ignorance, and I do not intend to let that happen to me. If you are ignorant, then you are easy to prey on. Law is a form of self-protection. For example, I have known friends who have been victims of outrageous negligence in hospitals. The sheer indifference that a few doctors and hospital staff display towards some patients is incredible! I hope to be in the position some day to, as Professor Cady would say, "sue the hell out of them."

vi

I can state a lot of reasons why I want to be a lawyer: I want to be thought of by others as a person who is knowledgeable, a person who can help with my expertise. I want to be my own boss. I can set an example for young women to excel and go into male-dominated fields (fields they might not have considered in the past), not to limit their success because of ideas about being female.

vii

I don't believe anyone would argue that law students are in school for the sole purpose of learning law. An important reason why I am in law school is to obtain the status of an attorney and to enhance my self-concept.

The journals of first-year law students reveal the personal and social fantasies that students bring with them to legal education.<sup>9</sup> Images of being in control of one's own life—of having self-esteem, power, and the admiration of others—join images of being able to protect one's self and others with the knowledge and skills that law brings, and of becoming part of an elite inner circle. When law students set out upon a path that promises recognition and status,<sup>10</sup> they want to be heroes within the terms their culture provides<sup>11</sup>: "Have you ever seen a poor lawyer?" asks one student. "What more could one ask for than wealth and fame?"

A student who had been out of school for several years referred to herself throughout her journal as a traveler and made clear the motivations for her travel:

Our traveler is going on this journey for two related reasons— political and economic. She is able to express both of these without any hesitancy; after all, to be able to acknowledge the needs of others, one must first be able to acknowledge his own. To think otherwise is foolish. Whether you are able to accept the economic reason for

9. Most law students "began law school with idealized but unclear expectations of what they were going to do with their legal education." Thomas L. Shaffer & Robert S. Redmount, *Lawyers, Law Students and People* 10 (Colorado Springs, 1977). See also David Riesman, *The Law School: Critical Scholarship vs. Professional Education*, 32 *J. Legal Educ.* 110, 117 (1982).
10. Embedded in the idea of status is a need for recognition. For a sociologist's view of positive aspects of the hunger for recognition, see Robert Merton, *Sociological Ambivalence and Other Essays* 44–45 (New York, 1976).
11. The meaning of hero imagery and the story of the heroic quest are explored in the work of Joseph Campbell. See Joseph Campbell, *The Hero With a Thousand Faces* (New York, 1949). See also C. G. Jung, *The Origin of the Hero, in Symbols of Transformation* 171–206 (Princeton, N.J., 1967). For an empirical survey of lawyers' self-images that confirms the importance of the hero archetype, see Marvin W. Mindes & Alan C. Acock, Trickster, Hero, Helper: A Report on the Lawyer Image, 1982 *Am. B. Found. Res. J.* 177.

this quest, however, will depend entirely upon your own philosophy. For the traveler, looking out for Number One reaps benefits to others and is fulfilling to all parties concerned.

But this traveler did not come to law school just to make money. She had an image of herself as a person who already possessed a lawyer's skills and could "make it" in the world of argument. She says:

This traveler is a very determined and confident woman who gets utmost pleasure out of any good argument. She has been an excellent student and accredits this success to her willingness to debate the validity of statements which professors in her undergraduate education expressed as the theory or the answer. As a political science major, she was given many opportunities to debate the issues in question, and generally tended to dominate the classroom discussions.

It is disheartening to think that status, money, and power motivate students to become professionals. There are, however, other sentiments and needs that bring students to law school. Some students recognize the materialism in professional life and question it.

*i*

What is it, if anything, that inspires lawyers? Money, certainly, is the base desire of many, the sole motivation of some. Likewise, power, fame, status, and every other dubious desire drives our ambition. This suggests that our society is not selective enough in bestowing the title of Esquire.

*ii*

I had visions of some day being the trustworthy, respectable, and understanding lawyer that people can depend upon to do the right thing.

*iii*

I have always been a socially conscious person with compassion for the disadvantaged and a sincere desire to help them.

*iv*

Personal freedom is associated with a professional career. There is also prestige associated with a professional career. I believe that I can do some good as an attorney. I believe that there is a great need for a lawyer who can relate to the common man, who doesn't intimidate him with his manner of practicing law or his life. I am a common man; I define myself as such. My closest friends and associates do not hail from the halls of higher learning but, rather, from the construction site, from the shops, and everyday walks of life that no one considers special.

I am not driven to excellence. I do not have the drive to rise far above the crowd. I only desire to get the job done, and rightly done, no shine or luster. My intensity is directed outward; toward experiencing life in its many aspects, rather than inward, toward the concentration it takes to excel. Perhaps this trait shall prevent me from becoming a lawyer; perhaps it should. I hope not.

I have other dreams. I hope that someday I will be asked to speak to some friend's child who isn't sure of his direction, in the parent's hope that I, by virtue of what I hope to stand for, might be listened to. I hope to be able, and willing, to advise and counsel those who might not be able to afford, or maybe even desire, my counsel in a way that they might better understand the implications of their position and, therefore, be better equipped to deal with what problems may arise. Idealistic? Yes, I'm sure it is, but I know of such men whose lives speak of the very characteristics that I dream of. To be a common man and yet to have the knowledge and understanding that are above the common man and through those virtues be able to serve people in a more meaningful and useful way.

Law school is a haven for those weary of their past. Bored, restless, feeling powerless, students seek skills and a life of work that they can view as significant and worthwhile, and that might be interesting and fulfilling. The promise may be illusory, but the student does not know this, or knows it and chooses to ignore what she knows.

Becoming a lawyer is a way to start over, to make sense out of one's life, to find a way to live a worthwhile life.

## i

[Law school is a] lot of work about a lot of things that I don't believe I care about, but it's better than an eight to five. The guy I rent my house from is a coal miner. He goes to work at 3:15 in the afternoon and comes back home at 1:00 in the morning. He breathes the shit of the mines for eight hours a day and rides an hour each day just to get there and back. I have to read books in an air-conditioned library.

## ii

[I] slowly became disillusioned [in social work] with the bureaucratic bull, the mediocrity, the stifling of any intelligence, creativity, into the sameness of routine paperwork. I hated to wake up in the morning because it meant another meaningless day. When I got home it took me several hours to recover enough to become myself again. I felt that I was trapped by my job, that changing was impossible because of my son, my home, my responsibilities (although all of these things are very important to me).

## iii

For the last four and one-half years I have been an elementary school teacher. I felt that I had expanded as much as I could in the field of teaching. I wanted the opportunity to branch out and work with people in other ways.

I've shrugged off the working class attitude that a job is something you do to make money. Today's working class ethic says you make money in order to afford those things you want to do. As I started getting out of this dilemma, I saw how it was possible to integrate your job, now called your career, with the rest of your life. I wanted to do something which I wanted and liked to do also. This was after I gave up another working class attitude, "don't give up what security you have for something which you may not get."

## iv

I am in limbo. For about a year I have felt as though I have not been "living" life. I feel as though I simply exist, and that none of my experiences are meaningful to me. I look at others with envy, thinking "They really enjoy life, they live each moment." Me . . . I am in a haze. Days seem to pass without knowing or feeling. Oh sure, I feel momentary pleasure after I finish cleaning the apartment or after I complete an assignment, but then I snap back into the world of blahdom. Only recently have I felt this way. I used to love to get up each morning and really look forward to the day ahead of me. Now, I lie in bed for an hour trying to muster up courage just to face the morning. Every night I make resolutions that tomorrow I will enjoy and that I will feel satisfaction out of simply being alive. Tomorrow comes and goes. Even if I do what my goals were for the day, I feel that somehow it was all futile and meaningless. I've tried: I read *I'm O.K. You're O.K.* for the second time now. Nothing seems to help. I can't get out of this rut I am in. Sound like a neurotic, unhappy person? No. I'm happy quite often. I am glad that I have the most loyal friends in the world, an adoring boyfriend and wonderful parents who give me everything I want. But what do I really want? I used to say, "If I can only have——(you name it, I wanted it) then I will be happy. My life will be complete." Recently it was a 35mm camera. I got it. Then, it was all the lenses to go with it. So, I got my array of professional camera gear. Not happy yet. The camera was the final straw. I finally realized that not any of this

material junk is going to make me a happy whole person. Now don't get me wrong. I love my possessions, but I don't appreciate them. Nothing has been hard for me. I've always gotten what I wanted. But material possessions do not make me happy; I don't think they ever really did. I was deluding myself. True happiness comes from the heart and mind and enjoying each day. Life is really all we have. . . .

I always said that I wanted to become a corporate lawyer. None of that dinky trial stuff for me. How I was wrong. I think maybe my "calling" is in some kind of legal aid, but I'm not sure yet. . . . I'm not sure about anything; I'm not even sure if I want to become an attorney.

v

At the beginning of August I quit my job in Charleston, and [my wife], and [my son], and I packed our ragged accumulation of goods in a U-Haul and drove 180 miles north to Morgantown. As we drove, we exchanged images of what the next three years had in store for us. As usual, [my wife's] optimism balanced out my pessimism, and the future seemed fairly bright. While [my wife] was taking a nap, I began thinking about how law school would affect my future. I wondered how it would affect my relationship with my family and how it would affect my thinking in general. I wondered whether thinking like a lawyer would be in conflict with my ideals of humanity and behavior or whether it could give me the freedom to express those ideals. . . . I have just finished my first week of law school, and I'm still wondering. . . .

I came to law school so that my life would be less complicated. I looked forward to having one function in life. This, of course, has not happened. I also came to escape the past, to get away from all the past fuckups, to straighten myself out, to have rigor and discipline, to get mental exercise, to start over.

When I was admitted it was a day of great elation. I seemed to be getting a fresh start; there was an effacement of a prolonged but less than spectacular experience on an academic treadmill. My undergraduate days were filled with wasted time, agony, new friendships, lots of trips to the movies, not much self-direction. It was an experience that I was uncritically channeled into. But suddenly I was on my own and was lost. Incapable of focusing on any area of inquiry for an appreciable time, I kind of floated through and in and out of school for seven years. I reached out, or, rather, I latched onto other students who befriended me and certain professors who reached out to encourage me. I was vulnerable, susceptible to suggestion, easily distracted.

I do not see myself as really growing during those years in college. But I am pretty far removed from that experience. I know that I do not perceive any change. I think that the frame of reference for the perception of any personal change is the idea of gaining control over what I do. There was no growth in that direction as an undergraduate. (I seem to be getting overly apologetic; it's so easy to engage in self-pity, too.)

I would have a lot of explaining to do in the law school interview. Surely, the interviewers would ask me why I thought I would be successful in law school, in light of a poor college record. I know that I needed to have an answer ready for that question. I would point to the fact that ten years had passed since graduation from college, that I had grown and matured since then, that I had faced the world. I went to graduate school and made straight A's. I later give up a safe job and moved "back to the land" to homestead, to make a home with a wife and baby in the hills of West Virginia. This last step was an undertaking far more challenging than any previous one in my life, in that I felt totally unprepared for it. While facing this question, I felt like I was getting ready to go to court. I saw the interview as an opportunity to use legal skills. In other words, I would have to engage in advocacy, albeit self-advocacy. Indeed, I turned the whole application-admission procedure into self-advocacy in order to personalize what was basically impersonal. I also thought that if I could act like a lawyer in presenting a case, then my chances of getting in would be improved. Advocacy, basic to lawyering, required personal involvement. This seems as true to me now in the first semester of law school as it did last winter.

But advocacy also requires selectiveness and discrimination in order to put the client (myself) in the best light. I did not display all the evidence. It was true that I went to graduate school, got a masters, made straight A's. There were two things I did not wish to discuss and hoped that nobody would ask me about: I went on toward a Ph.D. but quit without writing a dissertation, and I had difficulty meeting deadlines. These are representative of recurring patterns, of projects started and left uncom-



pleted. My father from time to time reminds me of all the things in my life that were abandoned unfinished. As a matter of fact, when I called him to say that I had been admitted to law school, he said, "This time, do it right."

These narrative vignettes juxtapose past failures and an imagined future of success. The hope of a professional life makes law school a threshold between a past (and images of impotence, indecisiveness, or lack of direction) and a future (of skilled performance, recognition, and rewards). Law school initiates a transition from one stage of life to another. Because the study of law fills this liminal space, it evokes fantasies of a new self: by becoming a lawyer old wounds will be healed; new knowledge and skills will help make us who we want to be. The quest for a worthwhile life takes place through a process of professional socialization, however flawed and impoverished it has come to be.

### Cover Stories and Everyday Reality

The standard account of law school, the "cover story," gives little indication of the dramatic transformation that takes place when students submit to the rites of passage prescribed by legal educators. At the outset an array of responses, from euphoric exhilaration to numbing despair, accentuate the immediate experience and push aside conflicted feelings about the value of the experience. Learning "to think like a lawyer" (or embracing the illusion that such thinking is possible) tempts one to abandon one's self and make the new "lawyer" identity the central focus of one's life story.

Law school becomes all too quickly a prosaic, mundane, pragmatic, and instrumental affair. The subject matter may be new and the pedagogical techniques dramatic, but if legal education has no meaning other than acquisition of knowledge of law and training in skills, it would not produce the stories it does. When skeptics scoff at the idea that legal education is a human endeavor that would proceed differently if it included personal introspection and serious philosophical reflection, they deny that legal education involves the deepest levels of one's self.

The everyday reality that law teachers construct for (and with) their students blunts the students' efforts to invest the experience with personal (and social) meaning and disguises the psychological and mythic dimension of the experience. Their cover stories mask a deeper and sometimes darker meaning. Everyday routines, accepted ways of doing things, the prevailing ethos and ethic, become part of a taken-for-granted "paramount reality," a "domain in which we do our work, interact with others, and try to bring about the kinds of changes that will sustain our purposes."<sup>12</sup> We get from one day to the next without thinking, without recognizing the power and influence that we have given to the structures and habits of our daily lives. Legal education is a purposeful activity that presents itself as a "paramount reality." Students sit in the classroom. Listen to teachers. Read case opinions written by judges (almost all men). Write summaries of case opinions called "briefs." Do legal research in a library. Attend classes. Read cases. Review class notes. Prepare outlines. Take examinations. Look for a job. What

12. Maxine Greene, *Landscapes of Learning* 16-17 (New York, 1978).

students do is real. There is no end to the reality work of becoming a lawyer. The tasks are demanding, time consuming, sometimes challenging, often boring. The work is ever-present and all-encompassing. Here is how one student describes the numbing effect of law school reality work:

[W]e became a group of 140 or so beings, extremely isolated from each other, from others in the school and outside it. Our isolation and the demanding work schedule numb and dull whatever is within which enables us to look at people, things and our immediate surroundings in a fresh, inquisitive and healthy way. The experience retards our ability to think reflectively and creatively. Our minds begin to function more mechanically, and we are so busy jockeying for position in the middle of the pack that we are reacting more than acting, and reflection on who we are and where we have been with our lives is a luxury in which we do not indulge.

Some students, however, idealize the experience. It is not so bad, they argue; reality work is preparation for the real world. A lawyer deals with real problems, and a good dose of realism about the world is healthy (runs the argument) for those who have chosen to make law their career. (The lawyer's problem is not unlike the law student's. Clients are always needing something—a document, a letter, a phone call, a court appearance.) The ultimate problem, for both student and lawyer, is whether the immediacy of the everyday work pushes aside all else, whether our reality work obscures social, moral, and philosophical questions.

To become a realist about law school is to forget one's purpose, to forgo the story we might have told. In mastering the "game" we forget our story.<sup>13</sup> Paradoxically, the forgetting takes place in the context of endless talk about what is happening in law school. "Law school isn't what I thought it would be." "There's so much work to do, I don't have time to think about anything else." "Law school makes you more realistic about people." "Law is just a competitive game and the games we play in law school are good training for the games we'll play later." With such comments, students attempt to give meaning to their experience. One way to endow experience with meaning is to devalue the present and create a fantasy future. "If I can just get through this place, then I can settle in to do what I want to do and live the way I want. When I get out of school I'll be able to be the kind of person I want to be."

The more pragmatic a student becomes, the more she endangers her story. We forget where and who we are as we struggle to get through, get by, get to where we are going. For "successful" students, the story becomes one of self-deception. For students the institution judges marginal, the story becomes a tale of cynicism, alienation, disaffection, disengagement, and disenchantment.<sup>14</sup> Both self-deception and disillusionment are prod-

13. See, e.g., Seymour Wishman, *Confessions of a Criminal Lawyer* (New York, 1981).

14. There is a substantial body of what my friend John Bonsignore calls "disaffection literature" that includes, among other works, Scott Turow's *One L* (New York, 1977) and is fully supported in the empirical and quasi-empirical literature on law student anxiety. See Comment, *Anxiety and the First Semester of Law School*, 1968 *Wis. L. Rev.* 1201; James B. Taylor, *Law School Stress and the "Déformation Professionnelle,"* 27 *J. Legal Educ.* 251 (1975); Paul D. Carrington & James J. Conley, *The Alienation of Law Students*, 75 *Mich. L. Rev.* 887 (1977); Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychological Distress in Law Students*, 35 *J. Legal Educ.* 471 (1985); Marilyn Heins, Shirley Nickols Fahey & Roger C. Henderson, *Law Students and Medical Students: A Comparison of Perceived Stress*, 33 *J. Legal Educ.* 511 (1983); Marilyn Heins, Shirley Nickols Fahey & Lisa I. Leiden, *Perceived Stress in Medical, Law, and Graduate*

ucts of too much reality work and too little identity work.

### The Theft of Time

One measure of the fundamental power of the reality dimension of law school is our students' (and our own) obsessive struggle with time. The rites of passage in law school create an acute awareness of time. Students talk about "not having enough" time, about how "endless" law school sometimes seems, and about their desire to be out of school so they can live their future instead of fantasizing it. First-semester law students make it plain that the everyday reality of law school pushes out whatever is in its path.

*i*

Classes are the least of my worries. I can cope. Time is the problem. I have so many things to do, all important, in so little time.

*ii*

I have been putting in more time than I thought I would, but I do not feel that it is more than I am capable of. I don't have the time I would like to have to run or exercise. I feel guilty when I do anything other than study.

*iii*

Having more time is a fantasy, just as coming to law school in order to simplify my life, is a fantasy. When I think about time, I begin to indulge in self-pity. I think about obstacles I set in my own path. Is this why I choose to raise a child by myself while I am going to law school? I seem to be leading toward an excuse. I feel like I have made great strides toward seriousness and diligence, but still have fallen short. I have come close to living out a monastic life. But still there is my child. I sometimes use her as an excuse. How can I raise a child and still find time to study?

*iv*

Everything I do seems to be with the thought of not hurting the other person. For example, my sister-in-law asked me to go shopping. I did not want to go, but I did not tell her that. Instead, I thought of her loneliness. My brother works two jobs and is off fishing or hunting most of the time when he is not working. I feel sorry for her. She is always home alone trying to raise an eleven-month-old son. I did not want to go and did not have the time. I paid for it by staying up late to do my homework and did not get much sleep.

*v*

I only wish that there were more time in each day; time to talk to classmates, time to talk to professors after class, time to do a little extra research, time to write in my journal, time to relax and rest. . . .

One feeling that I've had a lot this first semester of law school is guilt. I have not been doing as much work as I think I should be doing. It is Thanksgiving vacation, and I've brought home all my books so that I can catch up in all my courses. It's already Tuesday, and I've done nothing so far. And I won't do anything at all on Thursday. The story is the same on weekends at school. I start out with intentions to accomplish a lot of work, and in the end never get as much done as I had hoped. Then I feel guilty. I'm always watching a football game when I should be doing contracts or making an outline for a course. The problem with law school is that I can

Students, 59 *J. Med. Educ.* 169 (1984); G. Andrew H. Benjamin, Alfred Kaszniak, Bruce Sales & Stephen B. Shanfield, *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 *Am. B. Found. Res. J.* 225 (provides data and discusses causes for elevated levels of depression).

never really ascertain how much work to do without feeling guilty. It seems like there is always more work to do.

*vi*

It's already Wednesday and another week is flown, blown, gone. It seems ridiculous to use the best years of your life immobile, silent and sitting. You ingest other people's thoughts when your own are ripe for harvest.

There is no time for me! All I do is ingest. Prime of life spent huddled in a library carrel. But, I'll be a lawyer, so I go on. Plodding. Slowly. Methodically. Pensively. Purposefully.

*vii*

I can't believe we have come this far, nor can I believe how far from the end of the semester we are. A day seems like an hour, yet a week seems like a month. No day is long enough, yet each week is too long. Strange, huh?

*viii*

I feel a lot of pressure. Perhaps the worst pressure is time. I find that I just don't have time to do all that I would like to do in law school or even to do the work as I want to do it. I don't have time, for example, to go off on a tangent and research an idea or point of law referred to in class. I have responsibilities other than law school with my family at home. My priorities have to shift. Law school can't always be #1 on my priority list.

Sometimes I get upset at the faculty who don't seem to realize that some of us have multiple responsibilities and can't be expected to spend every waking hour with the exception of meals in the law library as the Dean recommended during orientation. This is totally unrealistic from my position.

*ix*

This has been the fastest 3½ month period of my life.

Contrary to what one might assume, the problem with time is not resolved after the first year. A third-year student, assessing her law school experience, sees time as her "biggest conflict."

How to ration out such a scarce commodity? I don't see my parents, brothers, or my grandmother nearly as much as I'd like. When I do, I'm loaded down with books and heavy thoughts. There seems to be so little chance just to be together, with nothing hanging over us. I don't have enough time to be with my husband either. This problem is compounded by his work (he is a lawyer). . . .

My inability to ration out my time in a spontaneous, relaxed manner has always been a problem. I have high-strung, invisible energy. I have always felt that work comes before play—whether it be cleaning the bathroom or reading tomorrow's assignment. I have always had trouble saying, "oh well, so it won't get done." Because I associate my personal life and love relationships with play, they too wait in the background until I hear the voice "spend time with loved ones." I feel I've taken love for granted because I've always had it—from family, friends, and/or my husband. I feel my personal life is more precious to me than a professional life could ever be. I simply must learn to treat it that way.

Now that I am pregnant, I worry about rationing time even more. Will I be able to give the child enough time so that he or she feels secure in life? I know I will love it with all my heart. But will that love be enough? I want to work too—will it give the child an emotional problem to be left with a baby sitter every day? I see myself rushing every hour on the hour, taking time only to wipe vomit from my shirt, and drop the child with a middle-aged baby sitter who plunks him or her in front of the T.V. all day. Perhaps I'm being too cynical. I know my obsession with getting everything done. Something will have to give. Even though I want to prove to the world that women are as competent as men, I will never find satisfaction in being successful as men define it. If I follow my own path, I am a failure. If I go the way

of the upper middle-class lawyers before me, I am reinforcing a system that is destructive to my sisters.

Another third-year student tries to relate her experience of time to what is happening in the broader culture that she sees around her.

I feel like I'm on a treadmill which won't stop. I try to be more efficient and "save time." It never stops. I feel alienated from my husband, home, children, family, pets, and business affairs. Most of all, I feel alienated from myself, my body, my sensuality. These things which are so meaningful to me and valued throughout my life are being pushed aside to become a lawyer. My role as a law student traps me just as my earlier domestic role did. Maybe more so. Now I have to be superwoman. I must be a good student, always prepared, so I'll be a competent lawyer devoted to my clients' welfare; community conscious, informed of world and local affairs; well read; a loving, caring mother; supportive wife; gourmet cook; spotless housekeeper; gracious hostess; sensitive friend; veterinarian to my pets; payer of bills and taxes; physically fit, beautifully dressed, meticulously groomed, sensual, and sexual. I also should have a job on the side to earn money, get experience, and exhibit competence and ambition. What I really need is time to communicate with myself to figure out what to do about this mess. I need time to answer basic questions: What are my goals? What is the good life? Am I happy? What life style do I want? What is important in life?

It's 7 months before graduation and everyone is frantically looking for a job. I feel like a pervert because I have not been interviewing and don't know what I want to do with my life. In the midst of all this goal-seeking and superwoman mania I am getting pissed off. There is a conspiracy in our society. The technological society promoted to free us from drudgery enslaves us. We give up our marriages and our children to strangers, our homes to house cleaners and home decorators. What do we have left? A professional career. Is it worth it? Not to me. I told a woman friend that I really wanted a part-time job. She said she did also but she would not pursue that because it was characteristic of females. Men don't do that. I don't care if it is stigmatizing to work at a professional job part-time. I'm working two full-time jobs now and it's no fun. I'm trying to carve out a little niche of sanity in an insane world. It really frightens me to see people devoting their lives to work. There is an insanity pervading the world. We have been propagandized into believing that we need two cars, a \$100,000 house, two color tv's, a microwave, washer and drier, video games, and expensive clothes and jewelry. Home and family have taken a back seat to material success. Who profits from our enslavement? As utility costs and rents soar, and food prices skyrocket, we sink further and further into slavery. We beget children who will have no sense of family, to join the work force . . . working as slaves of international conglomerate executives so stockholders can increase their profits. Am I paranoid? Are we wasting our youth racing toward plastic goals that will leave us cold and yearning for the warmth of family, friends, home, love?

The struggle with time has a way of numbing us. We create plausible cover stories that deflect questions and cut us off from meaningful time. When the routine overwhelms us, however, when it shuts us off from our own subjective experience, the story of law school can become one of pathology and despair.

### **Practicalism**

For the practicalist, the function of legal education is getting a degree, and the central reality of learning is the quest for good grades. There is enough truth in the cynical, "realist" brand of practicalism to make it a potent force in law schools. Some truths, however, mask false consciousness, and the business of grades is one of those truths.

Practicalism—or “anti-intellectualism”<sup>15</sup>—is indeed a powerful force in legal education. Practicalism and anti-intellectualism are perpetuated by two interrelated aspects of legal education: the loss of control of time and the hard reality of a system of grades that maintains a questionable social hierarchy.<sup>16</sup> The need to end up at the top of the grading scheme pulls the student into practicalism. The following account of the process was titled “Absurdity.”

The student graduating at the top of the class is different from the guy who barely makes it under the wire, isn't he? By reflex, I answer, “Yes, of course.” The brain will get a great job, marry a beautiful woman, run for political office, and self-actualize. He's got the key to the door. Of course, he'll be a great lawyer. How come? Well, the grades, right? Some tiny pencil scribbles in a book determine the outcome of a person's life. If you don't make the grades, buddy, just forget about being one of us. Grades run the world. Grades are the way. We don't have souls, we have grades. Why? It's crazy, absurd. But I'm on the treadmill too. Where's the exit? No, that's not the answer. I want to stay in law school. I just don't want to be a piece of meat in a pressure cooker. It's hard to learn in a situation like this, but it's the only game in town. I'm smart just because I'm here right? Maybe I'm one of the dumb “smart ones.” What's the Law of Torts? It's whatever is asked on the test, isn't it? Yes. Maybe no.

The Kafkasque system of competition for grades produces a social hierarchy that students learn to suffer and sometimes master.

How do you handle the fact that you are in competition with 130 other students? Those on top are going to get better jobs. There is conspicuous competition as some students make a habit of telling others that he or she will graduate among the top thirty. It is also apparent that cliques form; it is preferable to compete in groups than alone. This does not mean that one spends every minute of the day thinking about how to outdo fellow students, but some one is going to come out on top and someone on bottom. My goal is to come out in the middle. A close friend told me that he is at war with every other student in his class. His goal is to be number one. . . .

The intensely competitive atmosphere into which we are forced is almost certain to engender very shallow and defensive relationships with other students. We tend to look at each other in terms of trying to gauge where we stand individually in comparison to each other with regard to comprehension of the new material, ability to express oneself in class “like a lawyer,” and even in terms of whether this person or that person spends more time working, or is farther ahead on an outline. This, it seems to me, is a very unhealthy atmosphere.

The rhetoric of law teachers suggests that the important thing in law school is learning to “think like a lawyer.” Students, however, can as easily conclude that making the grade is more essential than what they are being asked to learn. Even so, many students are ambivalent about measuring their worth (or even their achievement) by grades.

i

I sometimes wonder what my purpose is in law school. I'm torn between striving to get high grades and actually learning law. To do both I must work and think hard, brief cases and read supplementary material. To try to get high grades involves playing games with professors, such as laughing at their jokes, talking to them outside of class so that they know your name and sometimes pandering to them. It involves a constant ferreting out of old tests, notes and outlines to use to study for finals. To get good grades requires shortcuts and tricks aimed at better performance on the exams. None of this has anything to do with the practice of law. The tricks and

15. See Francis A. Allen, *Law, Intellect, and Education* 62 (Ann Arbor, 1979).

16. See Duncan Kennedy, *Legal Education As Training for Hierarchy*, in *The Politics of Law: A Progressive Critique*, ed. David Kairys, 40–61 (New York, 1982). See also Robert Coles, *Hierarchy and Transcendence* (Book Review), 97 *Harv. L. Rev.* 1487 (1984).

shortcuts are substitutes for thinking about legal problems which might make one a better lawyer.

I have played the games and taken some of the shortcuts, which I know has hurt me in the long run. I want to finish with high grades because it means getting a better position when I finish. Striving for grades serves a practical purpose while striving to learn law represents a more profound purpose. I don't have the answer yet.

ii

The first thing that I learned in law school is that the legal system is based on an adversary system. It didn't take long to realize that law school is based on the same system. We constantly hear about the lack of jobs available for graduating law students. "The top students get the jobs," is the expression.

Most people argue that the system makes each student work harder than he would otherwise. However, I'm not sure that is the best way to learn law. I have to learn what the professors think is important. My grade is based on exams, and my ranking in class based on grades, so I have to learn what professors want me to learn. There have been a number of times when I've wanted to spend some time researching a fairly minor point in a case just for my own knowledge. But, I didn't dare. I don't have the time and can't afford to have my head clouded with irrelevant facts. It's unfortunate.

Although grades can answer a need for confirmation and validation, students know that something more important is at stake and that focusing on grades sacrifices something of themselves. When we fail to attend to who our students are and what competencies they actually possess, grades become a fetish, and when a fetish controls us, it can bring in its wake a serious and crippling "fall."<sup>17</sup>

Despite its feeding instrumental needs, the "grades fetish" undermines the ideals and beliefs that bring us to law. Law school does not just teach skills, it also teaches us how to live, and yet it does so without making the lessons apparent or coherent. Although one may begin law school as an effort to keep life in a box, life will break into and out of that box; it cannot be contained in such a limited, prescribed space. Law school is too much and too little, everything and nothing, confusion and clarity, a paradox.

### The Paradox

The experience of learning law points to the inevitable conflict between everyday reality and our ideals.<sup>18</sup> Embedded in the role of law student, teacher, and lawyer is a contradiction. On the one hand, we are beset by the givenness of the legal world. It is a world of facts, statutes, rules, and precedents, a world that demands adherence to historical and traditional roles and use of an inherited language. On the other hand, our hearts tell us that there is something more to a life in law than knowing and applying rules, or solving legal conundrums for which we make a handsome wage.

17. For two poignant accounts of the fall, see Albert Camus, *The Fall* (New York, 1956); Leo Tolstoy, *The Death of Ivan Ilych*, in *The Death of Ivan Ilych and Other Stories* 95-156 (New York, 1960).

18. For an earlier description of the paradoxical tension between the real and the ideal, see James R. Elkins, *The Paradox of a Life in Law*, 40 *U. Pitt. L. Rev.* 129 (1979). Cardozo argued that the paradox of the real and the ideal was fundamental to law itself. Law is the "child of antinomies"; its great problems involve "[t]he reconciliation of the irreconcilable, the merger of antitheses, the synthesis of opposites." Benjamin N. Cardozo, *The Paradoxes of Legal Science* 4 (1928).

The law has claimed for itself throughout modern history an association with noble purposes: justice, fairness, equality, human dignity, and social harmony. The decision to come to law school is tied—sometimes indirectly and remotely—to a set of ideals and social values that ally the student with the promise of the law. The ideals that law embraces (through its rhetorical claims if not in lived reality) reflect the real need and insatiable human appetite for a better world. Although such aspirations may be hidden, obscure, or even denied, they can be found in the story of virtually every law student and lawyer.<sup>19</sup>

The ideals of social justice and human dignity represented by law (or at least by its public rhetoric) are masked by more immediate concerns and desires. Students who have lost control of time and who are not given imaginative encouragement are unlikely to pursue the connection between the fundamental ideals that brought them to law and what they will do as lawyers. Although we tend to forget that our students have ideals (or even that we, their teachers, do), becoming a lawyer is *always* in service of ideals. We cannot, however, choose an appropriate ideal and live it out unless we can see it in our work, in the place in which we live and study. The everyday reality in which we participate may or may not further the ideal that we have chosen. It is helpful (and encouraging) to remember that becoming a professional is a stance against disillusionment, hopelessness, and the loss of meaning.

When learning becomes repetitive, endless, tiring, and boring, the ideal is tested. The strain can be felt. Students and teachers alike feel badly because we live daily with the reality of seeing ideals erode and fade, watching their transformation into legalism and self-serving professional rhetoric. The dream of becoming a lawyer, with all its fantasies, expectations, ideals, and hope, is countered by tasks, burdens, obstacles, doubts, confusion, fear, anxiety, and dread. The conflict in our lives is real. One student describes it well:

Much of my first year in law school felt like a titanic struggle to hold on to values I've nurtured and developed, which law school, in its lumbering nihilism, would destroy. I so feared the efforts to co-opt me (not just the institution and its games for ranking and sorting, the faculty, administration, and a majority of students were in on the conspiracy) that I flatly refused to play even the most simple and innocuous games everyone plays to get by. . . .

I have wanted to succeed at law school—and perhaps I have. I came with the same hope that most students start out with—to be in the top 10, make Law Review grades, be active in organizations of interest, and come out a well-rounded, competent lawyer. I learned early that doing what it takes to live out that scenario was not as compelling as my heartfelt suspicions about the purposes being served by much of what I was being taught.

A recurring and perplexing personal conflict for me has always been the tug-of-war

19. The literature on social values in legal education is sparse. The best effort at mapping out such concerns is Elizabeth Dvorkin, Jack Himmelstein & Howard Lesnick, *Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism* (St. Paul, Minn., 1981). See also F. Raymond Marks, *The Individual Lawyer and the Quest for a New Professional Role*, in *The Lawyer, The Public, and Professional Responsibility* 239–249 (Chicago, 1972); Lawrence Dubin, *The Role of Law School in Balancing a Lawyer's Personal and Professional Life*, 10 *J. Psychiatry & Law* 57 (Spring 1982); Howard Lesnick, *The Integration of Responsibility and Values: Legal Education in an Alternative Consciousness of Lawyering and Law*, 10 *Nova L.J.* 633 (1986).



between working hard and intensely, and being spontaneous and free. I've more frequently opted for the latter. Being "spontaneous" is a quality that I value. It requires a great deal of sacrifice. A counselor at the university counseling center tried repeatedly to get me to manage my time. He wanted me to make a schedule of the hours in every day and to plan in advance what I would be doing during that time. I couldn't. Well, let me say I couldn't stick to what I had planned. Things would come up. More likely than not, I just rebelled against the imposition of a formal structure. Having real doubt about the usefulness or value of grades before coming to law school, I soon found that grades as a measurement of ability and knowledge was arbitrary, unpredictable, unreflective, and laughable, if they were not taken so deadly serious by students themselves.

I've cheated the side of me that wanted to do what it takes to succeed in law school and that part of me is angry. It shouts at the other side, "Coward! Just couldn't cut it, eh? Couldn't do the work. Couldn't stay with it." I guess I'll never know if I could have gotten good grades if I'd tried. I didn't really try. This may be a simple post-hoc rationalization disguised as a conscious choice but in any event this conflict is in remission these days. I have quit worrying about it. . . .

Planning my life out from now until retirement, or some other distant time, seems dead to me. Who knows what the spirits have in store for us. I want to stay loose and open. Of course, this kind of thinking can be self-defeating in law school where jobs and opportunities are snatched up early and little remains for those who lag behind. I don't really dislike working. In fact, I prefer working to going to school. It is just that I am selective in the kind of work I do. It must be politically correct and psychologically rewarding. I want to have some greater purpose than making money or simply keeping busy. I want to feel that I am striving for some greater good than my own immediate needs.

The conflict students describe can be seen as a confrontation of idealism (sometimes heavily disguised) and pragmatism (the reality of the work). Law teachers reward and students accept the displacement of idealism by practicalism, viewing it not only as inevitable but desirable. Some students take pride in becoming legalists. Law school turns out to be engaged in a kind of reverse alchemy, turning the gold of idealism to the heavy lead of professionalism.

Practicalism relegates ideals to the "shadow" antiself that exists in isolation, split off from the public persona. Practicalism fails because the "doing self," with all its work, leaves too much of our dream unrealized and unfulfilled. The "doing self" is called into question by the story our ideals, visions, and dreams tell of how life can and should be lived, and of what the world can and should be. There is always something just beyond the comfortable, immediate, useful world practicalists construct that reminds them of their ideals.

The ordinary adult is . . . practical. . . . [H]e is a craftsman in the field of effective living. But even then he is not all a man should be. Having sacrificed much in order to make a delimited portion of the world more or less his home, instead of being a man of the world he is a part only of a part of it. Every man must occupy a similar, limited area. But he will not have fully realized his potentiality for being a man unless at the same time he is aware of values he himself does not sustain or pursue, but which are as basic as those which he cherishes. While limited and involved in special tasks, he has to learn how to be part of the richer world.<sup>20</sup>

Within everyday reality there is a "need for a world image linking everyday life with some greater vision."<sup>21</sup> Any student who wants to give the law school experiences meaning must imagine a world beyond narrow roles and reality-focused practicalism. The everyday, practical world constructed

20. Paul Weiss, *The Making of Men* 65 (Carbondale, Illinois, 1967).

21. Erik H. Erikson, *Toys and Reasons* 117 (New York, 1977).

by the “doing self” is simply inadequate. Our ideals and the consciousness they embody pull us toward a more complex future than the “doing self” makes possible. To be human is to live in a world of symbolic interaction and exchange in which production and productivity encapsulate at best, a partial, if not, pathologized meaning.

The limited, constricted, confined meaning we give to our experience of work cracks; the everyday world constructed around “doing” fails us. When practicalism breaks down, we feel as if we cannot go on. Life becomes too much, the commitment to the routines of both work and play give way, and the banality of practicalism is exposed. Our own experience, if we are open to it, points the way to a different reality and a deeper, fuller life. Becoming a lawyer provides hope against the loss of meaning. Hope is a fundamental part of the reality of lawyering, heard in the stories of law students and in the rhetoric of professionalism. Lawyers believe their contribution to society matters. They believe that they serve the public interest and deserve the status they are accorded in society. Professionals form a community founded in the rhetoric of hope. It should be no surprise, then, that hope finds its way into our stories.

Several weeks after the beginning of a fall semester a student stopped by the office to talk. One of her comments struck home:

Something is happening. I started off with so much hope and now that seems to be gone. How did I lose it so easily? I look around and I see the same thing happening to my fellow students: What is there about what we are doing that causes us to be like this?

We talked about how difficult it is to hold to our ideals and maintain the hope with which we undertake a venture like legal education, about how easy it is to assume we are helpless and lose hope.

It may be that we do not know what we want, what ideals are worth pursuing, what kind of meaning is possible. Many people do not really know who or what they are. They have no sense of purpose that they identify as their own.<sup>22</sup> Instead, they habitually follow the path that others have charted for them. There is a tendency for students to endure the everyday reality of law school, to ask only in passing what it means, or to give it a meaning that makes sense in the context of the most limited instrumental concerns. It is difficult to make legal education a part of one's own story and to resist becoming one of the legal clones turned out by a law school factory.

### **The Quest for Meaning**

Erich Fromm suggests that even though we may have the potential to achieve our ideals, we do not become fully human until we acquire the power of reasoning, reflection, and imagination. According to Fromm, “[s]elf-awareness, reason, and imagination . . . disrupt[] the ‘harmony’ which characterizes animal existence. . . . Man is the only animal for whom his own existence is a problem which he has to solve and from which

22. See Charles Reich, *The Sorcerer of Bolinas Reef* (New York, 1976), and Alice Koller, *An Unknown Woman: A Journey to Self-Discovery* (New York, 1981).

he cannot escape."<sup>23</sup> Once we become conscious of the ideals that we bring to the study of law and begin to imagine ourselves acting on our ideals, we proceed with the faith that the oppressive reality imposed by everyday routines can be transcended. When we embrace more encompassing ideals, however, we are also aware of and impelled by a sense of contradiction:

Every stage [an individual] reaches leaves him discontented and perplexed, and this very perplexity urges him to move toward new solutions. . . . [I]t is the contradiction in his existence that makes him proceed on the way he set out. Having lost paradise, the unity with nature, he has become the eternal wanderer (Odysseus, Oedipus, Abraham, Faust); he is impelled to go forward and with everlasting effort to make the unknown known by filling in with answers the blank spaces of his knowledge. He must give account to himself of himself, and of the meaning of his existence. He is driven to overcome this inner split, tormented by a craving for 'absoluteness,' for another kind of harmony which can lift the curse by which he was separated from nature, from his fellow men, and from himself.<sup>24</sup>

How, one may ask, does the movement toward a more encompassing perspective take place? In Fromm's view, the solitary wanderer becomes an individual in relation to the world. It is one of the characteristics of human nature that man's "happiness depends on the solidarity he feels with his fellow men."<sup>25</sup> We face not only a "given" world that stands against us, in which we must confront the problematic task of living with ourselves, but also a world in which we must discover how to live with others.

To develop the skills and sensibility necessary to live a mindful (as well as purposeful) life, we must find a way to see beyond our immediate "frames of reference and devotion."<sup>26</sup> Some students, concerned about what law school means and about how it affects them, realize that law school involves more than merely learning "the law" and acquiring lawyering skills. In the following narrative fragments students struggling with the transformative nature of legal education try to give their experience meaning:

i

There is more to life and law school than just Zombie-like acceptance of things as they appear.

ii

I honestly cannot define a particular goal or even an area of interest concerning the law at this point, but I do feel a motivation, and need to pursue this undefinable, as well as almost incomprehensible, aspiration which has overtaken me.

iii

Success in law school means a lot to me. I'm putting myself on the line, make it or break it. I want the challenge, I need the challenge. I feel as though my life has had no direction and I have been seduced by the trivial. I need to prove to myself that I can make it. I need to stop taking the easy way out, both professionally and personally. All this is in the back of my mind. The questions who am I? why am I? are quietly resting as I become more comfortable with myself. But why do I want to succeed? And why now? I don't know exactly. I have some vague images inside my head, but I feel as though I must.

23. Erich Fromm, *Man for Himself* 40 (New York, 1947).

24. *Id.* at 41.

25. *Id.* at 43.

26. *Id.* at 48.

I value the person I am very much. I value my own uniqueness in a sometimes mundane existence in a mundane world. I do not want a job, or to merely exist. I want to enjoy what I do to make a living, as well as enjoy those aspects which making a living brings to me. I have a public/professional self, I have a private self and I want a career to bridge the two. I want to be respected and to respect myself. I want to be appreciated and to appreciate. I want to be the person I am, the person I was meant to be.

*iv*

I feel like a trained seal sometimes. We hit the right sequence of horns and we're rewarded by a condescending approbative remark by one of the professors. But it is all so utterly devoid of external significance!

I feel sometimes that I am being sucked down into an abyss of banality and practicality. Everything is so structured and organized; if every act has an end, and law school is an act, what is its end? Besides being a lawyer, that is. The same question can be asked of anything anyone does. Generally, what are the reasons anyone selects to do any one thing as opposed to something else? What a question. What are the bases of the decisions you make?

The things I want from life law school doesn't offer. I know this. Yet, I want to do well here in the ivory tower of mammon.

The student who wrote the last comment went on to say that her "philosophical disposition" set her apart from others and was a "weakness" in the law school setting:

I feel so alone sometimes, not in a depressed way though. The aloneness is borne out of a sense of wonder at being alive. I can explain it no other way. I wonder how other people avoid thinking about it. What goes through their minds instead? What do they think when they reflect on the infinity of time and space? When they gaze into a clear starry night, what thoughts occupy their mind? I border on mysticism, I know. One of my weaknesses as a law student.

When students question their law school experience they begin to claim new meaning for that experience and their life:

*i*

I find the emptiness much easier to bear when I know I have work to do.

*ii*

I am here to learn a trade and to learn how to use it, hopefully (maybe) for the rest of my life. Becoming a plumber is simply not enough. Why pick a completely intellectual exercise if one wants to live in a mechanical vocation? The lawyer sells his mind, his reasoning, his creativity. The best lawyers, it seems to me, must pull together all of their knowledge and resources, not just about Law, but about life, about people. Lawyers have to know how people think, react, dream.

*iii*

I hope to be a touch more realistic: I hope to be able to prepare myself in such a way as to make my skills as an attorney more marketable than my teaching skills were. There is the element of competition with a husband who is very successful and happy in his career. Not to mention my own increased feeling of self-worth when I am able to support myself.

O.K. How do I reconcile all of that with my politics? That is a problem, certainly. For now, it is a question of waiting to see how things develop. Look for a way to reconcile the two. Make a living, but at the same time remain true to myself and my ideals. I hope (am I overly optimistic, absolutely unrealistic?) that the two are not mutually self-exclusive.

There is a definite question of morality. How much, as an attorney, is one expected to compromise? I was chatting this summer with one of my sister's friends who is top of her class at Fordham Law School. She clerked for a Wall Street firm this summer, along with one other student from her class. He was researching cases for Ford on the

Pinto damages suits. They talked about it at some length. He had rationalized the compromise to his moral convictions by approaching the whole question as an academic exercise, a puzzle. He became as divorced from it emotionally as he possibly could. I don't know that I could do that. I think (or would like to think) that I would excuse myself from the task. That's fine for a client like Ford who can afford (no pun!) anyone they want. But what about defendants who are patently guilty of horrendous crimes? Or what about white collar criminals, corrupt politicians?

How I can or would deal with those situations is of real concern to me. I don't expect anyone to give me the answers. I may not ever arrive at any binding conclusions for myself. But hopefully, when and if a situation arises I will know what to do.

*iv*

Professors teach case analysis, but the case method mutes the principles it supposedly illustrates. Professors question student after student until the day's cases are distilled into a few relevant facts. Then, more questions determine comparative fact configurations and develop a principle of law. The method galvanizes the class, and interest is generated (partly through the threat of being questioned). But important points can be lost among irrelevant answers, and professors seldom identify a 'best' answer. One wonders if there are any real fundamental principles underlying the cases. This "meeting-hall" experience is emotionally charged but morally neutral. Is this competitive learning or an ordeal by Socratic method?

*v*

Slowly creeping into my consciousness is the aspect of law, not made by the ruling class for the ruling class, but that of a collective morality giving certain guidelines to formal lines of human behavior. The rules required for the orderly functioning of a society, and how it is integrated into that society. Yet, I still cannot help but wonder how, then, do these rules of order inhibit individuals and the society as a whole. What sacrifices do we make in such a trade off? And are there any other possible ways to accomplish "order" without restraint in freedom?

*vi*

I like collages; whether they be collages of colors, words, feelings, images, sounds, four-dimensional, forms, shapes, light, shadow, or a fusion of some from all "categories." A collage is the bringing together of diverse and seemingly unrelated stimuli to produce a tangible/intangible series of interrelated harmonies. I see thoughts as if they were collages and life too. Lately I've begun to see law in much the same way. Law is the result of forces, interests, priorities, goods, evils: a collage of other collages.

We all—students and teachers alike—struggle with questions about what we are doing and how it will affect our own lives and the lives of others. What kind of world have we been given? How are we to remake this world so that it is a more suitable place to live, love, and work? How does being a lawyer make the world a more or less suitable place to live? Our struggle with these existential questions guides the transformation of our lives and the "small worlds" that constitute our everyday reality.

Teachers of law need ways of thinking and talking about legal education that will help us and help our students to confront, critique, and "see through" the prosaic, technical legalism of law school. We need a language that makes rather than denies meaning. To engage in the everyday reality of becoming a lawyer without reflecting on where it is taking us and what kind of journey it may turn out to be, or on how we are remaking ourselves to serve purposes we abhor, means that we give up on our own souls.<sup>27</sup>

27. Although there is much one can object to in Allan Bloom's highly publicized critique of higher education, *The Closing of the American Mind* (New York, 1987), Bloom

The search for meaning has its twists and turns, pauses and reversals, that undermine efforts to describe it, nail it down, or to make life go the way we would have it go. Thirteen years ago I saw in the labyrinth that I entered as a law teacher other wanderers. They called themselves students, but they looked so very much like me and spoke so clearly my own language that I had compassion for them and they for me. I sought to find out how they had come to be in this maze that we call "legal education" and inquired into their faith that they would someday exit from the passageways in which we now found ourselves. It was clear that each of the journeyers that I met had his or her own reasons for being in the labyrinth. Some were sanguine about their present wandering. Others seemed driven by fear, or by some terror that only they could see. It was my theory—to be sure not one shared by all those I met and conversed with along the way—that we were lost. I grew to doubt that many (including myself) would ever see the day when we would emerge from the maze in which we wandered. In the labyrinth no one spoke of home, and there were only vague references to where we thought we were going, and what our true destination might be. I smiled to myself one day, thinking that perhaps we were not really lost in a labyrinth but attending a spy convention. We were all spies, working in disguise, traveling with forged passports. But the thought passed and I took on a more somber attitude as I continued on my way. I decided to question the next wanderer I met more closely about our situation. What she told me was sobering. "Sometimes, I equate law school, or at least my experience thus far," she said, "with someone who wants to see how his car runs so he takes it into a closed building with large vacant floor space and drives it around in circles spinning his wheels. We are all going nowhere at a very fast clip." I paused only momentarily, afraid that I would become infected with the weariness that I detected in her voice, and continued on. I met another woman and asked her the same questions, and she replied in this way: "I cried the night before I left for law school. I knew that this was it. I finally had to grow up, to become an adult. I didn't, don't, want to. I feel the need to become an adult, but my childish ways just won't subside. I am in limbo, neither child nor adult. Does anyone ever make the transition completely? I had pinned my hopes on becoming happy when I became an adult. And what better magic road to adulthood than law school." As the day was drawing near its end and most of my fellow wanderers had paused for the night, I encountered a straggler, whom I approached with a kind word in the hope that he would know the way and might be the one to follow out of the labyrinth. He gave me his name and said: "Law school is, at present, all encompassing. I feel that it is, essentially, life. For now, it is my life."

ventures to say what many of us suspect: Education, if it is to matter in any significant way for a culture, must shape and form character and involve the soul.