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**Benjamin Sells, *The Soul of the Law* 155-185  
(Rockport, Massachusetts: Element, 1994)**

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**The Well-Worn Path:** “The path to becoming a successful lawyer [can be] seen as a series of clearly defined goals leading to a given reward. Then the reward comes and suddenly there are no longer prescribed goals. After the blush of achievement wears off, a sense of finality and loose-endedness sets in. . . . [T]his often happens at about the time people reach an age where they start to reexamine their lives. Just when things are supposed to be good, the bottom drops out. Dead end.” [155]

Barry Schwartz, in *The Costs of Living*, describes a former student, Allen, who has returned to college for his tenth college reunion:

He came to my office looking healthy and prosperous. He was doing well at his (large, New York) law firm, and expected to make partner in another year or two. While he worked very hard, and didn’t like all the clients he had to work for, his work was often interesting, and he knew that he was good at it. His wife, Nancy, enjoyed the same things, liked the same people, had fun together, and rarely argued . . . . They owned a nice, though small condo on Third Avenue in Manhattan, and a spot for their car in a garage just two blocks away. In the summer, they had a share in a rental in Southhampton, a quarter mile from one of Long Island’s more beautiful beaches.

[Barry Schwartz, *The Costs of Living: How Market Freedom Erodes the Best Things in Life* 17 (New York: W.W. Norton, 1994)]

It sounds like a good enough life, a man enjoying a success he deserves. But, it turns out, all is not well. Schwartz says, “[T]here was a dullness in his eyes and a weariness in his voice . . . .” When Schwartz suggests that he must love his work, Allen makes clear that “love” is not the word he would use. Schwartz reports that Allen wasn’t sure that he was really doing anything especially worthwhile. Mostly he just helped rich people get richer or larger corporations get larger. He rarely felt, at the end of a day, that he had spent his time making the world a better place, and he had thought, when he started to law school, that he would sometimes get to do that. [Schwartz, at 17-19]

The situation that Sells describes, and the lawyer ten years into his career that Barry Schwartz talks about, can be attributed to burn-out, mid-life crisis, or narcissism, but it may be something quite different. Sells calls it a “sense of longing”: “Part of the trouble is the longing’s undefinable quality; we need but know not what. We are flushed with desire, but here is no precision to our desire.” [Sells, at 155]. What can

happen with an onset of a “sense of longing” is the realization that your “life has been fixated on goals” with each new “plateau a platform from which to begin the next climb . . .” [*Id.*]

We have seen, from different psychological perspectives, how radically different kinds of patients can be drawn to psychotherapy: those who have distinct psychological disorders (those who come to be “fixed”) and those who have a sense of longing that overshadows their life (those who come to find “meaning”). Many of us have this kind of longing, and is one reason we read C.G. Jung and James Hillman who see in psychology a way into, beneath, and beyond this “sense of longing.”

If life is like a mountain, a mountain to be climbed, we might reflect on Robert Pirsig’s admonition in *Zen and the Art of Motorcycle Maintenance*:

Mountains should be climbed with as little effort as possible and without desire. The reality of your own nature should determine the speed. If you become restless, speed up. If you become winded, slow down. You climb the mountain in an equilibrium between restlessness and exhaustion. Then, when you’re no longer thinking ahead, each footstep isn’t just a means to an end but a unique event in itself.

[Robert Pirsig, *Zen and the Art of Motorcycle Maintenance: : An Inquiry Into Values*: 204 (New York: William Morrow & Co., 1974)]. Pirsig’s comment sounds something like what we heard from Jon Kabat-Zinn talking about mindfulness meditation.

Drawing on James Hillman’s archetypal psychology, we might think of the *sense of longing* problem as pushing us forward into that liminal space between *logos* & *mythos*. Karen Armstrong in *The Case for God* x-xii (New York: Alfred A. Knopf, 2009) lays out a basic outline of the *logos|mythos* problem:

In most premodern cultures, there were two recognized ways of thinking, speaking, and acquiring knowledge. The Greeks called them *mythos* and *logos*. Both were essential and neither was considered superior to the other; they were not in conflict but complementary. Each had its own sphere of competence, and it was considered unwise to mix the two. *Logos* (“reason”) was the pragmatic mode of thought that enabled people to function effectively in the world. It had, therefore, to correspond accurately to external reality. People have always needed *logos* to make an efficient weapon, organize their societies, or plan an expedition. *Logos* was forward-looking, continually on the lookout for new ways of controlling the environment, improving old insights, or inventing something fresh.

*Logos* was essential to the survival of our species. But it had its limitations: it could not assuage human grief or find ultimate meaning in life's struggles. For that people turned to *mythos* or "myth."

James Hillman's archetypal psychology presents psychology as one way to return to *mythos*. We also see a return to a disguised form of *mythos* in what is now sometimes called spiritual psychology. [I have a link to "spiritual psychology" resources on the *Index* (opening page) of the course website.]

**Goal-Driven Life:** Sells talks about "goal-directed thinking." [155-156]. The conventional wisdom is that we need goals. Sells questions this notion. "Propelled by our quest for future goals, it is very hard to appreciate what is here at hand." Sells, following what we saw in the materials/videos on mindfulness, contends that our goals "need to be tempered by more intense involvement in the present." [156]. "Everyone knows that working hard for the sake of future reward has a different feel to it than working for the sake of the work." [156] [I assume that Sells is talking here about the *intrinsic worth* we find in work.] Sells would have us seek "a fuller fantasy of work and life," that we think of the practice of law "as a learned craft warranting attention in and of itself. No lofty ideals or pretensions, just the simple artistic demand to do the job right because the job deserves it." [157]

**Loss and Failure in Professional Life:** Sells argues that loss and failure are of "fundamental importance" in the psychological life of a lawyer. For a good many years, I taught Professional Responsibility (or, legal ethics, as it is sometimes called). Teaching that course, I found occasion to suggest that a lawyer's ethical life is all about "loss and failure." [See James R. Elkins, *Ethics: Professionalism, Craft, and Failure*, 73 Ky. L.J. 937 (1984-1985)]

"Our lives are as much a story of our losses as of our achievements. The soul needs our losses at least as much as our successes, sometimes even seems to prefer them, as if losses are sources of the soul's deepest and most resolute strengths." [Sells, at 161]

**Psychology in a Lawyer's Education:** "[L]awyers need to educate their passions and invigorate their imaginations with the same dedication that they apply to sharpening their analytical skills. They must stop over-using mental habits like objectivity . . . and become more adept at applying such specialized tools *only* when a particular job requires it. After all, few artists choose to use only two colors. Lawyers must learn to complement their professional mindset with other perspectives and find more appropriate ways of responding to the myriad opportunities and challenges of daily living." [179]