

1989

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Recommended Citation

Alexandar D. Malich, *Lost Opportunities and Functional Lives: A Comment on the Potential Contributions of Religious Metaphors to Professional Identities and Social Development*, 27 Duq. L. Rev. 741 (1989). Available at: <https://dsc.duq.edu/dlr/vol27/iss4/6>

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Lost Opportunities and Functional Lives: A Comment on the Potential Contributions of Religious Metaphors to Professional Identities and Social Development¹

I. INTRODUCTION

Man today exists in a world where law and religion are considered separate entities that have no business allying themselves in any sort of unwelcome union.² Although unseen interaction of some sort is inevitable, the overall, formal separation between the two realms on both institutional and personal levels is generally conceded and self-evident.³ As a result, the forces-that-be expect contemporary attorneys to conform to this state of affairs by dissociating religious conviction from daily practice. Indeed, not doing so amounts to unprofessionalism, and the necessary expulsion of the emotional from the cerebral world of the courtroom includes

1. The impetus behind a number of the observations within this comment was provided by Duquesne University Law School Professor Robert Taylor, whose classes on "Law and Religion" and "Philosophy of Law" not only evaluate these and other matters of social import, but also encourage an awareness among students of the law's greater functions and its customarily unexplored possibilities.

2. There is a "presupposition" among us that:

[L]aw and religion are wholly separate aspects of life—that the way we run our society need have nothing to do with our deepest intuitions and our deepest commitments, and vice-versa. Behind this radical separation of law and religion is a dualistic mode of thought that has recurrently threatened the integrity of Western man during the past nine centuries.

H. BERMAN, *THE INTERACTION OF LAW AND RELIGION* 16 (1974) [hereinafter BERMAN].

3. This is not to imply that all practitioners and legal educators have resigned themselves to this schism. Combating this lack of unity, the Rev. Raymond C. O'Brien, Assistant Professor at the Catholic University of America, School of Law, for example, writes that:

Legal Education faces a unique challenge today. Law schools with no religious perspective, secular in nature, are challenged to provide integrity and values to students about to become attorneys. Also, law schools professing a religious perspective are challenged to articulate the definition of that religious perspective and how it affects the legal education they are providing students. For both schools it is an awesome challenge.

R. O'BRIEN, *LEGAL EDUCATION & RELIGIOUS PERSPECTIVE* 9 (1985) [hereinafter O'BRIEN]. For O'Brien the answer lies with the Catholic Service Clinic, which was established in 1985 to provide "legal educators at schools with a religious perspective . . . [a model] that will foster the goals of legal education and the particular religious perspective upon which they were founded." *Id.*

For another intellectual response to concerns of this sort, see W. BUCKLEY, *GOD & MAN AT YALE* (1977).

the questionable exorcism of the spiritual as well. As such, the presence of religious mind decreases as career concerns increase in one's life.

One of the results of this emasculation of the religious is that today's attorney ends up leading a life devoid of a metaphor which could infuse his overall existence with greater meaning.⁴ At one time religion unquestionably instructed the human being as to his place in the cosmos, and this interstellar identity provided him with internal meaning.⁵ But much of this substance was lost some time after man banished traditional wisdom in order to pursue studies and business in a value-less context.⁶ The pursuit of academics and occupation in the faith-suppressing framework which results has led man to a point where contemporary practitioners often appear to be visionless specialists who do nothing more than

4. There is some evidence that students of law are cognizant of this loss and are at least interested—if not committed—to finding a solution. The same holds true for some law schools as well. O'Brien notes that "there exists today in the 'hallowed' halls of education, a lasting legacy of the sixties: a search for identity, a vacuum of uniqueness." O'BRIEN, *supra* note 3, at 12. Perhaps wedded to this search is the fact that the many and varied needs of attorneys, most especially litigators, are being discussed with increasing prominence. See, e.g., Brazil, *The Attorney as Victim: Toward More Candor about the Psychological Price Tag of Litigation Practice*, 3 J. LEG. PROF. 107 (1978), in which the author addresses the need for this discourse with these words:

While some of the obvious psychological pressures that attend practice in civil litigation receive at least fitful attention from the professional community (e.g. exhausting and uncontrollable work schedules, the constancy of the sense of combat, the fear of losing, unstable bases of income), there are more subtle and perhaps more important psychological costs of work in civil litigation that seem to be assiduously ignored. The failure to acknowledge and to explore the implications of these costs leaves legal education woefully deficient in a crucial arena and renders analysis of the pros and cons of our system of civil dispute resolution superficial and incomplete.

Id. (footnote omitted).

5. Without personal meaning there is no adaptation to social reality. "One must discover and promote a balance of adjustment that establishes some kind of identity in life." R. Redmount, *Attorney Personalities and Some Psychological Aspects of Legal Consultation*, 109 U. PA. L. REV. 972, 974 (1961).

6. The effects of this scenario have been lamented. Writes Richard John Neuhas: This is precisely the cultural crisis of our society: The popularly accessible and vibrant belief systems and worldviews of our society are largely excluded from the public arena in which the decisions are made about how the society should be ordered. . . . [W]ith regard to law, there is nothing in store but a continuing and deepening crisis of legitimacy if courts persist in systematically ruling out of order the moral traditions in which Western law has developed and which bears, for the overwhelming majority of the American people, this society's sense of right and wrong.

Neuhas, *Law and the Rightness of Things*, 14 VAL. U.L. REV. 1, 12 (1979) [hereinafter Neuhas]. Neuhas advocates relegitimizing the law by reasserting its "transcendent moral purpose." *Id.*

pursue the goals of self-concerned clients⁷— clients who are uninterested in tackling the looming problems of an increasingly complex and answer-less society,⁸ and who give attorneys no cause to

7. Some lawyers who are aware of this appearance find it unflattering and even lethal to the prospect of law as meaning-giver.

Lawyers want to be viewed as something more than mechanics. . . . A priest who has great confidence in the mechanical, *ex opere operato*, effect of the sacraments may content himself with doing the technical job at hand, but that is hardly a worthy model of priesthood. So the lawyer has a quasi-priestly role, mediating between human conflicts and what, it is hoped, is a moral universe. . . . It is not so important that the lawyer who sees his task as purely mechanical demeans himself and his profession; more important is that such an approach demeans the human effort to sustain moral meaning in the universe.

Neuhas, *supra* note 6, at 8.

8. Among these problems are those which are immediate and in the limelight, *i.e.*, the budget deficit and Soviet-American relations, and those which are less apparent but equally important. See, *e.g.*, V. COSMAO, *CHANGING THE WORLD* 1-4 (1984), in which the author, a French priest, writes that:

[T]he World Bank (has) announced that at the end of this millennium 600 million men, women, and children would still be mired in 'absolute poverty'. . . . A small and relatively decreasing minority of human beings will benefit from the unimaginable progress made possible by developments in the information sciences. There will be data networks handling information, computation, management, and various other services. At the same time, however, the ever-growing majority of human beings will find themselves in the grip of insoluble problems insofar as the satisfaction of their basic needs is concerned: food, clothing, housing. . . . Surrounded on all sides by famished, disinherited masses, the affluent minority will have to lock themselves up in their fortresses to escape the terrorist activities of desperate individuals and bands. Security will become an obsession, and the collective conscience will reconcile itself to the harsh measures needed to guarantee that security. Human rights, honed to a fine edge in definitions, will continue to be trampled underfoot—both by authorities entrusted with the maintenance of order and by those denouncing the established order.

Id. Despite the bleak picture he paints, however, Cosmao does not despair.

Think of the brave deeds of human groups in the past. They have managed to survive on thankless lands and in harsh climates. Think of the thousands of years required to figure out the elementary actions and procedures that form the basis of agriculture, animal husbandry, and cooking. Why, then, should we despair of humanity's ability to pull itself together and confront the enormous challenge of the present age? Why can it not make the necessary shift to the collective organization of its life on this planet as a whole? The mastery of social dynamics is no more unthinkable than the mastery of nature. The shaping of a habitable earth for all will be the great challenge to be met by the end of this millennium.

Id. at 3-4.

The solution offered by Cosmao depends on Christianity renewing itself to assume a leading role in the transformation of the world.

[T]he church has a role to play in the salvage and reconstruction of the world. As we approach the end of the millennium in which Christianity has had a presence, we find the church being called back to its original truth and dynamism. In taking part in the task of organizing a world system in which we all have a chance to find fulfillment as human beings, the church is really being summoned to reconstruct itself and to carry out its mission. Perhaps the most significant sign of the times is this convergence of the necessities of human history with the main lines of sacred history.

face the potentially stirring challenges of new civilizations and new understandings waiting to be forged. The practice of law reduces itself to the filing of and response to complaints.⁹ Its less than epic social goal becomes resolving day-to-day social conflict, and its immediate personal objective becomes the attainment of spiritually meaningless paychecks.¹⁰ The attorney within the profession has no grand story to provide him with the senses of purpose and direction which accompany knowledge of one's place in the scheme of things, and the inspiration to engage in the dramatic struggles of building a new tomorrow is lost in the absence of greater meaning.

What—given this discouraging reality—needs to be done? How can lawyers overcome the impression that they are mere instruments of special interests to recapture that flame of internal meaning which the professional evasion of religious perspective snuffs out? How can the law as an entity establish itself as a builder of civilization, persuading itself that it deserves to lead man to the undiscovered eras of tomorrow, as opposed to merely playing a secondary role in the evolution of man's story? And once it convinces itself of the rightness of this course, how can the law orchestrate august waves of progress and majestic swells of social transformation, as opposed to merely tidying up the legal disparities left in the wake of the existing storms of change, which are haphazardly stirred by its clients, notably government and corporations? Incomplete, suggestive answers to some of these, among the weightiest and most ambitious of questions, is the purpose of this comment.

The perspective of the writer will be that of a law student who was raised in an old and venerable religious tradition and who found the lack of religious vision surprisingly profuse in law school. The focus will be on the personal and social gains to be had in a world where the interaction between law and religion could be conspicuous and productive, where "what we have seen and felt hitherto as divisions . . . [are] understood . . . as interacting, interdependent dimensions of a single historical process,"¹¹ and where the

Id. at 4.

9. See, e.g., C. Rosenberg, *The Lawyer as Hired Gun*, L.A. LAWYER (July-Aug. 1979), in which the author describes the lawyer's role in such a system, and raises questions about the emotional expense involved.

10. See, e.g., R. Neely, *Your Moral Obligation to Make Money*, JURIS. DR. (Feb.-March 1979).

11. BERMAN, *supra* note 2, at 19.

law, as a result, is "not a thing apart."¹²

This simultaneous focus on both law and religion should come as no surprise. Literature on the relationship between the two is not uncommon,¹³ and although the particular observations and suggestions contained herein are personal to the writer and perhaps fresh to the reader, the general recommendation that law and religion should interact in some way in order to help man solve his problems is by no means new nor revelatory.¹⁴ The need for the two realms to open themselves up to each other and then to interact in a socially beneficial manner is well understood and, as evidenced by a plethora of studies and articles on the subject, a legitimate concern of those who understand both disciplines and are conscious of the powerful impact that a partnership between the two could impel. Writes Richard John Neuhas: "[T]heologians and jurists are not dealing with separate worlds, separate subject matters, but are engaged in this one history and this common task: to enhance life by relating it to the justice of law, and to renew law by relating it to the meaning of life."¹⁵ Furthermore, Harold J. Berman asserts that:

The compartments into which we have divided the world are not self-contained units, and . . . if they are not opened up to each other they will imprison and stifle us. The lawyers study and practice their concepts and techniques; the seminarians concern themselves with things of the spirit; the professors profess their various disciplines. But the gods of law and the gods of religion and the various other gods of our society will not be able to give us the vision we need to keep our integrity as a people and as a civilization. That vision must transcend the divisions which now threaten to destroy us.¹⁶

The aim of this comment is to suggest at least one simple yet arguably meritorious first step towards transcending these divisions and paving the way for an era where the heretofore unfruitful

12. Neuhas, *supra* note 6, at 2.

13. See, e.g., the rather extensive bibliography on Ethics, Theology, Law, and Legal Education, which appears in W. Strongfellow, *Christianity, Poverty and the Practice of Law*, 8 CAP. U.L. REV. 451, 459-64 (1979).

14. Berman, for example, responds to the separation of law and religion described in note 2, *supra*, by arguing that "the overcoming of these dualisms is the key to the future. The new era which we anticipate is one of synthesis. The dying of the old dualisms calls for rebirth through the kinds of community experiences . . . that reconcile legal and religious values." BERMAN, *supra* note 2, at 16. "[T]he old dualisms need to be subordinated to a more complex unity, which seeks the interaction of secular and spiritual aspects of life rather than their compartmentalization." *Id.* at 139.

15. Neuhas, *supra* note 6, at 13.

16. BERMAN, *supra* note 2, at 18-19.

schism between social rules and spiritual norms, profession and vision, the heart and the head, can be cured.¹⁷

II. ACTIVE MINDS, HUNGRY SOULS, AND PROBLEM-RIDDLED SOCIETIES: AN AGENDA FOR THE INTERACTION OF LAW AND RELIGION

Sometimes the simplest of solutions remedy the most complicated of problems. Accused of advocating the application of a band-aid to the mortal wounds of drug use, former First Lady Nancy Reagan nonetheless stepped to the forefront of the war against drugs and counseled young folk throughout America to "just say no." Man today, meanwhile, also struggles to regain the senses of identity and security which the certainty of religious conviction once provided him, and which his inner psyche now lacks. Perhaps the solution for this larger problem (one of the possible causes, incidentally, of the turn to drugs) is for men around the world—most notably legal professionals and other leaders—to take a serious look at religion once again, and this time to "just say yes."

Perhaps before the law itself can develop a thirst for visionary leadership, men and women within the practice of law need to reassess their commitment to their own religious tradition and dedicate themselves more fully and visibly to living up to its ideals and standards. Before law can build civilization, the makers of the law must allow religion to inspire them to make civilization-building their primary, individual goals. Before a new tomorrow can be forged, perhaps yesterday's forgotten treasures must be rediscovered.

Although there are practitioners today who do not deny a religious persuasion of some sort, it is, one would believe, generally conceded that mankind's overall devotion to spiritual realities is certainly less visible, and maybe even less confident, today than it was in the eras when religious metaphors were not shunned in the

17. Those who are skeptical of the law's ability to accommodate such a synthesis can satisfy themselves with the fact that there are many examples of an apparently rigid legal system collapsing and transforming itself when faced with the intellectual crusades of advancing religious believers.

[I]n Western history since the eleventh century the ongoing legal tradition has been interrupted periodically by great revolutions, each of which has attacked the pre-existing system of law in the name of a religious or quasi-religious vision and each of which has eventually created new legal institutions based on that vision.

BERMAN, *supra* note 2, at 14.

pursuit of detached professionalism. At one time—the time when personal values were not viewed as obstacles to competence—the answers to the grandest of questions were simple. The classic Christian metaphor (in summation) went (and still goes) something like this:

Life is a journey. The sojourner's destination is the state of perfection. Perfection is the achievement of love for all — despite indignities suffered and obstacles encountered along the way. Not succumbing to cynicism and despair, and maintaining faith and hope in the face of tribulation, is a challenge which the sins of an erring mankind force the traveler to face. The ultimate triumph of love, however, is inevitable; it will rout all foes and eradicate evil. Achieving a state of self-less love towards others should be the overriding goal of every man's life, and, if God so wills, his reward at the end of life's arduous journey. In order to be saved—*i.e.*, to dwell in this state of ideal love following mortal life—one must be a member of Christ's Church. Although baptism and formal Christian living is the best and least controversial way of manifesting membership in Christ's community of believers, many formal members of the Church—by virtue of their love-less and therefore sinful lives—are far from meeting the standard of membership in God's eyes. Millions of others, on the other hand, may not even know of Christ but by virtue of their goodness (which is revealed by the love that they manifest for others) are in God's eyes among the most outstanding members of his saved flock. One must love both God and fellow man, and, in the absence of knowledge of God, love of neighbor may very well equal love of the Creator in His eyes. Hell—a state experienced by many millions of people while still alive in the physical sense of the word—is nothing more than being cut off from the love of others and the torment of witnessing others bask in it while one suffers in the cold recesses of its absence.¹⁸

A belief system of this sort instructed man to be selfless, to put the welfare of others before his own, and, by implication, challenged him to transcend transitory goals of monetary security by focusing on loftier aspirations to the eventual benefit of humanity in general. The loss of this perspective led to the eventuality of professional man betraying his greater possibilities and satisfying himself instead with merely serving the immediate needs of employers and clients. Instead of each individual attorney making liv-

18. See, *e.g.*, K. WARE, *THE ORTHODOX WAY* (1984). The author is an Oxford scholar and Greek Orthodox Bishop who has researched Orthodox Christian, Roman Catholic, and Protestant literature in order to produce a captivating catechism of sorts. *THE ORTHODOX WAY* reveals those areas of theological understanding where Orthodoxy, Roman Catholicism, and Protestantism converge and agree, and lucidly describes the prototype Christian metaphor. It is particularly useful in that it lacks the rigid formality and dryness—perhaps legalism—which has sometimes been the unfortunate hallmark of those statements of faith which have been produced by exclusively Western minds.

ing up to his or her own religious credo the utmost of priorities, and, as a result, the bar eventually orienting itself towards self-less goals fueled by this synthesis of the two spheres, law and religion, to tackle the greater problems of universal scope and impact,¹⁹ the challenge of integration remains unmet, the cerebral and the spiritual aspects of our common experience remain divorced, and the law as an entity remains an uninspired tool of self-consumed interests.

One of the primary obstacles preventing greater interaction between law and religion is, of course, a prevailing worldview which applauds the separation of values from professional pursuits. Given this possibly stubborn worldview's seeming triumph, will it ever be possible to convince the professional man that the benefits to be gained by a rebirth in, and a rededication to, pre-scientific era religious dogma²⁰ is worth what may at first seem a step towards unprofessionalism, maybe even incompetence? One should think so.

Abandoning the pretense of advancement which attends value-free action is not the necessary prerequisite to merely acknowledging the utility of perspectives temporarily suspended by man. There is a certain sophistication—perhaps more genuine—to the realization that, although man's knowledge has increased over the last several centuries, his fundamental needs have not. To boast that man has come so far as to have outgrown the internal psychological strategies which sustained his pre-nuclear ancestors is to

19. An old Slavic proverb opines that only those who can see the invisible can do the impossible.

20. Use of the word "dogma" is not meant to convey approval of blind absolutism. This comment is premised on the assumption that the religious tradition of most American attorneys does not stand opposed to competing currents of thought. It is not intended to be an endorsement of the intolerance which can at times characterize at least one non-Western religion (*i.e.*, Islam), and which has led to all kinds of mischief throughout history and today, including the recent calls for the death of the novelist Salman Rushdie. Most western religions are based on Judeo-Christian concepts of tolerance and respect. The essence of these ideals has not changed over time, despite the fact that it has been distorted by various "believers" in order to justify violence and other displays of injustice towards non-believers or towards those of a different creed.

As an aside, it should be noted that past abuses in the name of religious bodies have unfortunately led to many people turning themselves off to religious influence. The potential for perverting its own message and falling short of its own ideals, however, exists within all human groups, including those who organize themselves in the pursuit of religion. The original message of these groups, nonetheless, remains the same, and it continues to oppose injustice and intolerance despite the indiscretions of its adherents. It would be a mistake, as such, to reject religion solely on these grounds, as such action would equal throwing the baby out with the bath water.

engage in herculean conceit which smacks of hubris. The discovery that a religious perspective is irreplaceable as both an internal guide and an inspiration to transforming today's dreams into tomorrow's realities would lead to a renaissance in personal religious conviction, and would make for needed changes in group—and hence professional—attitude, spelling maturation in every sense of the word. It would not provoke the betrayal of mankind's own progress. On the contrary, the progress of man would continue, and its quality would improve, as a context would finally surface which could help a bewildered society make sense of the constant explosions of new developments around them.²¹

III. THE CASE FOR INNERPERSONAL INTERACTION: A GLANCE AT SOME RHETORICAL OBJECTIONS

The imperfections of human thought and the limits of expressive language, however, demand the expectation that logical weaknesses accompany proposed agendas—especially simple agendas—like the one contained herein. Answers which are so well-developed and all-inclusive as to be unassailable are exceptional, perhaps even non-existent. Therefore, at least several shortcomings which weaken this proposal—but do not necessarily defeat it—deserve to be addressed. Among them two scream for attention.

First, there is the matter of truth. To make a metaphor the meaning-giver to one's life necessitates finding merit in that metaphor. Reasonable, self-interested people do not customarily cling to the useless or the false and therefore useless. A metaphor based on myth and unconnected to true, albeit unseen, spiritual realities will collapse the moment life events in the material world permeate the wispy shadows of its outer shell to reveal the falsity of the non-core within.

To sustain oneself on a metaphorical story of sorts one must be convinced that the metaphor they gauge their life by is not untrue. Concrete truth survives and prevails.²² Fantasies do not. A meta-

21. The same has been said of science and religion. For centuries man lived in ignorance of science. Now he lives in unspoken contempt for religious metaphors. United, the forces of science and religion could form the most potent of partnerships in the history of man—the one guiding him to critically evaluate the world around him and leading him to develop ways of making more people more comfortable in more places of the world, and the other supplying him with the fuel and reason to continue advancing and a system of thought (a metaphor, if one will) in which to understand the discoveries he stumbles upon and to infuse them with meaning.

"The overcoming of . . . dualisms is the key to the future." BERMAN, *supra* note 2, at 16.

22. In the marketplace of ideas truth always prevails. See *Abrams v. United States*,

phor not based on truth is of no use and even detrimental²³ in that it is not made for the long haul and will only serve its purpose for so long as the realities of a challenging life do not uncover its deceitful character and provoke its resulting failure as a belief system.

Certainty that one's metaphor is grounded in ultimate truth is, as such, a necessary prerequisite to the successful maintenance of a meaning-giving metaphorical belief system in the professional's life. But is such certainty possible? Can truth be known? For those baptized, confirmed or otherwise inducted in any religious orientation the answer should be a resounding yes. All religions are premised on assumptions of truth, and all adherents of religion base their faith on these premises. This certainty is not always self-evident in the arena of law, however, because many—if not most—legal professionals today have felt forced by the circumstances of their practice to divorce their particular faith system from the day to day routine of their business. The study and practice of spiritual matters is relegated to the backburner to the point where some attorneys and law students would be hard pressed to recognize, let alone pronounce, the basic tenets of the faith that they were confirmed in and ostensibly belong to.

But for those who do know their faith, however, the choice is simple: either the leap of faith is made or it is not. Those who make this leap content themselves with the knowledge that certitude in the existence of spiritual realities and metaphysical truths can be had through human experience which transcends man's five limited senses. They know that they can experience God without actually seeing Him. Faith for them is a matter of the heart and not of the head.²⁴ The legitimacy of this approach is not to be underestimated. Even non-believers themselves embrace it when faced with the hypothetical discoveries of purely empirical scientists. They assert the notion, for example, that electrons exist, and they base their belief on the fact that scientists who have never seen electrons can nonetheless claim to have experienced them in other ways. For the believer in science this claim of experience—which has existed for a number of decades—is a sufficient enough basis for faith. Similarly for the believer in religion, the evidence of man's experiences with the supernatural over the last

250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

23. False metaphors obstruct acceptance of true metaphors. Once proven untrue, metaphors which fail in their purpose may lead to cynicism towards all other stories to live by.

24. K. WARE, *THE ORTHODOX CHURCH* 230 (1985) [hereinafter WARE].

several millennia, coupled with each individual believer's personal experiences of the heart, is sufficient enough to base faith on, and to justify the conclusion that the leaps involved amount to movements towards truth, and ultimately towards the welcome senses of purpose and direction it necessarily brings with it.

But why do the powers-that-be require leaps of faith to be made in the first place? Why should not man be assured of truth in religion by virtue of experiencing it through one or more of his five senses, the senses he uses to experience the concrete, mundane, and non-spiritual elements of this world? Why should not man—the argument would go—be able to see God?

Christian theology, among other schools of thought, provides the answer. God, the explanation goes, created man in His own image, and then blessed him with the greatest gift of all: free will. As the Creator and Controller of all that is, God's power to impose Himself upon man, and to program him in any which way, is self-evident. But out of love and respect for His creation God decided to instead gift man with an independent will and to allow Him to accept or reject His divine norms, which most notably include love of God and love of fellow man. It is this free and independent will, this control of one's own destiny, which ennobles man and makes him a truly unique and regal figure. Empirical knowledge of God's existence could destroy this liberty and deprive man of his noble character. For to see God would be for free will to crumble. To face the awesome and overpowering might of the Divinity is to buckle under in remorse for doubts and errors and to pledge oneself from thereon in to correcting matters by serving His will. When all uncertainty is removed in this particular manner, the choice to believe and to aspire to greater things based on that belief is taken away. Only a fool would face God and then persist in resisting His desires. As a result, man would be robbed of his free will, and faith would become a matter of ordinary experience and implied force, as opposed to choice and feelings of rightness. No one wants those that they love to feel compelled to return that emotion. Love—perhaps the most unwelcome emotion in the world of legal discourse—wITHERS in the face of force. Mere human beings demand trust and faith from those who love them and they want those who love them to have freely chosen to do so. It should not be surprising that the Creator of such a demanding species would expect a similar choice as well.²⁵

25. See *id.* at 227, wherein it is stated:

The second question which requires consideration concerns the nature of the profession and training within the profession. Can one devoted to deeper ideals survive three competitive years of law school and several decades in a profession bristling with cynicism, argumentation, bickering and litigation without eventually feeling forced to sacrifice these ideals on the altar of adjudicative expediency? Is it possible for the contemporary practitioner of law to be both religious and successful, indeed even competent? One must admit that it is difficult to sustain an idealized belief system in the face of disappointment, injustice, infighting, betrayal, people politics, rumor, innuendo, and all of the other unpleasant creatures encountered in but not necessarily limited to the world of law. But to succumb to doubt and surrender faith in the ultimate goodness of man, the eventual victory of "right," and the utility of faith, is to lose one's way in the journey of life and to suffer a profound personal defeat. Millions of personal defeats like this pooled together equal defeat for the entire human community and hopelessness for the future. The world can never get better—much less integrate itself—if those whose silent allegiance to noble ideals grounded in religious roots fail the tests and challenges of their faith and character in the day to day struggle to be both good people and good litigators. Sticking to one's guns in the face of smooth sailing is essentially worthless; sticking to one's guns in the face of adversity is true grit. Grit leads to success. Quitting does not. The test is not always easy, but perhaps those who presume to take the reins of leadership (attorneys foremost among them) have a greater obligation by virtue of their position to avoid failure. It indeed would be a great tragedy if those leaders armed with optimism and faith succumbed to embittered opponents armed with the anti-religious, non-weapons of cynicism and disbelief.

IV. LAW SCHOOL: AGENCY OF CHANGE OR NEUTRAL INSTITUTION?

The thrust of the above agenda is, as such, to urge greater emphasis on personal religious tradition. Whether this goal should or could be achieved in law school—or should be relegated to earlier times in life, at other stages of personal development (*e.g.*, at

'Behold, I stand at the door and knock; if anyone hears my voice and opens the door, I will come in' (Revelation iii, 20). God knocks, but waits for man to open the door—He does not break it down. The grace of God invites all but compels none. In the words of John Chrysostom: 'God never draws anyone to Himself by force and violence. He wishes all men to be saved, but forces no one.'

home, Sunday school, the office, or the like) is an important, complex question.²⁶ A concerned observer, however, would probably find no harm in insightful, well-intentioned law professors counseling future attorneys to get in touch with their beliefs,²⁷ and reminding them that the collapse of their individual belief systems is not the necessary *quid pro quo* of successful lawyering. Such counseling might, in fact, be absolutely essential in order to help the great number of attorneys who find their lots sorry ones and who seek to rescue themselves from feelings of directionlessness and the absence of greater purpose.²⁸ Regardless of whether or not the law school should be the forum which encourages students to develop a value system, or whether it should merely reinforce (by way of encouragement) what should have been developed prior to law school, nothing undesirable, and certainly only good, can come from instructing students that something more than a deep pocket theory or cost-benefit analysis is needed to emotionally sustain and spiritually satisfy the man or woman engaged in the less than uplifting sport of case winning and precedent setting. The beneficiary

26. See Milner S. Ball, in M. BALL, *THE PROMISE OF AMERICAN LAW* 130-31 (1981) [hereinafter BALL], writes that:

The meaning of law is a subject not often raised in law school classrooms by either teachers or students, except perhaps sardonically. One of the more intriguing reasons advanced for this omission is that teachers themselves are uncertain about the meaning of law, its significance *sub specie aeternitatis*. The uncertainty is in turn perceived as symptomatic of a more general loss of direction, a pervasive loss of a sense of transcendence.

Id. It goes without saying that the above applies to the teaching of religion as well.

See also DVORKIN, HIMMESTEIN, AND LESNICK, *BECOMING A LAWYER* 1 (1981), in which it is stated that: "[A] subtle process of professionalization occurs during law school without being addressed or even acknowledged. This learning by inadvertence means that the participants often fail to consider fundamental questions about the identity they are assuming, and its relation to their values." *Id.*

27. It appears that Ball is one such thoughtful observer. He states:

It has been said that whenever 'the utopia disappears history ceases to be a process leading to an ultimate end. The frame of reference according to which we evaluate facts vanishes and we are at last brought to a 'matter-of-factness' which ultimately would mean the decay of the human will.' In short, without utopias and some opportunity to engage in creating them, a law student will simply not be equipped for either judgement or improvement of the world. . . . '[M]uch that otherwise might appear to be 'speculative' or 'theoretical' in a law school curriculum . . . deserves to be thought of as vital, useful, and practical training. [It] may help lay the theoretical or conceptual base for forty years or more of continuing self-learning.'

BALL, *supra* note 26, at 132 (footnotes omitted).

28. ABA statistics have recently reported that a substantial number of today's attorneys would change jobs if possible. The statistics do not suggest that the numbers will improve with time, and, given the disunity between religion and law, perhaps a continuing deterioration of the situation can be expected.

will always be the attorney and conceivably, in light of the resulting interaction between law and religion, society—if not civilization—itsself.

V. CONCLUSION

The professional, as such, is urged to reevaluate his or her posture towards religion, and to research the principles of his or her confession in order to discover whatever meaning and direction is contained therein. The recognition of this meaning should lead to the satisfaction of certain psychological needs, and a resurrection of the ancient yet timely idealisms which religion inspires. Re-equipped with a context within which to understand his or her world, the legal mind can be expected to use this frame of reference as an intellectual springboard from which to develop the new understandings which are critical to approaching the problems of the globe it functions in, a globe which is always in need of maintenance and increasingly in need of improvement.

While other studies have similarly urged greater interaction between law and religion, few—if any—have taken the cleric's perspective to boldly challenge attorneys to allow the two realms to interact within themselves. Yet it is precisely this innerpersonal interaction which may be the necessary first step on the long road to achieving the social "regeneration"²⁹ which Berman advocates, or perfecting the "rightness of things" which Neuhas champions.³⁰ If religion were allowed to position us towards something beyond ourselves, and if we made these spiritual goals our overriding objectives in life, matters might integrate themselves, much job dissatisfaction would be eradicated, and mankind—replenished with the faith it lost during relativism's rise as the slayer of meaning—would be on the way to civilization-building once again.

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29. BERMAN, *supra* note 2, at 76.

30. See Neuhas, *supra* note 6, at 1.