

Professionalism and Our Troubled Times

by Paul D. Carrington

Perhaps the most valuable role the lawyer can fill in today's society is that of disillusionist. All the race riots in history have not cost as much life as a Fourth of July weekend, Mr. Carrington observes, yet the fear and anger they engender produce illusions that threaten society in other ways. Lawyers, who are accustomed to dealing with stress, know this, and they know as well the destructive forces that arise from an unrealistic sense of guilt and from the vanity that is so endemic in human nature.

IN MOMENTS OF romantic reflection, we lawyers like to think of ourselves as champions of our clients or of the public causes we serve. Such an image of chivalry attracted many of us to the profession. Most of us have learned, however, that our powers of advocacy are a last resort; they provide solace to vanity and a refuge for weak causes, but they are not the basis for our most valuable professional services. The most useful resource of lawyers is not a facility with language, but a wisdom borne of experience with social strife.

Those who have experienced a few divorces, prosecutions, bankruptcies, labor disputes, will contests or even tax deficiencies have gained an understanding of human behavior under stress which is very useful to the participants in such disputes. Most of our friends and clients have relatively little opportunity to observe others, much less themselves, under stress. They tend to judge human motives and behavior

by appearance. Most especially do they tend to appraise their own behavior and motives on the basis of a veneer of illusions instinctively created for the purpose of justifying their emotional responses to stress. Thus, the mind often distorts the facts and misconceives their moral value under strain, producing an attitude that the distressed possessor might be quick to condemn in others as hypocrisy. This is a natural trait, but it is seldom understood by those who are not familiar with stress.

As lawyers, we are familiar with the phenomenon. We know that a distressed client is a poor source of facts. Often the most valuable service that a lawyer can perform is to discern the facts as they are and force his client to face them. It may be that the highest and best use of the advocate's power is to persuade one's client to pursue his own best interest, as that interest is perceived realistically. In this way, the work of the lawyer is often that of a

disillusionist. It is perhaps this characteristic which causes our more visionary fellows to be restless in the company of lawyers. It is perhaps this that caused Anatole France to wonder whether lawyers were ever children. But it is also this trait that makes lawyers men for so many seasons.

Our country is now in great need of this kind of wisdom. In such troubled times, we must expect, and we can observe, a rising tide of illusions. It is possible that we may be engulfed with hallucinations created by the desire for self-justification. Many of our fellow citizens are engaged, actively or vicariously, in the turmoil of our times, but few of them have the experience that would enable them to take a detached view of their participation. Hence, it naturally results that many self-delusions will be committed as the participants seek to justify, and even ennoble, their own responses to strife. This can be a cumulative process. As the struggle deepens, the emotional response is intensified. The process of self-delusion is thus stimulated and the facts become more remote. The source of friction is then less understood, so that the combatants become more frenzied and less amenable to a rational easing of the tension. The process can be reversed,

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Our Troubled Times

but only by cool heads. Where can we hope to find such cool heads, if not among the battle-hardened members of the Bar?

Three Emotions Threaten National Well-Being

Physical fear, guilt and vanity are the three emotions which threaten our national well-being. All of these are familiar enemies to lawyers accustomed to dealing with clients under stress. All of them can be controlled if enough of us will speak out to force a collective recognition of the real facts and the real moral issues. This is perhaps the great professional challenge of our time.

Consider first our fear of violence. This is surely a legitimate fear, but men take shame in it and are often tempted to justify their fear by exaggerating the threat. This exaggeration then incites greater fear, which generates more illusions. The cycle can result in blind panic. It is an appropriate task for lawyers to keep the dangers in perspective. Civil disorder poses a risk of physical harm to only a small portion of the population. All the race riots in our history have yet to inflict as much loss of life as a single weekend of modern Fourth of July traffic. Blizzards, tornadoes and earthquakes can be far worse. Disorder and assassination cannot by physical means bring down the Republic. Indeed, as we have seen so often in recent months, most such acts disserve their own cause.

A more serious risk than the physical harm resulting from violence is our reaction to our own fears. Physical fear becomes anger, and anger tends to reinforce the illusion, so widespread in America, that violence can be a solution as well as a problem. It is enticing to believe that violence can be overwhelming. In fact, however, it is not only antisocial disorder which deserves its cause, but also official violence which exceeds the immediate needs of defense. The instinctive response of public anger produces an ever-widening circle of angry responses which tend to dissolve the bonds of mutual confidence that make civilized life possible.

The best means of controlling vio-

lence is to belittle it by a calm response. Violence is induced by fear and anger. As we disguise their emotions, we deny further incentive to violence. Lawyers are well aware of the dangers of exaggerated fear and escalating responses of anger. It is a public duty to keep these dangers before the public. By dispelling the illusions that we are in great physical danger and that an angry response is an effective one, we can help control the disintegrative process.

Guilt is an emotion that is perhaps more lethal, and surely less justified than fear. The guilt of white Americans has been aroused by the rhetoric of well-meaning people over decades and even centuries. It has been a Protestant ethic to begin every discourse with an allocation of fault. Our discussions of race relations have been deplorably loyal to that mandate. Somehow, it has been assumed that people could be induced to do the right thing if they could be made to sense guilt for the inadequacies of the society in which they live.

In fact, guilt is seldom a constructive force. As Dostoevski has taught us, the desire to expiate guilt can be quite destructive. Assassins are likely to be men who have known much guilt. It is the opposite sense, the sense of innocence, that is more likely to produce creative activity. Each individual must think well enough of himself to recognize the possibility that he has something to give to more wholesome relationships. The burden of guilt causes many of us to create exculpatory illusions, which can be very difficult to destroy.

Most common, perhaps, among the illusions of guilt, is a blindness to suffering and to the opportunities to alleviate it. It is common to entertain the false beliefs that poor blacks enjoy their plight or else that nothing can be done about it. These illusions are fostered by the rhetoric of guilt. A corollary of white guilt is the black sense of victimization, which leads to irresponsibility. Blacks are tempted to believe that they cannot help themselves because they will be frustrated by the guilty white conspiracy.

Little Basis for "Guilt Feelings"

As lawyers, we can see that there is little factual basis for the guilt of individual whites. To be sure, there are some whites, and even some blacks, who have remorselessly exploited the weak position of many of our black citizens. But most of us inherited a world that we can change but little. There is no conscious conspiracy of repression. Just as very few are guilty of assassination, so very few of us are guilty of causing the many disappointments and frustrations which black citizens experience. It is true that many or all of us can be accused of varying degrees of insensitivity or indifference to suffering. But one who senses guilt because of his inaction or ineffectiveness must take upon himself all the misfortunes of the world. This is one of the more foolish forms of playing God. The allocation of guilt is especially misleading and unwise when it is assigned collectively to all who permit themselves comfort while others suffer. As professionals, we recognize that guilt is meaningless unless it is personal and based on misconduct.

If more white Americans were induced to affirm their own innocence, and if more black Americans were enabled to surrender their personal resentments, there might be a factual basis for great optimism. In fact, we are very close to being able to create a society in which almost everyone has a reasonable opportunity to make of himself what he will. If we cannot foresee a sudden outbreak of brotherly love, we are at least on the verge of having a world in which few men need hate themselves because of what they find it necessary to do to others. We can see that many black Americans have individual opportunities for achievement which are without parallel; never have people without property had a greater opportunity for self-fulfillment.

This is not to deny that there are just causes for unrest. There are those who have been so reduced by the grinding effects of their chance misfortunes that they have little to give. Means must be found to make a decent place in our society for such people.

They must be induced to make the most of what they have, and this cannot be done by further deprivation. Such accommodation is a manageable task and an exciting challenge. We can get on with it much more effectively if we can do it less from depressing guilt and more from creative hope. It is time that the realists among us dispel the guilt and resentment and the illusions they engender, so that we can all discover the delights of civilized life. This is another task for lawyers.

Human Vanity—a "Subtle Debilitation"

Finally, there is that very subtle debilitation, human vanity. If we can conquer physical fear and guilt, we can never subdue entirely the pernicious effects of our concern for status. It is an inevitable feature of an open society that our insecurities are exposed to almost daily agitation. An advantage of a tight caste system is that none need fear that they will be personally diminished in a competition for status. In contrast, the dynamism of our society generates a destructive force, as those vying for dignity seek to gain it by imposing indignity on others. The appetite for status is fed by illusions that give honor to one's self.

Thus, it is very hard for affluent men to take a realistic view of the degradations of the ghetto. The harsh truth that the chances of life are the principal cause of the difference between those who are honored and those who are degraded is an almost unbearable affront to the self-esteem of the honored. It is far more pleasant to create illusions that explain why the unfortunate deserve their fate than it is to recognize the transitory nature of our own luck. This instinct for status takes a different but equally debilitating form in the minds of the oppressed. They tend to seek status by reveling in their

own despair and self-pity, thus denying to themselves the fruits of achievement.

In some respects, it is our vanity that poses the most substantial obstacle to overcoming our problems. It is the most general problem because it not only operates of its own force to subvert our judgment, but also feeds fear and guilt. Moreover, it is the most difficult to extirpate. Fear and guilt are not respectable motives, but many people can admit to themselves that they have been momentarily misguided by such sentiments without inflicting great harm on their self-esteem. It is still harder to recognize the distorting force of vanity, because it is almost intolerably distasteful to think of oneself as vain. Also, vanity spreads its poisons in subtle ways.

Although the task is not easy, lawyers can contribute much to the cause of dispelling the illusions of vanity. To some extent, we must counsel solutions which tread as lightly as possible on the vanities of our fellow citizens. If we think about it, we can leave almost everyone some room for moderate self-inflation. By pointing to the dangers of pride, we can guard against further submissions to the unseen enemy. As we ease fear and guilt, we all become less insecure in our status, and this alleviates the problem of vanity. Finally, by recognizing our own individual fear and sense of guilt, and by identifying our own notions of false pride, we can diminish the task for others. The threat to vanity that results from a recognition of one's own delusions can be greatly eased by an awareness that others have deluded themselves.

Perfection is not required. It is hardly necessary that every American become acquainted with his own unreasoning fears, guilts and vanities. Not every illusion need be dispelled. The task is much more manageable



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than that. We need only to keep these debilitating emotions in check so that they will not run away with us. If we can achieve that, the humane sensibility of the American people will control the march of events.

To be sure, it bears repeating that none should be permitted to believe that a coronation of peace will occur tomorrow. False hope is as dangerous an illusion as any. Every lawyer knows that illusions are not surrendered quickly. For those that are deeply embedded, the process must be slow. But if we force ourselves to see the truth often, the time will come. We shall overcome our fear, our guilt and even our pride. Quite probably none of us will have the ultimate experience, but perhaps our offspring will: the dream can happen, and all Americans together may proclaim themselves to be free at last from their own tyrannies.