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There Is No Work-Life Balance

HON. BRIDGET MARY MCCORMACK AND LEN NIEHOFF

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We often find ourselves speaking to audiences of law students and new lawyers who are trying to figure out what their future as practicing attorneys will look like. At some point, typically toward the end of our remarks, a hand goes up and a dreaded question—as reliable as the law of gravity—lands with a thud: “Do you have any advice as to how to achieve the right work-life balance?”

People talk a lot about work-life balance. A really, really lot. It has become the stuff of articles, of lectures, of books—indeed, of cliché. A quick Google search of the term yields 1,870,000,000 results. To put things in perspective, that’s roughly twice as many as you get if you Google “Michigan,” the state from which we both hail.

Yogi Berra once remarked, “I wish I had an answer to that because I’m tired of answering that question.” And we’ve grown a bit weary of trying to field this one. In part, our exasperation stems from the huge gap between the extent of the question and the time usually available to address it. It is as if the inquirer asked: “In the two minutes remaining, would you mind giving me your prescription for my personal happiness?” Don’t put us in the lightning round and then ask us to play Socrates.

But our more important objection is that the question does not make sense. It assumes that we can describe what such a balance would entail, that someone can achieve it, and that doing so would be a good thing. We have serious doubts about all three

assumptions. We think that’s because they’re wrong.

Our objections don’t end there, however. Not only do we think the conceptual model that frames the work-life-balance question is confused; we think it is pernicious and destructive. It invites people into unnecessarily conflicted patterns of thought. And it sets them up for failure. That’s probably why law students and young lawyers routinely ask how to achieve this mythical balance. They’ve already come to suspect that it can’t be done.

We further believe that the work-life-balance formulation has become so pervasive that it prevents people from entertaining other—and, in our view, more productive—ways of thinking about how to achieve happiness in the context of a famously demanding profession. Better models for aspiring toward a fulfilling and well-rounded life in the law exist. Most of our inquisitors just can’t see them because they’re too busy trying to make sense out of the senseless concept of work-life balance.

Further, in their zeal for a tidy prescriptive answer to the work-life-balance question, these folks often miss an important point about the question itself: It is a great privilege to have the chance to ask it. Many, perhaps most, people in other lines of work—certainly those who need to work multiple jobs just to keep food on the table and a roof over their heads—do not have the luxury of pondering work-life balance. It seems strange to start from a position of concern about a profession that affords a

member the room to ponder what it means to have a happy and fulfilling life within it.

Why We Dislike the Term

So why do we so strenuously dislike the work-life-balance question? Let's start here. Work-life balance is a metaphor. It draws on a visual image so familiar that it appears in Middle Eastern

drawings thousands of years old. In it, a vertical prop supports a pivoting horizontal beam; buckets hang from the beam's opposing ends; the buckets come into balance when they contain equally weighted amounts. Equipose signals success.

Metaphors have their uses, particularly in philosophical, theological, and poetic contexts where more literal language fails to capture the truth we seek to express. But they can also signal trouble. Sometimes speakers resort to metaphors because, well,

Illustration by Jim Starr

they don't know what they're talking about. A similarly confounded audience then buys into the metaphor because they don't know, either—and off we go.

A close look at the work-life-balance metaphor reveals how atrociously it maps on actual human existence and the question we're trying to answer about it. Consider: The model gives us two separate and distinct buckets to balance—work and life. Everything goes into one or the other. Of course, before we can do any balancing, we first need to figure out what goes where.

Good luck with that. You're telling your spouse over dinner about a new case that just came in. Work or life? You're telling your law partner over lunch about your daughter's swimming competition. Life or work? You're playing golf with a client who is a friend, you're having drinks with a judge who was a law school classmate, you're writing an article for this journal for the sheer intellectual pleasure of it, you're embroiled in a case you're handling pro bono for someone in your church or synagogue. Life? Work? Both? Neither?

Sure, some activities will seem to fall neatly in one bucket or another. It would perhaps seem odd to describe drafting a brief as “life” or attending a child's first orchestra concert as “work,” although an attorney might experience these things in exactly that way if she loves to write and hates to listen to badly performed show tunes. But some substantial part of what happy and successful lawyers do does not lend itself to the tidy and binary labeling of “this is work” and “this is life.”

More problematically, though, the work-life-balance metaphor imagines life and work not just as segregated spaces but as opposing and conflicting ones. Any addition to one costs the other. The minute your “life” receives an uptick in your attention, your “work” starts to scream about the vagaries of neglect, and vice versa. We don't think that dividing your life into two perpetually arguing and needy voices provides a useful and productive formula for happiness.

In any event, how would you measure how much you have put into each bucket? By reference to the quantity of time dedicated to life on the one hand and work on the other? Does a rough estimate suffice or must we keep a running ledger? When J. Alfred Prufrock, the protagonist of the T. S. Eliot poem, says that he has “measured out his life with coffee spoons,” he is bemoaning his condition—not prescribing a strategy for attaining fulfillment.

Also, if time is the measure, then does its quality matter? If you've had a fantastically meaningful conversation with your spouse or child or best friend, then what does this do to the “weighing” process? Nothing at all? Or does it require you to work “extra-meaningfully” tomorrow to make up for it?

T. S. Eliot had something to say about the sort of oppositional structure imposed by the work-life-balance model. In a book review he published in the *Times Literary Supplement* in 1921, Eliot celebrated the so-called “metaphysical poets” of the 16th

and early 17th centuries, like John Donne. These poets, Eliot observed, amalgamated their disparate experiences into a unified existential whole. In the minds of these poets, the acts of falling in love, reading Spinoza, and smelling the scent of cooking were deeply connected. This explains how Donne could write a poem that did not just talk about sex and religion and death but integrated them—as they are integrated in life itself.

Eliot contrasted these poets with those who came after them. He saw the later poets as afflicted with a “dissociation of sensibility . . . from which we have never recovered.” They fragmented their experience into different categories—separate buckets, if you will—and that concept took hold and has persisted. The work-life-balance formulation is a natural consequence of this new paradigm of dissociated sensibilities: life over here, work over there.

Sometimes speakers resort to metaphors because, well, they don't know what they're talking about.

This formula pushes us toward a disconnected, fragmented, splintered existence where “the center cannot hold” because no shared center exists. Experience becomes a collection of warring factions. When “work” gets heavy, then “life” grows resentful because it isn't getting its share, and when “life” has greater demands, then “work” gets its nose out of joint. Doesn't sound much like inner peace, does it?

In addition, the simple realities of human existence will sometimes dictate that one of these buckets top the other—perhaps for an extended period. A litigator involved in a complex trial will find work awfully consuming and may miss family dinners. On the other hand, a serious health issue with a loved one will require even the most dedicated of lawyers to cut back on work or maybe even put it aside for a while.

One of the authors of this article learned that the wife of a successful litigator colleague and friend had been diagnosed with advanced ovarian cancer. In response to an expression of sympathy, his friend replied: “It is terribly hard, but life has become strangely simpler. Now I spend all my time thinking about only one thing.” No one mentioned keeping up with work and

it would have been bizarre—indeed, offensive—to have done so.

So if the work-life-balance model suffers from all these failings, how should litigators and judges—with their heavy workloads, incessant deadlines, and relentless demands from clients and colleagues—think about maintaining their sanity and striving toward happiness? If the dreaded work-life-balance question is the wrong question, then what is the right one?

We have some thoughts and suggestions, which we humbly offer here. But we need to begin with a few disclaimers.

First, neither of us has any expertise in the field of mental health, which we understand is a weakness, given our topic.

Second, although we hope that our attempt at reframing the question will prove helpful for some readers, we harbor no illusions that it will do so for all of you.

And, finally, anyone who followed either of us around for a week might not like what they saw. We confess that we both “work” a lot and during many hours often thought of as reserved for “life.”

Nevertheless, the two of us have been trying to navigate this territory for quite a while and we believe that we have found our way to lives that are deeply rich professionally and personally. In any event, we’ve done a good enough job at it that lots of people seem to think we might have useful stuff to say about their work-life-balance anxieties. So, for what it’s worth, here goes.

The Long View

If you’re wedded to the idea of work-life balance, then let’s put that in a different perspective. One way to do so is to expand the lens. Success comes more easily if balance is measured over the length of a career, rather than by worrying about achieving the right balance over the course of a week or even a year.

Sure, there will be periods of time during a career when life will take a back seat. And these periods won’t always occupy just a few bad weeks; they may run much longer. Likewise, there will be times when life will take over and work will need to climb over the front seat and into the back. Those stretches may last a while, too. But that’s OK.

Both of us have lived through these patches on numerous occasions. In every one of them, the other people in our lives and in our work have supported us and have shored up home and office so we could steer our way through whatever we were facing. Expanding your lens also means recognizing that you’re not in this “balancing” process alone.

The long view really helps. When the two of us add up those “imbalanced” periods across our combined 60-plus years in the profession, it nets out to about equal. It would have been comforting if we’d had the benefit of that math and this broader perspective at the front ends of our careers. Maybe our late-gained insight will save you a little needless angst.

So stop “balancing” your days or your weeks. Take stock every few years. How is the balance across your career? If that wider lens reveals an imbalance that feels off, maybe you should make some changes. And, again, you can implement those over time; you don’t need to change everything tomorrow—that can result in imbalances of its own.

This perspective might not give folks at the start of their careers as much comfort as they want. We get that. So we offer another model altogether, one that we think fits better with our profession, anyway. Why not think less about work-life balance and more about work-life integration? Maybe the two-bucket framework isn’t a helpful way to achieve happiness. Perhaps thinking instead about how your life integrates everything important to you is a better frame.

This is our pitch: Life and work are not binary; work is just a subset of life. Why did work get such an oversized role in this project? Life has lots of parts—relationships, rest, recreation, work. The list can be long depending on how you categorize all the things that occupy your time. But work, while it may occupy much of that time, is just one among many other constituent parts of life. In this sense, talking about work-life balance makes no more sense than talking about rest-hobby balance.

And work isn’t always a subset that conflicts with all those other parts of life. As we said at the start, many things lawyers do don’t neatly fit themselves into a work bucket. When your kids phone-bank with you at your campaign office, when you brainstorm this article with your spouse, when you take long bike rides with your partner, you are integrating work and family and relationships—like it or not.

We view this integration as a privilege. It is one of the great benefits of our profession and we are grateful for it. True, legal work can seep into evening and weekend hours. But how fortunate are we to be able to do so much of it anywhere and anytime? That flexibility allows us to arrange our lives in ways that best serve all of its constituent parts.

Our profession rarely fits into nine-to-five hours, but we view that as more of an opportunity than a dilemma. We can get to that midday holiday concert and finish the brief in the evening (even if the evening work is interrupted more often by other parts of life, so it takes a little longer). We can write that brief on Saturday so we can take our kid fishing on a weekday when the lake is less crowded (even if that fishing trip may be briefly interrupted by a phone call). This shift in perspective reminds us how lucky we are to be in this profession—you remember, the one that was supposedly causing work-life-balance problems.

And here’s another, perhaps more radical, way of framing the issue that may also have some utility: Perhaps our goal as busy professionals has nothing to do with striving for some sort of fabled work-life balance. To the contrary, maybe our happiness and fulfillment lie in understanding that wild imbalances are a

defining characteristic of what we do. Perhaps the secret lies in embracing that reality and in learning to derive pleasure from the crazy dance of moving from one imbalance to the next.

Some practitioners of meditation talk about a related concept. We can't just pull up a cushion, sit down, close our eyes, and declare: "And now I will empty my mind of thoughts." The human brain doesn't work that way. We will have thoughts—lots of them—whether we want the pesky devils or not.

They suggest that we need to allow those thoughts to come in (because we have no alternative) but then quickly discard them. The resulting perpetual imbalance creates a balance of its own, in the same way that a child's top stays up for as long as it continues to spin rapidly. In this approach, meditation becomes possible not because our minds become dormant but, paradoxically, because they fall into a constant movement that brings a different kind of stability—and even peacefulness—to the endeavor.

In the same vein, we can't achieve happiness or fulfillment by sitting behind a desk, drawing a line down the middle of a sheet of paper, and announcing: "And now I will calculate my work-life balance." Our profession doesn't work that way. We will have imbalances—lots of them—whether we welcome them or not.

Life and work are not binary; work is just a subset of life.

Spinning from one imbalance to the next may sound more like a prescription for a psychic meltdown than a formula for well-rounded self-fulfillment. And, indeed, allowing trifles to slap us to-and-fro like the flippers on a pinball machine has nothing to recommend it. The energies that drive our lives, however, are not all the same, and some are as profoundly valuable as others are annoyingly trivial. Whether we can lead gratifying lives by spinning from one thing to the next depends on what's making us spin.

Two Positive Factors

It turns out that our professional and personal lives have in common at least two positive forces: first, the desire to care for other people; and, second, a deep and restless curiosity. The first is what compels us to stay up all night on someone else's behalf—whether that someone else is a child with a bad flu or a client with an even worse case. Allowing the forces of concern, empathy, and compassion to spin us from one thing to the next is not so bad.

To the contrary, it is our indispensable credential as members of a service profession—and as members of families and of the human race.

The second positive force—intellectual curiosity—similarly enriches our personal and professional lives. It is what prompts us to read the books our children have been assigned in college, to learn the details of a new client's business, to stay current on public affairs, and to explore an arcane corner of the law because we need to invoke it, argue about it, decide it, or change it. Having intellectual curiosity buffet us about a bit is not a problem—although, in our more tired and grumpier moods, we may experience it that way.

To the contrary, intellectual curiosity energizes our lives in ways that seeking balance obviously does not. Jim Harrison captured the point nicely in these lines from a poem titled "The Golden Window":

We are here
to be curious not consoled. The gift of the gods
is consciousness not my forlorn bleating prayers
for equilibrium.

Or, to put it more bluntly, stop worrying about your work-life balance and be grateful for your compassion, your consciousness, and your curiosity. The rest will take care of itself.

Indeed, pursuing work-life balance seems like just another form of chasing success and happiness, which psychologist Viktor Frankl assures us is a complete waste of time. In his book *Man's Search for Meaning*, Frankl observes that these things cannot be pursued—they must ensue "as the unintended side-effect of one's personal dedication to a course greater than oneself." Two such higher courses are caring for others and following our intellectual curiosity where it leads us.

So, yes, our lives as busy professionals may spin us off in different directions, occasionally leaving us feeling like a wobbly top at best. But, again, the things doing the spinning matter. And you could do a lot worse than having your life careen this way and that in the service of the forces of compassion, consciousness, and curiosity. A whole lot worse.

A famous Zen saying declares: "If you meet the Buddha on the road, kill him." Interpretations of the maxim differ, but one holds that we should dispense with any self-proclaimed Buddha we encounter. After all, he must be a fraud; the real Buddha lives within us.

So, in conclusion, we offer this suggestion: If you meet work-life balance on the road, kill it. It's not real. There is no work-life balance.

And it's probably a damn good thing. It sounds a lot less interesting than the alternatives. ■