

---

## ■ Psychology for Lawyers ■

James R. Elkins

Benjamin Sells, *The Soul of the Law*  
(Rockport, Massachusetts: Element, 1994)

■ **Personifying the Law:** Benjamin Sells contends that “professions, like people, can be seen as having their own personalities . . . .” “Like people, professions have certain ways of looking at things, harbor their own peculiar prejudices, and exhibit their own particular styles.” [14-15]. “Professions want to be respected for what they are. They want to be understood, appreciated, even loved.” [15]. We might hear this kind of a statement made about a person; you might even say it about yourself. Do you find it odd to talk about the legal profession this way?

Sells alludes to and then makes a more direct reference to the idea of law having a life of its own. Law has “powerful, almost divine influences” and a “psychological reality in its own right.” [16]. Sells goes on to ask: “[W]hat does the Law want? What are its hidden desires? How does it think? How does it imagine? What does it dream?” [16]

When Sells approaches Law as a psychological reality and asks questions as if Law were an animate person, he is *personifying* the Law. This kind of personifying was, for James Hillman, the first step in the re-visioning of psychology. [See James Hillman, *Re-visioning Psychology* 1-51 (New York: Harper Colophon, 1975) and Hillman’s thinking about personifying, **Appendix A**. Sells acknowledges Hillman as a primary source for his approach to psychology.]

■ **Being Possessed by the Law:** Sells talks about the legal profession as a kind of possession: “To be a professional is to be inhabited, sometimes possessed, by another voice.” [15]. What kind of experiences, if any, have you had in law school that confirms Sells’s observation about the law taking possession of you?

One way to think about how we are *possessed* by the law is that we acquire a mask to wear as lawyers. Sells observes that, watching and listening to himself and his friends, finds they “sounded like lawyers.” These lawyer friends “style of speaking, choice of words, even their physical posturing and bodily gestures had a kind of studied and measured quality that seemed to me to be continuations of their professional demeanor.” [14]. Sells is talking here, isn’t he, about the legal *persona*?

We acquire, consciously or unconsciously, this professional mask as an expression

of our professional personality, only to find “these professional personalities exert considerable influence” on us. [15]

One way the legal persona works is to help us define who we think—from the perspective of the ego—that we are. To define myself, I must elect who I cannot be. Sells observes that: “The things we exclude through self-definition often reappear in subtle but extraordinarily powerful ways in our lives. Often there is friction between how we perceive ourselves and how others perceive us.” [30]. “The more narrowly people define themselves, the more gets left out. And the more insistent a person is in denying these other possibilities, the more these possibilities live the life of the excluded—constantly trying to find ways to break back into the person’s life and gain acceptance.” [30-31]

■ **Meaning Questions:** Sells poses some questions—see p.16—that provide an outline of how we might translate the ideas we have been pursuing in **Psychology for Lawyers** into questions we can pose about our lives as lawyers:

— “What does it mean to ‘become a lawyer,’ to ‘think like a lawyer?’”

— “[H]ow do the Law’s expectations and attitudes affect the lawyer’s personal and private life?”

— “Are there points of conflict between the lawyer’s personal values and those of the legal profession?”

— “What does the lawyer get in return for his or her dedicated service to the Law?”

— “[W]hat does all of this [these questions and the concerns they call our attention to] portend for the soul?”

■ **Becoming a Professional Carries With It a Sense of Responsibility:** This is the way Sells puts it: “The individual practitioner is charged with the responsibility of living up to these larger, enduring professional desires. One might even say that professions live vicariously through the lives of their practitioners . . . .” [15]

■ **Leading Dual Lives:** Sells posits the possibility that lawyers lead dual lives: “the usual life of the lay person and the larger-than-human life of the profession.” [15]. This idea of leading dual lives can be read in different ways: living one’s own life vs. living the life the profession has you to lead; giving your life over to the legal *persona* vs. the life of individuation (as C.G. Jung uses that term).

In what sense has law school been an introduction to the duality that Sells identifies?

■ **A Psychological Perspective is a Way of Pathologizing:** Sells contends that “the soul of the Law is suffering” [16] and the legal profession shows “symptoms of distress.” [17]. How does this “distress” manifest itself in legal education? If the legal profession is increasingly symptom-laden should this fact and the nature of the symptoms be made a more prominent part of your education for what lies ahead?

Examine Sells’s description of the symptoms of the legal profession. [16-17]. Draw and describe your own psychological symptom map of the legal world as you now know it.

Sells suggests that Law may be trying to tell us something through its symptoms: “I take it as something of a psychological maxim that symptoms always perform at least a dual role, pointing in very particular terms to the place that hurts while at the same time suggesting how we might respond to the pain. If the history of psychology teaches us anything, it is that the soul reveals itself most vividly in its unrest . . . .” [18]

The focus on symptoms in Sells’s personifying of the Law can be traced to James Hillman. If the first step in re-visioning psychology is personifying and active imagination, the second step is pathologizing and working with symptoms. [For James Hillman’s understanding of symptoms and pathologizing, see *Re-visioning Psychology* at 55-112 and **Appendix B.**]

■ **Numbing—a Symptom:** “[M]any lawyers complain of an amorphous lack of feeling, a sense of being anesthetized. “ [33]

■ **The Law’s Psychological Existence:** What do you think Sells means to say in speaking of “Law’s psychological existence”? [16]. Does Sells answer this question when he contends that, “The most important first step in understanding anything psychologically is to get an image. Images are more complete, more fertile, than concepts because they have a broader range of expression and are therefore more precise. Also, images allow our personal perspectives to coalesce with more enduring psychic patterns. So, in turning a psychological eye to the Law, we first need an *image* of what we are talking about.” [23]

■ **A Sense of Community with Something Larger Than Ourselves:** “Most lawyers, if pressed, will acknowledge a feeling that somehow they are part of something bigger than themselves, something that cannot be reduced to a mere collection of individuals, something distinguishable from them as individuals.” [19]. The positive features of a feeling of community can be juxtaposed to the strong feelings of isolation and social alienation that Sells observes in lawyers. “Lawyers in today’s world are lonely, painfully lonely.” [17]. Whatever sense of community we have, or the experience of loss of community, becomes a part of our work and our lives. Sells puts it this way: “[T]he human as microcosm is like the greater world

[macrocosm] in miniature, a kind of embodied reflection, and the two are intimately connected through a deep sympathy. What happens in the greater world happens in the little world, and vice versa.” [19]. Sells concludes that we cannot see the legal profession as a “collection of discrete and ultimately isolated individuals; no longer can lawyers be seen as islands.” [19] [See notes from C.W. Mills, *The Sociological Imagination* 3-13 (New York: Oxford University Press, 1959), **Appendix C.**]

■ **Thinking Like a Lawyer | How the Law Thinks:** In legal education we traffic in conventional wisdom. One strand of conventional thinking offered up to students by their teachers is the notion that we can’t pretend to teach you the law but what we do is teach you to “think like a lawyer.” I’m not all that sure exactly what we mean in holding to this little nugget of purported wisdom. Yes, maybe you want to learn to think like a lawyer, and then, on second thought, maybe you don’t. Benjamin Sells says, “Law school, after all, is where people are taught to ‘think like a lawyer.’” [35]. He goes on to observe that, learning to think like a lawyer: “Everything becomes colored by law-tinted glasses.” [35]. Wearing a lawyer mask and seeing the world through law-tinted glasses may turn out to be as problematic as it is a glorious achievement.

One way that “thinking like a lawyer” can be a problem is the syndrome that Sells identifies as the life-begins-at-law-school syndrome. [47]. Sells goes on to describe the ramifications of the syndrome: “The simple fact is that there appears to be something about law school that disconnects people from the life they had before law school. [Experienced lawyers talk about] how hard it is to get new lawyers to look at a problem in non-legal terms. It’s as if new lawyers are unable to connect their law school training with the vast range of experience they acquired before law school. Somehow, legal training usurps this experience either by ignoring it altogether or by insisting it be reshaped into forms more amenable to the legal mind-set.” [47-48]

We may, given what Sells tells us and what we already know, want to think more seriously about what it means to *think like a lawyer*. And, we might push beyond this occluded notion of learning to think like a lawyer and address: *how the law thinks*. [Sells titles Chapter Two of *The Soul of the Law*, “How the Law Thinks”]

■ **Lawyers Develop “Habits of Mind” (as, I assume, students do):** Sells observes that he takes these “mental habits” of lawyers “to be the unexamined assumptions, myths, attitudes, ideas, and beliefs shaping both lawyer and profession . . . and embody the legal mind’s distinctive quality.” [36]. “Saying such attitudes are ‘habitual’ implies they are to some degree unconscious and involuntary. In archaic language, ‘habit’ referred to a manner or custom of dress, and even earlier meant ‘to have or to hold.’ This means it is not so much we who have mental habits as they who have us . . . . Mental habits operate unconsciously and influence our daily thoughts and actions in ways that by definition we are unable to recognize. We are identified by the habits we wear.” [36] In **Psychology for Lawyers** we have learned

that one strand of conventional wisdom found in psychodynamic psychotherapy is that the therapist works with the patient to make the unconscious conscious. In psychological thinking—that is, being attuned to psychology, and to psyche—we become more aware of our habits of mind.

■ **Law and the Phenomenon of Reduction:** Sells asks, with the title of chapter two, *how does the law think?* We associate high-minded ideals with the law: fairness, equality, justice. But the law in daily use, speaks not in terms of our ideals but with rules and procedures. Sells says, “The Law doesn’t know what to do with Big Ideas that escape analytic definition.” [37]. Justice is a big idea *and* it is not so easily defined with analytical precision. And here is the problem: “[O]ver time the Law’s reluctance to engage the grand ideas at its heart *can limit and restrict the range of its imagination.*” [37][*italics in the original*]

■ **Following C.G. Jung, We Know that Legal Education—and Law—Has a Shadow:** Sells observes that “every idea, every psychological perspective, every mental habit has limitations and casts a necessary shadow.” [38]. Sells (at pp. 39-43) begins to map out the shadow created by the best features of our “legal mind” and Law’s relentless focus on rationality and objectivity. Sells observes that these qualities we seek in Law can have “an anesthetizing effect on the lawyer’s soul.” [41]

■ **Stress:** I read Sells commentary on stress (pp. 43-46) and the constant referral to “stress management” as being as misguided as they are helpful. I think Sells is right to point out that stress—the idea and language devoted to this term—“implicates our deepest imaginings about ourselves and the world. Any truly psychological approach to stress must therefore entail a shift in consciousness that reaffirms the deep and sympathetic connection between oneself and the world.” [45]

■ **Rites of Passage:** Would we have a better sense of who we are as lawyers if we envisioned the legal profession as a *tribe*, a tribe into which one must be initiated. An initiation—the meaningful ones—require rites of passage. Sells claims that “[l]aw school is not an initiatory experience . . .” [49]. I think there is more to be said for law school’s rites of passage than Sells’ ready dismissal would suggest. In a 1985 article—James R. Elkins, Rites de Passage: Law Students “Telling Their Lives,” 35 J. Legal Educ. 27 (1985)—I wrote about law school’s rites of passage and I still find this anthropological/ psychological frame-of-reference useful. [On law school rites of passage, see **Appendix D**]

How does viewing law school as an “initiation ritual” help explain your law school experience? [See Sells, at 48-49]

Sells contends that law school is more an induction than it is an initiatory experience. “Lawyers become ‘insiders,’ part of what is best characterized as a fraternal organization, complete with membership dues, special language, and a subculture of

courts and legal processes.” [49]. The legal profession is a “closed order.” [49]. “[T]he order establishes its own ways of doing everything.”[50]. The result: a “cloistered mentality.” [*Id.*]

■ **Life Begins in Law School Syndrome:** How would you describe the “life begins in law school” syndrome? [47-48]. Sells contends that the “primary symptom” of the syndrome is “a kind of amnesia or mental block about life before law school.” Law school “disconnects people from the life they had before law school.” [47]. This kind of disconnect, if it happens to you, is going to have consequences. Do you see the syndrome in your own life as a student? Do your colleagues in law school manifest symptoms that you can associate with the syndrome?

One consequence of the syndrome is the difficulty new lawyers confront in looking at a problem in non-legal terms. [47]. “It’s as if new lawyers are unable to connect their law school training with the vast range of experience they acquired before law school. Somehow, legal training usurps this experience either by ignoring it altogether or by insisting it be reshaped into forms more amenable to the legal mind-set.” [47-48]

A second consequence of the life begins in law school syndrome is that it “encourages an arrogant and aristocratic attitude that assumes a legal response to life is . . . superior to non-legal responses.” [48]

Sells argues that law school “does not perform the function of opening the law school graduate to the larger world.” [49]

If life begins in law school, what can you say about this new life you are being offered? Sells contends that in this new life, you may be:

—more argumentative;

—“a little haughty, assuming an air of superiority”; (Sells contends that is “rare . . . to hear a lawyer admit to not knowing something. Lawyers are taught to bluff, expected to bluff. Lawyers must always give the impression of knowledge and confidence, must always know.”) [50]. Law school encourages a “sense of aristocracy.” [51]

—making an effort “to affect a range of experience” you don’t have.

■ **Individuality:** Law school produces a “cult of individualism.” [50-52]. “Expected to be forever self-sufficient, strong, knowing, aggressive, and confident, the lawyer is expected to be more than human.” [50]. “Many of the mental habits taught in law school promote a distorted and burdensome sense of individuality.” [51]. Law school and legal profession involve a “kind of individuality [that] is conformism

masquerading as individuality.”[*Id.*]. Sells contends that the individuality in law is a “false individuality” because Law “wants to limit expressions of true individuality. The true individual, one who has a sense of his or her own uniqueness, is perceived as a potential danger to the established order.” [*Id.*]

■ **Lawyers and Their Language:** “Nothing more readily identifies a lawyer than his or her language.” [52]. Sells statement about language reminds us of Wittgenstein’s claim that “to imagine a language means to imagine a form of life.” [Ludwig Wittgenstein, *Philosophical Investigations* 8e (New York: Macmillan; G.E.M. Anscombe transl., 1958)]

“In modern legal practice, the connection between the lawyer’s personal belief in a cause and the words used by the lawyer in advocating that cause has been severed. Indeed, one of the things fanning public distrust of lawyers is the belief that although a lawyer might display a facile use of words, we cannot assume the lawyer believes what he or she is saying . . . . The lawyer’s job in modern society is to articulate the client’s cause in the most persuasive manner possible, regardless of the lawyer’s personal feelings about that cause.” [Sells, at 53]

Sells translates this well-known disconnect between what we say and what we believe into a series of questions to guide psychological inquiry:

—“What happens to the lawyer when he or he internalizes this distinction between his or her personal beliefs and the word?”

—“What happens when one habitually listens to oneself saying things one doesn’t believe?”

—“[I]f we can’t trust our own voice whose can we trust?” [53]

Sells summarizes the lawyer’s approach to words when she engages in legal writing: “An essential ingredient in ‘good’ legal writing is the ability to confine certain words to precise meanings while leaving others purposely ambiguous . . . . To accomplish this task, the Law has developed a highly specialized language that seeks to excise metaphor, simile, and image. From the law’s perspective, all these are seen as fraught with ambiguity, multiple meanings, and uncertainty. But there is more going on here than an innocent quest for precision. The Law is extraordinarily concerned about the damage words can do. Lawyers worry about ‘loose’ language and spend hours trying to eliminate loop-holes, agonizing over the possibility that the wrong word might ‘comeback to haunt them’ down the road. The ghost in the word.” [54]

“When lawyers attempt to exorcize the ghost within the word, they betray their own psychological depths. Words give life and soul, and if we want a varied and rich soul-life we must have a varied and rich language . . . . [W]hen we try to strip words

of their inherent multiplicity of meaning we risk becoming the Devil's Advocate, estranged and alienated, an outcast fated to cold isolation and loneliness. Make no mistake, loss of the Word is loss of soul." [54-55]

"At its worst, the demand that the soul relinquish its language separates the lawyer from his or her own soul—the ultimate abandonment." [55]

How do you respond to this incredible claim that we endanger our soul as lawyers because of the way we are taught to use language?

Sells relates our use of language and our writing to soul. James Boyd White approaches this language|soul relationship from the perspective of a different framing question. White makes central to his work the question: "[W]hat relationship can the lawyer establish with these patterns of thought and language that he [or she] uses?" [James Boyd White, *The Legal Imagination: Studies in the Nature of Legal Thought and Expression* 5 (Boston: Little, Brown and Company, 1973)]. White asks questions directly related to Sells's point:

—Can one "simply learn to use and master" the patterns of thought and language lawyers use "without being somehow affected—perhaps controlled—by what he has learned?"

—"[W]hat is the relationship between the lawyer's language and his mind?"

—"What can you hope to make that relationship in your own case?"

—"What possibilities—what risks, what hopes—can you define for yourself in acquiring and using legal language?"

—"Or is it all very simple: one learns a language that one can use as a tool; it is all gain, no loss?"

—"Can you regard yourself with a cold enough eye to see what the infuriated layman at the cocktail party means when he explodes at you for being 'legalistic' or 'talking like a lawyer again'?"

—"Can you stand far enough back from your legal education to ask, 'What am I becoming?'" [James Boyd White, *The Legal Imagination*, at 5, 6, 9, 10]



---

## **Appendix A :: James Hillman on Personifying**

**James Hillman, *Re-visioning Psychology* (New York: Harper Colophon, 1975)**

James Hillman's basic premise is that "[t]he modern vision of ourselves and the world has stultified our imaginations . . . . What is needed is a revisioning, a fundamental shift of perspective out of the soulless predicament we call modern consciousness." [3]

---

"Personifying is a way of being in the world and *experiencing the world as a psychological field*. . . ." [13]. In personifying, we "find a new way or refine an old way: (a) of revivifying our relations with the world around us, (b) of meeting our individual fragmentation, our many rooms and many voices, and of furthering the imagination to show all its bright forms." [3]. "Personifying not only aids discrimination; it also offers another avenue of . . . imagining things in a personal form so that we can find access to them with our hearts. Words with capital letters are charged with affect, they jump out of their sentences and become images." [14]

"Personifying is . . . a way of knowing, especially knowing what is invisible, hidden in the heart." Personifying "presents in psychological theory the attempt to integrate heart into method and to return abstract thoughts and dead matter to their human shapes." [15]

Personifying is a way of thinking about and responding to the self. Hillman focuses on the reality of different personified figures that we carry with us. Personifying allows us to identify multiple images of self; personifying is "protective: it prevents an unbearable concentration of numinous power in any single figure" [31] and in particular, the ego. Crucial in Hillman's psychology is the decentering of the ego: "For the ego is not the whole psyche, only one member of a commune." [31]

"Personifying helps place subjective experiences 'out there'; thereby we can devise protections against them and relations with them. Through multiplicity we become internally more separated; we become aware of distinct parts. Even should unity of personality be an aim, 'only separated things can unite'. . . . Separation comes first. It is a way of gaining distance. This *separatio* (in the language of alchemy) offers internal detachment, as if there were now more interior space for movement and for placing events, where before there was a conglomerate adhesion of parts or a monolithic identification with each and all, a sense of being stuck in one's problem.

Essential to this internal separation is naming the personalities; as if only by naming the animals in Eden could Adam become who he was. Through naming, they became

*they*, and Adam could now recognize and be separate from each of their characters. His leonine, wolfish, and apelike aspects were no longer him, or his, but ‘out there’ sharing the same garden . . . . Naming with images and metaphors has an advantage over naming with concepts, for personified namings never become mere dead tools. Images and metaphors present themselves as living psychic subjects with which I am obliged to be in relation.” [31-32]. “The purpose of personifying is *to save the diversity and autonomy of the psyche from domination by any single power*, whether this domination be by a figure of archetypal awe in one’s surrounds or by one’s own egomania.” [32]

---

Personifying is an act of imagination, a way of honoring and working with images. Hillman argues that images are basic and fundamental to psyche and soul. “Psychological faith begins in the *love of images*, and it flows mainly through the shapes of persons in reveries, fantasies, reflections, and imaginations. Their increasing vivification gives one an increasing conviction of having, and then of being, an interior reality of deep significance transcending one’s personal life.” [50]

“[S]oul-making depends upon the ability to personify . . . .” [3]

---

**footnote:** Hillman identifies the Greeks as the source of a tradition which “regard[s] personifying as a necessary mode of understanding the world and of being in it. It began with the Greeks and Romans, who personified such psychic powers as Fame, Insolence, Night, Ugliness, Timing, Hope . . . . These were regarded as ‘real daemons to be worshiped and propitiated and no mere figments of the imagination. And, as is well known, they were actually worshiped in every Greek city. To mention Athens alone, we find altars and sanctuaries of Victory, Fortune, Friendship, Forgetfulness, Modesty, Mercy, Peace, and many more . . . .’

Many consider this practice as merely animistic, but it was really an act of ensouling; for there is no question that the personifying of the ancient Greeks and Romans provided altars for configurations of the soul.” [13-14]

---

**Appendix B**  
**James Hillman on Symptoms and Pathologizing**

**James Hillman, *Re-visioning Psychology* (New York: Harper Colophon, 1975)**

“The insights of depth psychology derive from souls *in extremis*, the sick, suffering, abnormal, and fantastic conditions of psyche. Our souls in private to ourselves, in close communion with another, and even in public exhibit psychopathologies. Each soul at some time or another demonstrates illusions and depressions, overvalued ideas, manic flights and rages, anxieties, compulsions, and perversions . . . [W]e 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.

The study of lives and the care of souls means above all a prolonged encounter with what destroys and is destroyed, with what is broken and hurts—that is, with psychopathology.” [55-56]

---

Pathologizing is “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.” [57]. June Singer notes that “Jung . . . wanted to know where the symptoms might be leading the patient, that is, what unconscious purpose might be operating. He believed that the way to uncover meaning in events and developments was to observe the direction in which they were pointed, that is, to look for the purposive aspect of the symptom.” [June Singer, *Boundaries of the Soul: The Practice of Jung’s Psychology* 37 (New York: Anchor Books/Doubleday, revised ed., 1994)]

---

“[Pathologizing is] a strand in all our being, woven into every complex. . . . To neglect the primary validity of the soul’s sickness-imagery and sickness-experience distorts our notion of soul and our work with it.” [Hillman, *Re-visioning Psychology*, at 58]

---

“Pathologizing is present not only at moments of special crises but in the everyday lives of all of us.” [70]. “[P]athologizing supplies material out of which we build our regular lives. Their styles, their concerns, their loves, reflect patterns that have pathologized strands woven all through them.” [71]

---

“[S]ymptoms are demonstrations of the psyche, a mode of its being and expression, part of its fantasy and its affliction.” [75]

“The psyche uses complaints to speak in a magnified and misshapen language about its depths.” [82]

“As there are archetypal fantasies of health and of growth, of being saved and of coming home, so there are similar imaginal motifs of falling ill, being wounded, and going mad.” [78]

---

“We each have a predilection for pathologizing. It shows in our spontaneous fantasies. Whenever a symptom appears, or an anxiety about our state of mind or physical welfare, it is immediately carried by fantasy into its worst potential, into the incurable possibility: the stiff neck becomes immediately the incipient meningitis; the little lump, cancer; and the nightmare a presentiment of madness, accident, or ruin. There is the feeling of something ‘deeply’ wrong, something ‘deeper’ going on that needs immediate attention. With pathologizing comes the feeling of dark forces in the depths . . . .” [81]

---

“Pathologizing forces the soul to a consciousness of itself as different from the ego and its life . . . .” [89]

---

“The soul sees by means of affliction.” [107]. “From the psyche’s viewpoint, pathology and insight are not opposites—as if we hurt because we have no insight and when we gain insight we shall no longer hurt. No. Pathologizing is itself a way of seeing . . . .” [107]

“I experience the necessity of pathologizing as a need of soul.” [108]. “The soul moves, via the pathologized fantasy of disintegration, out of too-centralized and muscle-bound structures which have become ordinary and normal, and so normative that they no longer correspond with the psyche’s needs for non-ego imaginal realities which ‘perturb to excess.’” [109]

---

“Pathologizing is not only a metaphorical language but a way of translation, a way of turning something literally known, usual, and trivial like the psychopathologies of everyday life into something unknown and deep. As such, pathologizing is a hermeneutic which leads events into meaning. Only when things fall apart do they open up into new meanings . . . .” [111]

---

**Appendix C**  
**C. Wright Mills, *The Sociological Imagination* 3-13**  
**(New York: Oxford University Press, 1959)**

“Nowadays men often feel that their private lives are a series of traps. They sense that within their everyday worlds, they cannot overcome their troubles, and in this feeling, they are often quite correct: What ordinary men are directly aware of and what they try to do are bounded by the private orbits in which they live; their visions and their powers are limited to the close-up scenes of job, family, neighborhood; in other milieus, they move vicariously and remain spectators. And the more aware they become, however vaguely, of ambitions and of threats which transcend their immediate locales, the more trapped they seem to feel.” [3]

---

“Yet men do not usually define the troubles they endure in terms of historical change and institutional contradiction. The well-being they enjoy, they do not usually impute to the big ups and downs of the societies in which they live. Seldom aware of the intricate connection between the patterns of their own lives and the course of world history, ordinary men do not usually know what this connection means for the kinds of men they are becoming . . . . They do not possess the quality of mind essential to grasp the interplay of man and society, of biography and history, of self and world. They cannot cope with their personal troubles in such ways as to control the structural transformations that usually lie behind them.” [3-4]

---

“The very shaping of history now outpaces the ability of men to orient themselves in accordance with cherished values. And which values? Even when they do not panic, men often sense that older ways of feeling and thinking have collapsed and that newer beginnings are ambiguous to the point of moral stasis. Is it any wonder that ordinary men feel they cannot cope with the larger worlds with which they are so suddenly confronted?” [4-5]

---

Mills identifies a quality of mind that makes it possible to comprehend “what is going on in the world and of what may be happening within ourselves” that he calls the *sociological imagination*. “The sociological imagination enables its possessor to understand the larger historical scene in terms of its meaning for the inner life and the external career of a variety of individuals. It enables him to take into account how individuals, in the welter of their daily experience, often become falsely conscious of their social positions. Within that welter, the framework of modern society is sought, and within that framework the psychologies of a variety of men and women are formulated. By such means the personal uneasiness of individuals is focused upon explicit troubles and the indifference of publics is transformed into involvement with

public issues.” [5].

“No social study that does not come back to the problems of biography, of history and of their intersections within a society has completed its intellectual journey.” [6]

---

For Mills, the sociological imagination represents “the capacity to shift from one perspective to another—from the political to the psychological . . .”; “to range from the most impersonal and remote transformations to the most intimate features of the human self—and to see the relations between the two.” [7]

Mills, as a sociologist, is concerned about the kind of society we have formed and where it stands in human history. [6]. But we see a strand of the psychologist in Mills when he asks: “What varieties of men and women now prevail in this society and in this period? And what varieties are coming to prevail? In what ways are they selected and formed, liberated and repressed, made sensitive and blunted?” [7]

---

“When people cherish some set of values and do not feel any threat to them, they experience *wellbeing*. When they cherish values but *do* feel them to be threatened, they experience a crisis—either as a personal trouble or as a public issue. And if all their values seem involved, they feel the total threat of panic.

But suppose people are neither aware of any cherished values nor experiences any threat? That is the experience of *indifference*, which, if it seems to involve all their values, becomes apathy. Suppose, finally, they are unaware of any cherished values, but still are very much aware of a threat? That is the experience of *uneasiness*, of anxiety, which, if it is total enough, becomes a deadly unspecified malaise.

Ours is a time of uneasiness and indifference—not yet formulated in such ways as to permit the work of reason and the play of sensibility. Instead of troubles—defined in terms of value and threats—there is often the misery of vague uneasiness . . . . Neither the values threatened nor whatever threatens them has been stated . . .” [11]

---

“It is now the social scientist’s foremost political and intellectual task—for here the two coincide—to make clear the elements of contemporary uneasiness and indifference.” [13]

---

## Appendix D

### Law School Rites of Passage

■

In baseball it's the rookie year. In the navy it is boot camp. In many walks of life there is a similar time in trial and initiation, a period when newcomers are forced to be the victims of their own ineptness and when they must somehow master the basic skills of the profession in order to survive.

For someone who wants to be a lawyer, that proving time is the first year of law school.

—Scott Turow, *One L* (New York: G.P. Putnam's Sons, 1977)

■

[L]aw school should be understood as an elite rite of passage, a threshold experience in the course of which law students grapple as much (sometimes more) with the existential meaning of being a lawyer as with mastering how to think like one.

—James C. Foster, "Legal Education and the Production of Lawyers to (Re)Produce Liberal Capitalism," 9 *Legal Stud. F.* 179, 183 (1985)

■

[For] a peasant to become an urban worker, or even for a mason's helper to rise to mason—he must fulfil certain conditions, all of which have one thing in common: their basis is purely economic or intellectual. On the other hand, for a layman to enter the priesthood . . . calls for ceremonies . . . .

The life of an individual in any society is a series of passages from one age to another and from one occupation to another. Wherever there are fine distinctions among age or occupational groups, progression from one group to the next is accompanied by special acts, like those which make up apprenticeship in our trades. Among semicivilized peoples such acts are enveloped in ceremonies, since to the semi-civilized mind no act is entirely free of the sacred. In such societies every change in a person's life involves actions and reactions between sacred and profane actions and reactions to be regulated and guarded . . . . Transitions from group to group and from one social situation to the next are looked on as implicit in the very fact of existence, so that a man's life comes to be made up of a succession of stages with similar ends and beginnings: birth, social puberty, marriage, fatherhood, advancement to a higher class, occupational specialization, and death. For every one of these events there are ceremonies whose essential purpose is to enable the individual to pass from one defined position to another which is equally well defined. Since the goal is the same, it follows of necessity that the ways of attaining it should be at least analogous, if not

identical in detail (since in any case the individual involved has been modified by passing through several stages and traversing several boundaries).

—Arnold Van Gennep, *The Rites of Passage* 1, 2-3 (Chicago: University of Chicago Press, 1960)(Monika B. Vizedom & Babrielle L. Caffee transl.)(first published in 1908)

■

Rites of passage are performed not simply to *mark* transitions but to *effect* them.

—Tom F. Driver, *The Magic of Ritual: Our Need for Liberating Rites that Transform Our Lives & Our Communities* 93 (New York: Harper SanFrancisco, 1991)

■

Initiation is not a predictable process. It moves forward fitfully, through moments of clear seeing, dramatic episodes of feeling, subtle intuitions, vague contemplative states. Dreams arrive, bringing guidance we frequently cannot accept. Years pass, during which we know that we are involved in something that cannot be easily named. We wake to a sense of confusion, know that we are in dangerous conflict, cannot define the nature of what troubles us. All change is like this. It circles around, snakes back on itself, finds detours, leads us a merry chase, starts us out it seems all over again from where we were in the first place. And then suddenly, when we least expect it, something opens a door, discovers a threshold, shoves us across.

—Kim Chernin, *Reinventing Eve: Modern Woman in Search of Herself* 16 (New York: Times Books, 1987)