

October 2001

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Recommended Citation

M. Cathleen Kaveny. "Billable Hours and Ordinary Time: A Theological Critique of the Instrumentalization of Time in Professional Life." *Loyola University of Chicago Law Journal* 33, no.1 (2001): 173-220.

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Billable Hours In Ordinary Time: A Theological Critique of the Instrumentalization of Time in Professional Life

*M. Cathleen Kaveny**

Sudden in a shaft of sunlight
Even while the dust moves
There rises the hidden laughter
Of children in the foliage
Quick now, here, now, always—
Ridiculous the waste sad time
Stretching before and after.¹

I. INTRODUCTION

Many lawyers are very unhappy, particularly lawyers who work in big firms. They may be rich, and getting even richer,² but they are also miserable, or so they say. Several commentators on the state of the legal profession have turned their attention to this phenomenon, probing its causes and exposing its effects upon the legal culture and the wider society.³ They suggest that a major culprit is the sheer amount of time that lawyers must work in order to justify their high salaries. Lawyers, especially those on the partnership track, have little or no time for family, friends, or public service. Their lives are consumed in an endless stream of work, much of which is increasingly specialized, tedious, and repetitive. They would be happier and more balanced

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1. T.S. ELIOT, *Burnt Norton*, in *FOUR QUARTETS* 13, 20 (Harcourt 1971) (1943).

2. In February 2000, elite law firms began raising the pay of associates by as much as fifty percent in order to compete with start-up internet companies for legal talent. First-year associates with no legal experience began earning as much as \$150,000 in salary and bonus. David Leonhardt, *Law Firms' Pay Soars to Stem Dot-Com Defections*, N.Y. TIMES, Feb. 2, 2000, at A1.

3. See MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* 40-59 (1994); ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 165-270 (1993); Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999).

people, or so it has been argued, if they agreed to earn less money in exchange for working fewer hours.

I am in full agreement that the number of hours worked by lawyers, particularly those in big firms, is a substantial cause of their unhappiness. But I think that the problem runs deeper than the sheer *amount* of time they are required to devote to their professional lives. After all, many physicians, clergy, and even academics seem to put in comparably long hours, apparently without experiencing the same level of dissatisfaction. Furthermore, a large portion of any job is consumed by repetitive, uninteresting tasks that nonetheless require a great deal of attention. Surely, the sixth baby with an ear infection doesn't look substantially different from the first to the treating pediatrician. Certainly, to the tired eyes of the professor grading it, the seventy-fifth blue book answer in a contracts exam is not noticeably different from the fifth. Why don't these groups seem to be as unhappy as lawyers?⁴

I would like to propose a different hypothesis: A neglected but important cause of lawyers' unhappiness is not the *amount* of time they work, but rather the *way* in which they understand the time they spend working, which is directly related to the manner in which they are forced to account for it. At the heart of the problem is the widespread practice of charging clients for the amount of a lawyer's time that they consume. On a practical level, the inexorable demands of the "billable hour" are responsible for many of the most unpleasant aspects of life in

4. The lack of data makes it difficult to compare the job satisfaction of other professions with that of the legal profession. A 1984 study of professionals ranging in age from nineteen to sixty-eight years old in the fields of college student personnel, health and mental health administration, and those in miscellaneous other fields (not including lawyers) attempted to correlate professional burnout with thirteen job characteristics. Diane McDermott, *Professional Burnout and Its Relation to Job Characteristics, Satisfaction and Control*, J. HUM. STRESS, Summer 1984, at 79-85. The study concluded hours worked and being on-call showed no significant correlation with burnout. *Id.* at 83-85. A more recent study of engineers found that the number of hours worked was not indicative of overall job satisfaction. Duncan Cramer, *Tenure, Commitment and Satisfaction of College Graduates in an Engineering Firm*, 133 J. SOC. PSYCHOL. 791 (1993). Instead, career structure, salary, management supervision, training, and working environment were decisive. *Id.* at 795. Another study of engineers concluded that the level of challenge and intrinsic interest of the work is the central predictor of engineers' job satisfaction. James M. Watson & Peter F. Meiksins, *What Do Engineers Want? Work Values, Job Rewards, and Job Satisfaction*, SCI., TECH. AND HUM. VALUES, Spring 1991, at 140-72. Furthermore, it may be important to correlate job satisfaction with personality traits. A two-year study of public practice accountants in Ontario, Canada, found that this profession attracts persons with order-driven, task-oriented Type A personality characteristics. Bernadette H. Schell & Valorie M. DeLuca, *Task-Achievement, Obsessive-Compulsive, Type A Traits and Job Satisfaction of Professionals in Public Practice Accounting*, 69 PSYCHOL. REP. 611-30 (1991). Except for advanced partners, the majority of public practice accountants were only moderately job-satisfied and were not committed to staying in their present jobs until retirement. *Id.* at 627-28.

a large law firm, including the growing pressure on lawyers (particularly young associates) to work even longer hours. One way large law firms make money is by charging out their associates' time for more than they are paying the associates in salary; the difference (less overhead) is distributed to partners as profits. The longer associates work, the more money partners make. Furthermore, current partners have diminished financial incentive to create future partners with whom they would have to share the spoils.

I believe, however, that this way of calculating the value of legal work does more subtle—and more serious—damage to the attorneys forced to bow to its demands than that inflicted by overwork. The regime of the billable hour presupposes a distorted and harmful account of the meaning and purpose of a lawyer's time, and therefore, the meaning and purpose of a lawyer's life, which, after all, is lived in and through time. The account, which ultimately reduces the value of time to money, is deeply inimical to human flourishing. Because large firm life can press many lawyers to internalize this commodified account of their time, they may find themselves increasingly alienated from events in their lives that draw upon a different and non-commodified understanding of time, such as family birthdays, holidays, and volunteer work. The failure of lawyers to participate actively in their family lives and civic communities may not only be attributable to the fact that their heavy work schedules do not give them the time to do so, but it may also be that lawyers imbued with the ethos of the billable hour have difficulty grasping a non-commodified understanding of the meaning of time that would allow them to appreciate the true value of such participation. As a consequence, they may eventually find that work is the only activity that has meaning for them.

Let me be clear: I am not suggesting that the dominance of billable hours prevents all lawyers from living balanced lives, or that it causes each and every lawyer working in a big firm to experience personal and social alienation. I fully realize that some lawyers do not bill their time. I also understand that there are lawyers in both big and small firms who manage to work hard and to devote time to other activities, as well as those who find meaning in other things besides work. My point is not one of logical necessity but of gravitational force. The ethos of billable hours is a powerful component of American legal culture; it can indirectly influence even those lawyers who do not directly participate in it (not least because they probably have to work on occasion with lawyers who bill their time). Embedded within that ethos, I will argue, is a highly problematic view of time. Its normative presuppositions encourage lawyers to view their own temporal existence in a

fundamentally instrumental way that can easily generate alienation from themselves, their families, and the broader social world.

How can we mitigate the harmful gravitational force of a view of time that is embedded in the very structure of the legal workday, at least for many lawyers? I am not optimistic about supplanting the billable hours approach in the foreseeable future, although some firms are experimenting with other ways of charging for their services. My immediate prescription is far more modest. First, we need to lift up to critical scrutiny the normative notion of time that is presupposed by the regime of billable hours and to make lawyers more aware of its tremendous potential to shape the way they view all the moments and days of their own lives. Second, we need to encourage lawyers to consider adopting alternative views of time that give them critical distance on the billable hours mentality, as well as some concrete practices that will help them combat its worst abuses.

Where might lawyers explore alternative views of time that are sufficiently well-developed and powerful to combat the hegemony of billable hours? One possibility is to consider the resources available within various religious traditions, many of which have long experience in dealing with questions of the meaning of human life and of human time. In my view, a religion is best understood not as a set of isolated propositions to be understood, accepted or rejected, but as a “comprehensive interpretive scheme[], usually embodied in myths or narratives and heavily ritualized, which structure[s] human experience and understanding of self and world.”⁵ Significantly, in many religious traditions, beliefs about the world do not stand alone, but instead interlock with corresponding practices of meditation or private prayer, public worship services, and good works. Religious traditions convey meaning about fundamental aspects of human experience, including about the meaning of time, through the three-dimensional interpretive framework they inculcate in their adherents.

In my view, it is the intertwined and mutually reinforcing nature of these respective systems of belief and practice that give religious traditions their most important weapon in resisting the billable hours mentality. The pressures imposed by the dominant legal culture are powerful and will be difficult to combat. No individual lawyer is likely to be able to do so successfully if she is armed only with an abstract

5. GEORGE A. LINDBECK, *THE NATURE OF DOCTRINE: RELIGION AND THEOLOGY IN A POSTLIBERAL AGE* 32 (1984). In his understanding of religion, Lindbeck draws heavily upon the work of anthropologists Mary Douglas and Clifford Geertz, as well as the philosopher Ludwig Wittgenstein.

critique of its view of time. Nor, without more, will she gain ground simply by espousing a powerful theoretical alternative. To resist and reform the culture of billable hours, which firmly embeds its theoretical assumptions about time within normative practices that structure how many members of the legal profession live their lives, lawyers will need to draw upon a countervailing culture of time that also encompasses both theory and practice and that offers them some type of communal support in their endeavors of resistance. A religious tradition—and the community structured around it—may provide the necessary culture of resistance.

How, specifically, might the resources of religious traditions provide a three-dimensional alternative to the view of time embedded in the world of billable hours? That question is impossible to answer in a general way. Just as there is no such thing as a generic culture, so there is also no such thing as a generic religion. Instead, there are many particular religious traditions, each of which invites its adherents to understand their lives and form their experiences in accordance with its own intricate web of belief, action, symbol and ritual. Each particular tradition will understand the meaning of time in its own unique way. In this essay, I will take as a case study the cultural-linguistic system of the tradition with which I am most familiar, Roman Catholic Christianity. After examining the view of time embedded in the billable hours framework,⁶ I will explore how Catholic doctrine and ritualized practices can be read to provide both a critique and an alternative.⁷

My goal here is not to proselytize. I do not want to enlist converts to religion in general or to Catholicism in particular. Rather, I hope to loosen the grip of the billable hours framework on the imaginations of those in the legal profession by setting it in relief against a richly textured alternative. Moreover, in describing Catholic liturgical and sacramental practices as well as doctrine, I want to go beyond issuing an abstract call for the integration of theory and practice regarding the meaning of time by giving a specific example of how such integration can be achieved. It is my hope that scholars will investigate alternatives to the dominant view of time in professional life that are rooted in other religious traditions and other ways of interpreting the nature and purpose of human life. I do not claim that the only way the dominant understanding of time can be resisted is by enlisting the resources of religious traditions. In fact, I also hope lawyers and moralists who wish to develop non-religious alternatives to the billable hours perspective

6. See *infra* Part II–III.

7. See *infra* Part IV.

may find my example to be a helpful springboard for their own consideration of what kinds of practices and rituals will reflect and reinforce the frameworks they choose to adopt. In short, this essay will address a specific question—what critical light can the Roman Catholic system of belief and ritual shed on the lawyer's world of billable hours—with the aspiration of sparking a broader discussion by all interested parties, whatever their belief systems.

II. THE DOMINANCE OF THE BILLABLE HOUR

Until the middle of the twentieth century, the composition of a lawyer's bill was more of an art than a science. Bills were sent infrequently (sometimes once a year), often accompanied only by the terse explanation "for professional services rendered." Billing lawyers calculated their charges by taking into account a number of factors: the amount of work done, its difficulty, the results obtained, the value of those results to the client, and the client's ability to pay.⁸ In the 1960s, two factors converged to create the hegemony of the billable hour: the increase in the number of large law firms and the invention of the computer.⁹ In the early 1960s, only thirty-eight firms in the United States had more than fifty lawyers.¹⁰ By 1988, the number of firms with more than fifty attorneys had risen to over 500.¹¹ Many firms included more than 200 lawyers.¹² Managing partners had to keep track of the work done by other attorneys in order to prepare bills for their clients, and computerized record-keeping gave them a way to do so efficiently. Slowly but surely, more and more lawyers found themselves recording their "billable hours" on a time sheet. Originally, these hours served only as a point of departure for managing partners and other lawyers responsible for client billing.¹³ Gradually, however, it became more and more customary for a client's bill to depend largely, if not exclusively, on a figure derived by multiplying the number of hours each lawyer worked by that lawyer's billing rate.

The importance of keeping track of hours worked is one of the first things taught to young associates; they are frequently admonished to

8. Carl T. Bogus, *The Death of an Honorable Profession*, 71 IND. L.J. 911, 922 (1996).

9. *Id.* at 923.

10. *Id.*

11. *Id.*

12. *Id.* (citing Mark Galanter & Thomas Palay, *The Transformation of the Big Law Firm*, in *LAWYERS' IDEALS/LAWYERS' PRACTICES: TRANSFORMATIONS IN THE AMERICAN LEGAL PROFESSION* 45 (Robert L. Nelson et al. eds., 1992)).

13. WILLIAM G. ROSS, *THE HONEST HOUR: THE ETHICS OF TIME-BASED BILLING BY ATTORNEYS* 19 (1996).

keep their “diary sheets” close at hand at all times. Not everything a lawyer does in the course of a day is billable; only time devoted to work on behalf of a specific client can be billed to that client. Billable time does not include general office work, firm meetings or committee work, bathroom breaks, coffee breaks, or personal phone calls. It does not include general reading to keep up with developments in one’s field. For all but the most efficient, generating seven hours billable to clients requires spending nine to twelve hours in the office.¹⁴ When computerized time keeping was introduced in the 1960s, both partners and associates billed an average of 1500 hours annually.¹⁵ To bill this amount of time, a lawyer could take three weeks vacation, eight public holidays, and work nine hours a day, five days a week the remainder of the year.¹⁶ As the years wore on, however, lawyers faced pressure to increase their billable hours. Half of all associates now bill more than 2000 hours per year, a feat which requires them to work ten hours a day, six days a week.¹⁷

It is true that large law firms (with over 250 lawyers) have endorsed the regime of billable hours with the most alacrity and enthusiasm. Nonetheless, mid-sized and smaller firms have followed in their wake. Statistics provided by the National Association for Law Placement indicate that the percentage of associates in smaller firms billing over 1900 hours per year is approaching that of the larger firms.¹⁸ This is not surprising, for several reasons. First, big firms (in big cities) have always set the pace and tone of legal practice. Clients who receive a certain type of service from “white-shoe” firms will use it as the standard by which they evaluate the smaller firms with whom they deal. Second, assessing a lawyer’s work through the lens provided by billable hours provides a seemingly concrete and objective way of evaluating its worth. Heavy, if not exclusive, reliance on billable hours can relieve billing partners of the difficult task of weighing the value of work performed by their firm in a nuanced, multifaceted way. It can also provide a ready answer to clients who question how their bills were calculated.

14. GLENDON, *supra* note 3, at 30.

15. Bogus, *supra* note 8, at 925-26.

16. *Id.*

17. *Id.*

18. NALP’s “Employing Associates in 1997: Patterns and Practices” indicates that approximately thirty-six percent of associates in large law firms bill greater than 1900 hours per year, while about twenty-seven percent of associates from smaller firms bill more than that amount. NATIONAL ASSOCIATION FOR LAW PLACEMENT, EMPLOYING ASSOCIATES IN 1997: PATTERNS AND PRACTICES 8-23 (1997).

Moreover, as law firms become larger, managing partners may be charged with making decisions about the fate of associates without being personally acquainted with their work. In such situations, it is natural to rely on a comparison of billable hours as a way of deciding between two or more superficially similar candidates for a bonus, promotion, or membership in the firm.¹⁹ Finally, the regime of billable hours provides attorneys, frequently competitive by temperament and training, with a concrete way to keep score with one another. Some firms publish each attorney's billable hours internally to generate competition and peer pressure for increased performance. In this context, it is all too easy for a young attorney, or even a more experienced one, to take most of her self-satisfaction from recording a high number of hours billed in each day's diary. Any guilt that an associate feels for taking "too long" in solving a particular problem is generally assuaged by the constantly reiterated reminder that it is the billing partner's job to "write off" any excessive associate time before charging the client for the work. Increasingly, billing lawyers are tempted not to do so, or at least tempted not to scrutinize an associate's use of time too closely.²⁰

When asked why they submit their lives to the dominance of the billable hour, many associates would point to a personal goal that they believe justifies the effort and the sacrifice: partnership in the firm. Achievement of this goal does bring tangible monetary benefits. The average partner in a large firm (over seventy-five lawyers) earned \$225,701 annually in the late 1990s; for those in mid-size firms (twenty-one to forty lawyers), that amount was \$193,020. But the leisure time to enjoy the benefits of such remuneration is increasingly limited. In 1997, the number of hours billed on average by partners had risen to 1729 hours per year for those in large firms, and 1735 hours per year for those in mid-size firms.²¹ Moreover, the chances of grabbing the increasingly tarnished brass ring of partnership are growing more remote, and the ring itself is becoming more difficult to hold with an unshakable grasp. Many firms have lengthened the partnership track to eight or nine years; some have introduced additional tiers into their internal structure, so that a lawyer must spend several years as a junior partner before being made a full member of the firm. In some firms,

19. Francis H. Musselman, *Abandon the Billable Hour*, N.Y. ST. B.J., July/Aug. 1995, at 28-29.

20. ROSS, *supra* note 13, at 90.

21. ALTMAN WEIL PENZA PUBLICATIONS, INC., THE 1997 SURVEY OF LAW FIRM ECONOMICS (1997) (noting that in small firms (under nine lawyers), the average partner billed 1578 hours and earned \$152,260 in 1997).

partnership is granted only to a fraction of those associates who apply for it.²² Moreover, some firms have begun to fire partners who are deemed not to be sufficiently productive.²³ Eight or nine years is a long time to spend striving for a goal the achievement of which is uncertain and the enjoyment of which is increasingly precarious.

III. MARKING TIME IN BILLABLE HOURS

What does it mean to sell a lawyer's services by the hour (or, increasingly, in six-minute increments)? What view of the nature and purpose of time is embedded in the world-view of billable hours? More importantly, what view of the shape of a lawyer's life, of a *human* life, is fostered by that world-view? I believe it has five characteristics: First, it suggests that the value of a lawyer's time is entirely extrinsic (i.e., that it lies in achieving the purposes of the client and in making money for the firm);²⁴ second, it teaches that time is a commodity with a readily identifiable monetary value;²⁵ third, it presumes that all time is fungible;²⁶ fourth, it suggests that lawyers live their lives in an endless, colorless present;²⁷ and fifth, it contributes to the alienation and isolation experienced by many lawyers.²⁸ While these characteristics are distinct, they also build upon and reinforce each other. I will explore each of them in turn.

A. *Instrumentally Valuable*

First, the billable hours mentality treats time as instrumentally valuable, rather than intrinsically valuable. The value of a lawyer's time—and thus the value of a lawyer's work—is presented as doubly extrinsic to the work itself. On the one hand, it is seen as a means to achieve the goal set by the client, who generally wants to achieve that goal in the most “cost-effective” manner possible. On the other hand, it contributes to the goal of the firm, increasingly understood as generating profits for the partners. Both of these ways of instrumentalizing a lawyer's work can distort the true nature of the legal

22. See Robert L. Nelson, *The Futures of American Lawyers: A Demographic Profile of a Changing Profession in a Changing Society*, 44 CASE W. RES. L. REV. 345, 355 (1994).

23. See *id.*

24. See *infra* Part III.A.

25. See *infra* Part III.B.

26. See *infra* Part III.C.

27. See *infra* Part III.D.

28. See *infra* Part III.E.

profession and alienate the lawyers who are forced to conceive of their vocation solely in these terms.

With respect to the first extrinsic goal, assume for a moment that the quality of legal services really should be judged according to the single criterion of how well those services succeed in achieving a client's goals. The time that a lawyer spends on a project is not necessarily correlated to likelihood of success understood in these terms. For example, the first client seeking an answer to a particular question will pay a great deal more money than the second one who walks into the office with the same question. There is, however, a deeper difficulty with the use of billable hours to value a lawyer's services which lies in the extrinsic nature of the evaluation system itself. If clients begin to think of themselves as buying their lawyer's time, they will begin to define a "good" lawyer as a "cost-efficient" lawyer, one who puts in just enough time to get the desired result. Lawyers will begin to evaluate their own work in the same way. In short, they will become like college students who think success in a pass-fail class means earning no more than a D on the exam; any better grade, they might say, would be a waste of effort.²⁹

Surely, however, the value of a lawyer's work is not reducible to winning or losing for the client. For one thing, there are commonly agreed upon standards for good research, argument, and presentation that lawyers should strive to meet in all their work. One is not a good lawyer just because one's opponent is a worse one. For another, in any justice system worth having, winning and losing should not depend solely (or even primarily) on the merits of one's lawyer but on the

29. Another factor in the falling levels of professional satisfaction among lawyers may be that they are not able to spend enough time on a task to meet their own standards of professional competence, which may not be as result-driven as the client's. A helpful analogy can be found by probing the increasing disgruntlement that many physicians feel in the emerging world of managed care. It is not only, or even mainly, that they are afraid that their incomes will drop. Instead, many of them are afraid that managed care will force them to cede their autonomy (and their standards) to non-physicians concerned primarily with making money for the managed care organization. See Michael D. Burdi & Laurence C. Baker, *Physicians' Perceptions of Autonomy and Satisfaction in California: A Disaffected Workforce May Threaten Tomorrow's Health Care System if Today's Trends Continue*, HEALTH AFF., Sept./Oct. 1977, at 139; Karen Donelan et al., *The New Medical Marketplace: Physicians' Views*, HEALTH AFF., July/Aug. 1999, at 134; Mary Guptill Warren et. al., *Physician Satisfaction in a Changing Health Care Environment: The Impact of Challenges to Professional Autonomy, Authority and Dominance*, 39 J. HEALTH & SOC. BEHAV. 356 (1998). However, there are studies that suggest that the number of hours worked does affect physician satisfaction in the health care systems of other nations. See Peter P. Groenewegen & Jack B. F. Hutten, *Workload and Job Satisfaction Among General Practitioners: A Review of the Literature*, 32 SOC. SCI. & MED. 111 (1991) (focusing on physicians in the United Kingdom and the Netherlands); Astrid M. Richardsen & Ronald J. Burke, *Occupational Stress and Job Satisfaction Among Canadian Physicians*, 5 WORK & STRESS 301 (1991).

merits of the case. The practice of law entails making the best one can of the world in which one's client exists (and which she has helped to create), not inventing an entirely fictitious world more to her liking. There is widespread moral dissatisfaction with the legal profession stemming from the perception that many lawyers will do anything necessary to win. Assuming that this perception is accurate, it is fair to place some of the blame on the ethos of billable hours. Lawyers want to do a good job, and that ethos defines doing a good job in terms of the extrinsic value of achieving the most cost-effective win for the client. The billable hours ethos can discourage consideration of other features of good legal work, including conformity with standards of professional practice, that places limits on the means that a lawyer may use to achieve the goals of her client.

It is also harmful to understand the value of a lawyer exclusively in terms of the second extrinsic goal, earning money for her firm. It is true, of course, that lawyers have obligations to the firms to which they belong. But it is a mistake to understand those obligations narrowly in terms of generating revenue, particularly in the short term. Cultivating a client base, nurturing younger associates, working out more equitable ways of dividing the work load, and developing a workable family leave policy all contribute to the well-being of the firm, although they cannot be billed to any particular client. Some of these activities may contribute to profitability in the long-term. Others may not. They do facilitate, however, the creation of a common firm culture. They allow the transmission of the characteristic habits of a good lawyer to the next generation. In an environment that values attorneys according to the number of billable hours they generate, these other activities are not merely undervalued, they are frequently invisible. In some firms, lawyers do not even record their non-billable activities in their diary. Other firms may ask lawyers to keep track of work that is not billable to clients, but very rarely will it be considered as important as revenue-generating time when the firm makes decisions about partnership or bonuses.

The value of non-billable time devoted to the well-being of the broader community is also difficult to see once one's perspective on time has been shaped so much by the goal of making money. Participating in the local bar association or taking one's turn at organizing continuing legal education courses can be viewed by some lawyers as nothing more than a form of marketing, and a rather inferior one at that. Pro bono work can be seen as a symbolic gesture that can generate goodwill for the firm if properly publicized, rather than as a professional responsibility. It is always difficult, of course, to

encourage ambitious, busy people to take on tasks of public service no matter what their occupation. Nonetheless, the increasing dominance of the billable hours mentality exacerbates the challenge by fostering a self-image in lawyers that renders their moral obligation to perform some type of public service virtually unintelligible.

More specifically, the billable hours mentality encourages a lawyer to view herself as selling something that is solely and uniquely hers—the hours and days of her life. This mentality says a lawyer's time is hers, to sell or give away entirely as she chooses. On this view, a decision in favor of doing any pro bono work or other sort of public legal service is purely gratuitous, and therefore discretionary. But this view of the legal profession fails to account for its social nature. No one who becomes a lawyer (in fact, no one who becomes a professional of any sort) can achieve that status without incurring a significant moral debt to her broader community. Students may pay for the chance to earn law degrees, but the institutions from which they receive them can charge lower tuition because they are exempt from federal, state, and local taxation. Tax-exempt status is granted to educational institutions, just as it is to (some) hospitals, in part because they foster the common good, not merely the good of individuals who are the direct recipients of their services. The knowledge and ideas that students will use in legal practice were developed, preserved, and extended by countless scholars, judges, and practitioners, both living and dead. The intricate network of laws and legal institutions upon which the work of lawyers depends was created by many people over centuries and continues to be maintained at public expense. Becoming a lawyer is not the same thing as acquiring a license to exploit a patent provided that one duly pays the annual licensing fee. It is the acceptance of a public trust as well as the acquisition of a dependable way to earn a living. So it is a serious mistake for lawyers charging for their services to think that they are selling something that is exclusively theirs, despite the fact that they are billing their time.

B. A Commodity

A second aspect of the regime of billable hours is the *commodification of time* that it entails. The key feature of commodification is its connection with market value; it is possible to give a dollar equivalent of the commodified item. An hour of a lawyer's time is directly translatable into a substantial amount of money. It is not unusual for big city firms to bill the time of first-year

associates at \$125 per hour; prominent senior partners can charge \$450 or more as an hourly rate.³⁰

In her book *Contested Commodities*, Margaret Jane Radin notes that many things we value in life are “incompletely commodified.”³¹ By this she means that an understanding of those things focusing on its market value coexists with another manner of construing its meaning that is not tied to bargain and exchange.³² Goods and activities that have a non-commodified meaning are deemed important (at least in our culture) to the definition of personal identity; they are somehow bound up with the self. To allow them to be reduced to their market value also reduces the worth of the person whom they define. Some activities or goods—such as sexual activity, reproductive capacity, vital organs—may be deemed so intertwined with personal identity and uniqueness that they cannot ever be sold without compromising the integrity and dignity of the person, both in herself and in her relations to community. We generally agree that these goods should not be subject to commodification; that is, they should not be assigned a price and traded on a market. However, Radin points out that many other goods are incompletely commodified; their market and non-market values coexist simultaneously, if sometimes uneasily.³³ For example, consider the place of home ownership in American culture. Many people value their homes as expressing aspects of their personal and familial identities; they deem the memories and experiences of the family home “priceless.” At the same time, most have homeowners’ insurance policies and would consider selling their homes (now redescribed as “houses”) if necessary to facilitate other personal or professional goals.

Work is also an aspect of human existence that is incompletely commodified; it is exchanged for money. At the same time, for many people, “it is understood not as separate from life and self, but rather as a part of the worker, and indeed constitutive of her. Nor is work understood as separate from relations with other people.”³⁴ Drawing from Marx and Arendt, Radin distinguishes “workers”—those who

30. *A Firm-by-Firm Sampling of Billing Rates Nationwide Billing Rates Across the Nation: America at a Glance*, NAT’L L.J., Dec. 21, 1998, at B6. According to the 1998 survey, the average rates for associates in New York was \$141, for partners it was \$454. *Id.* The average rates in Chicago were \$129 (associates) and \$384 (partners). *Id.* Not all rates are that high; St. Louis’s average rates were \$84 (associates) and \$283 (partners). *Cities at a Glance: High and Low Hourly Billing Rates*, NAT’L L.J., Dec. 21, 1998, at B12.

31. MARGARET JANE RADIN, *CONTESTED COMMODITIES* 102-14 (1996).

32. *Id.*

33. *Id.*

34. *Id.* at 105.

understand their occupations as an aspect of their personal and social identities as well as a means of making money—from “laborers”—those whose see the value of their work solely in terms of the monetary remuneration they receive in exchange for it.³⁵ Laborers are forced to define their core identities in a constricted way because they are required sharply to divide their lives (which consume a very small percentage of their time) from their work (what they sell to support their lives).

Unfortunately, however, Radin’s distinction between “workers” and “laborers” is unable to account for the peculiar situation in which many American lawyers find themselves. Lawyers are “workers” in the sense that their personal and social identities are formed in large part by their profession. Because, however, the intrinsic meaning of that profession has been largely supplanted by an instrumental way of valuing legal services, many lawyers experience their professional identities as increasingly hollow. Consequently, their conception of their own relationship to their work is becoming more and more similar to that of “laborers,” who sell their services to support their lives. Ironically, the dynamic of billable hours may make “laboring” lawyers worse off than other “laborers” in one significant respect. Radin does not imply that “laborers” call into question the meaning of the segment of their lives not devoted to work; she simply suggests that this segment is far too small. This is not the case for “laboring” lawyers.

The hegemony of billable hours means that the commodification of a lawyer’s time can seep into other aspects of her life, eroding their intrinsic value as well. Because the process by which this seepage and erosion takes place is essentially one of seduction, it is not easy to thwart. It is a heady experience for a new associate, whose only prior work experience may be in the secretarial field or the fast food industry, to realize that an hour of her time is suddenly “worth” so much. Like all seductions, this one has a dark side. When conjoined with the related tendency of the billable hours mentality to view every hour as potentially available for work, the commodification of one’s time quickly becomes the commodification of one’s entire life. It becomes all too easy to translate the value of non-work related activities into monetary terms as well. Young lawyers rationalize shopping at boutiques rather than T.J. Maxx because their time is “worth” more than the money that could be saved by a trek to the discount mall. Slowly but surely, they slip away from the chores and routines that comprise

35. *Id.* at 104-07.

the reassuring rhythms of ordinary life. They justify hiring someone to clean their houses because the amount of time it would take them to do so is “worth” more than they have to pay. They order in rather than cooking themselves because it saves “valuable” time. They have their dry cleaning delivered to their offices rather than doing their own errands on Saturday morning.

Far more ominously, they may begin to view their personal relationships in the same market-based way. They begin to think they “make up” to their children for missing a two-hour school play by giving them a new computer; they try to “make up” to their spouses for a year’s worth of empty chairs at the dinner-table by springing for a luxurious weekend in the Bahamas. But the whole idea of “making up” for lost relational opportunities in this manner is premised on the belief that time and money are commensurable. In many areas of life, they are not. In fact, the time spent with friends and family resists commodification because it is constitutive of those relationships. A close friend is one with whom one has spent a significant amount of time, ordinary time as well as quality time. Friendships are knit together not only by participating in common activities, but by common reflections on the memories of those activities over the course of the years. Money cannot provide a quick substitute for the time-intensive work of building a relationship with another person.

The seductive process of commodification continues to its natural conclusion by encouraging each lawyer to reduce *herself* to a monetary value. Because the hours of one’s day are not separable from one’s life, but in fact express and embody it, one would think that it would be easy to resist the temptation to internalize the law firm’s way of valuing a lawyer’s time. After all, how many of us would put a price on our own lives? Yet in subtle ways, a commodified approach to the assessment of their own worth characterizes more and more lawyers. If a lawyer is “successful,” that means she bills many hours and generates a great deal of revenue for the firm. She may begin to calculate her own value to herself and to other people in a way that emphasizes her marketable skills to the occlusion of her other gifts and talents. I remember having a conversation with another lawyer who was pondering how to contribute to his church. “What I’d really like to do,” he said, “is work at the soup kitchen or teach catechism class. But I suppose I’d better offer them free legal advice instead. That’s what’s worth most to them; that’s where I’m most valuable.”

C. *Fungible*

Third, the world-view of billable hours presupposes that all of a lawyer's time is fungible. An hour worked on Monday afternoon is treated the same as an hour worked on Friday night; logically speaking, 10:00 P.M. New Year's Eve is no different from 10:00 A.M. Groundhog Day. The value of every hour of one's life is leveled; no time is inherently sacred or even special. A decision to do anything else, at any time, is increasingly perceived as a decision *against* working in that time. Because all time is potentially available for work, lawyers may begin to believe that they must justify any decision to rule out doing work in advance during any given time period. I know a lawyer who sent out a memo saying that she would not be available via beeper for two hours on one Sunday morning, so that she could attend her daughter's baptism in peace. It is common for lawyers in big firms who are taking even two or three days off to send out extensive memos indicating which other attorneys in the firm should take responsibility for their "active" case files and providing detailed instructions about how they can be reached "in case of emergency." This may, of course, be justifiable in the case of a lawyer responsible for a particularly volatile matter. But lawyers, particularly young lawyers, may err on the side of over-inclusion in making a list of their active cases in order to demonstrate their own importance. Ironically, the firm may have the last laugh as a result of such transparent attempts to improve one's status in the eyes of those in power; its main result may be to plant in the young associate's own mind the idea that a good lawyer is never truly on vacation or completely unavailable.

Another consequence of the fungibility of billable hours is that it eradicates very real differences between the various tasks that a lawyer can be called upon to perform for a client. The value of more mechanical or clerical aspects of a lawyer's job—proofreading highly technical legal documents, for example—can be reliably measured by the amount of time spent on them. Nonetheless, the worth of the more intellectually challenging aspects of the legal profession cannot be fully accounted for within the system of billable hours. How should we treat the flashing insight about a creative way to structure a deal? Is it really only worth the split-second in which it was generated? Even more ordinary tasks raise questions. Is not fast, accurate, focused research better than slow, disjointed results? The world-view of billable hours cannot accommodate these distinctions. An hour of a lawyer's time is worth \$200, no matter what she is doing with it. One might object, of course, that the rate the firm sets for each lawyer averages out the value

of all of the tasks she is likely to perform, but this objection misses the point. I am not suggesting that either lawyers or clients are getting short-changed financially by this system. Rather, I am claiming that it encourages lawyers and clients alike to obscure the very real differences in “billable” work and the time spent on it.

D. An Endless Present

A fourth aspect of the perspective on time embedded in the framework of billable hours is its tendency to create the illusion of an *endless present*. Because all time is at least potentially available for work, legal time includes no fundamental change in tempo, no alternating rhythm in life. This illusion is maintained with the help of the artificial environments in which most big-firm lawyers spend their time. They depart for work early in the morning; many leave the office after dark, even in the summer. The perfectly calibrated heat and air conditioning units maintain a constant temperature and carefully tended indoor trees and fountains create a sense of endless spring. The bright fluorescent lighting conjures an eternal daytime. After a couple of months of working in a glass tower, the beautiful floor-to-ceiling windows became less a transparency to the outside world than a subtly changing element of the interior decoration—rather like the projection screens that Bill Gates reportedly has built into the interior walls of his Seattle mansion. Nothing inside the work environment changes. Lawyers spend so little time outside that even the shifting seasons have very little effect on their psyches.

At the extreme, even the time markers provided by embodiment are muted in large law firms. Because their offices are comfortably appointed, lawyers can lose contact with their own embodied natures, focusing all their energy on the intellectual tasks before them. In busy times, lawyers regularly treat meals as drivers treat refueling stops in the Indy 500. They wolf down sandwiches at their desks for lunch and quickly devour more expensive dinners delivered by “Dining In.” Some large law firms even offer amenities like sleeping rooms or access to nearby hotel rooms in which lawyers can recharge for a few hours before facing the next day and new shirts for lawyers who must work around the clock. In busy times, there is no need for a lawyer to return home before facing the next onslaught of paper.

As a consequence of this disembodied, flattened view of time encouraged by the regime of billable hours, lawyers can begin to see their entire lives as nothing but a monotonous extension. Like commodification, this aspect of billable hours is capable of seeping into all aspects of a lawyer’s existence. All their time is I-80 through the

great plains. Their days and evenings are identically consumed with work while the seasons change without much notice or effect on their lives. Holidays are not anticipated, enjoyed, and remembered in turn, but viewed simply as one more set of social obligations overlaid upon an increasingly frenetic set of work obligations. Marriages are made, children are born, parents die, without a lawyer being allowed any real length of time to integrate the meaning of these milestones into her identity, an identity consumed in producing a steady stream of billable hours.

E. Personal and Social Fragmentation

In the world of billable hours, then, time's value is purely instrumental; it is a commodity with an identifiable price; it is fungible, not unique; it is often experienced by those who live within its purview as an endless, colorless extension. These four features of time in the world of billable hours are not distinct, but build upon and reinforce each other. The fact that time is fungible means that it is easier to assign it a market value. Its status as a commodity reinforces the impression that its purpose achieve the preexisting goals of law firms and clients. Precisely because time is the medium in and through which personal and social existence take shape, the way in which it is understood can have substantial implications for the lives of both individuals and communities. Among the most disturbing consequences lawyers suffer from living under the regime of billable hours are personal fragmentation and social isolation, as lawyers find themselves increasingly alienated from themselves, from other attorneys, from their families, and from the broader community.

More specifically, because the world of billable hours perceives time as an endless extension with project after project extending into the horizon of the years ahead, it does not encourage the inhabitants of that world to forge an integrated self-identity that unifies and gives purpose to the discrete moments of their lives. On a practical level, the pressure to bill hours leaves little time to devote to the introspection that is the precondition for self-integration, particularly in light of the competing claims of family, friends, and the exigencies of day-to-day living. On a more fundamental and theoretical level, the logic of billable hours itself discourages introspection, for two reasons. First, introspection does not reliably produce demonstrable results. Although lawyers regularly bill for the time they spend reading and thinking about legal issues, the use of that time is justified by its direct contribution to a tangible product for the client: a memo, a contract, a brief, or even effective representation in a series of negotiations. The fruits of introspection are

usually not as concrete or as predictable. As many people who have struggled with personal crises have come to know, it is not always possible to plan one's moments of insight according to a schedule; they tend to come on their own terms and at their own pace.

Second, from the perspective of the billable hours mentality, introspection is not sufficiently directed toward the future. The practice of law is result-oriented; it aims to assure or alter the client's future in some well-defined way. The past is relevant only insofar as it affects contingent future events of particular interest to one's client. For example, from the perspective of most criminal lawyers, a client's mental state at the time of her alleged commission of a crime two years ago is ultimately significant because it may bear upon what percentage of the next ten years she spends in prison. In contrast, in the context of personal introspection, an individual's past is relevant because it is a crucial part of her identity. Who she is today incorporates who she was last week, as well as five years ago. Retrospection facilitates integration and encourages a rich self-awareness that encompasses and interrelates the past, present, and projected future. Self-integration obviously does not require that every element in the past be uncritically affirmed; it does demand that such elements be given a name and a place in an individual's own account of who she is today. In contrast, from the perspective of the view of time embedded in billable hours, the past is essentially dead; it has disappeared into unreality unless it has a specific causal role to play with respect to some possible future event. If held hostage to this view of time, a lawyer's self-understanding can easily be reduced to a narrow, concentrated ray of energy, entirely focused on achieving results for a stream of clients extending endlessly into the future and relegated to a disappearing past as soon as the bill is settled.

Not only does the regime of billable hours isolate lawyers from themselves, it also isolates them from one another. In particular, new lawyers spend a great deal of their time alone, doing research in the library or preparing documents in their offices. Clients are not willing to pay them to attend meetings, and law firms are not willing to take them for free. Moreover, the logic of billable hours does not encourage conversation among lawyers, even about a case being worked on together. Many firms staff cases with a partner in charge, a senior associate, and a junior associate. It can easily cost a client \$1000 per hour for the three of them to hold a conversation about what to do next. In this situation, a young lawyer can lose the sense of being one member of a legal team whose members are collectively responsible for fulfilling their obligations to the client; instead, like Sisyphus, they may find themselves spending the day laboriously and seemingly

purposelessly rolling a legal rock up a mountain, only to wake up and be asked to do the same thing again. It can take too much time—and therefore too much money—for the senior members of the legal team to provide the explanation and context that make the assignment meaningful.

Finally, many lawyers are also isolated from their families and the broader community, for a different set of reasons. As I described earlier, one reason is that the pressure to bill hours means that lawyers spend much time away from their families and very little time participating in other community activities. A second reason is more subtle. The very fact that their notion of time is flattened out and instrumentalized makes them less able to participate vicariously in the events that they are unable to attend themselves. For most people, the rhythm of daily, weekly, monthly, and yearly life is important. Life changes substantially when the children break for summer and go back to school in September. Most people, including lawyers' own family members, spend a great deal of time getting ready for the holidays or anticipating their vacations. Many enjoy lingering in a conversation with a good friend, or getting a good bargain at the winter sale. The longer that a lawyer lives a life that is dominated by an instrumental understanding of time's value, the more distant she will feel from persons, institutions, and traditions of belief and practice accustomed to viewing and valuing time differently.

One such tradition is carried forward by the Roman Catholic Church, which not only advocates, but embodies, a very different view of time in its theological and liturgical life. In the next section of this essay, I will examine the doctrine and practices that constitute and support the Catholic perspective on time.³⁶ In so doing, I hope to be responsive to the challenge issued by Margaret Radin to explore new ways of articulating and defending the non-market based meanings of incompletely commodified goods. In this case, the good at stake is comprised of the hours, days, months, and years of a lawyer's life.

IV. THE CATHOLIC CHRISTIAN CONCEPTION OF TIME

Philosophers and anthropologists have proposed many different ways of defining "religion." For those who advocate a "cultural-linguistic" approach, religious belief is essentially communal; individuals (particularly children) come to belief through a process of socialization into a community of believers. This process inculcates complex

36. See *infra* Part IV.

patterns of response to the events and situations believers are likely to encounter which call not only for particular actions but also for particular feelings and sensibilities. A religious framework holds up certain patterns of life as worthy of pursuit (modeled in the lives of saints or other virtuous people) and cautions against others as dangerous or degrading (modeled in the lives of great sinners, including the brazenly vicious).³⁷ Accounts of praiseworthy and blameworthy lives are embedded in a broad narrative of the nature and purpose of human existence, which (for theistic religions) has as its central theme the relationship between human beings and God. Believers not only learn the narrative in a passive sense that allows them to answer questions about its contents, but also begin actively to appropriate it in a way that allows them to embed the particular events of their lives within it. The Protestant theologian Hans Frei has described this process in the case of Christianity as “absorbing the world into the biblical text.”³⁸ A Roman Catholic theologian influenced by Frei would modify his description to stress the importance of sacrament as well as word, perhaps substituting the phrase “absorbing the world into the mass,” which in the Catholic framework includes the liturgy of the Eucharist as well as the liturgy of the word.³⁹

37. See generally ALASDAIR MACINTYRE, *WHOSE JUSTICE? WHICH RATIONALITY?* (1988) (describing how different accounts of the virtues and vices are embedded in different traditions and cultures).

38. For an account of how the emergence of modern biblical interpretation greatly impeded the ability of believers to engage in this process, see HANS W. FREI, *THE ECLIPSE OF BIBLICAL NARRATIVE: A STUDY IN EIGHTEENTH AND NINETEENTH CENTURY HERMENEUTICS* (1974). A vivid example of what it would look like to absorb the events of one’s own life into a framework provided by Christian allegory can be found in Louisa May Alcott’s (1832–88) *LITTLE WOMEN* (1868), in which the March sisters view the tribulations of their lives through John Bunyan’s (1628–88) Christian allegory *PILGRIM’S PROGRESS* (1678).

39. See AIDAN KAVANAGH, *ON LITURGICAL THEOLOGY* 100 (1992). He argues that liturgical rites create worlds that enfold their participants in interlocking webs of belief and action, engaging their minds, bodies and spirit. *Id.* They teach people what to believe by teaching them first how to act, in particular, how to pray:

A liturgical act is not simply a creed, a prayer, or worship without qualification. A liturgical act which is the convergence, meeting, entwining and melding of Christian worship and belief—in other words an enactment of that *lex supplicandi* which forms and constitutes but does not “produce” the *lex credendi*—is a fourth thing. It is *rite*.

Id. He goes on to say:

Rite involves creed and prayers and worship, but it is not any one of these things, or all of these things together, and it orchestrates more than these things. Rite can be called a whole style of Christian living found in the myriad particularities of worship, of laws called “canonical,” of ascetical and monastic structures, of evangelical and catechetical endeavors, and in particular ways of doing secondary theological reflection. A liturgical act concretizes all these and in doing so makes them accessible to the

For Catholics, the mass does not merely express propositions about the ultimate nature of reality, including humanity's relationship with God. It is not an abstract theology tract. Instead, through an intermixture of words, actions, gestures and silences, it creates a three-dimensional context embodying those truths, enfolds the participants within that context and teaches them how to believe, act and feel within it. Moreover, Catholics believe that the matrix of meaning revealed in and through the mass is not some esoteric retreat from day-to-day life, but in fact discloses the ultimate nature of the everyday world from which the participants have just come and to which they are shortly to return. For the Roman Catholic community, that meaning revolves around the life, death, and the resurrection of Jesus Christ.

How does such a community view time differently from the way it is viewed in most large law firms? It offers a perspective on temporal existence that is diametrically opposed to the key features of the billable hours mentality described earlier in this essay.⁴⁰ From a Catholic Christian world-view, time is intrinsically rather than instrumentally valuable;⁴¹ it is not a commodity but a mystery;⁴² its moments are not fungible, but in significant ways unique;⁴³ it is not an endless, colorless present, but a spiral punctuated by moments of decision.⁴⁴ Finally, viewed in this theological and liturgical perspective, time does not lead to fragmentation and isolation but calls for personal integration and the nurturing of community.⁴⁵

A. *Intrinsically Valuable*

From a Catholic Christian point of view, time has intrinsic value. In fact, it is seen as the medium through which God chose to work out his relationship to humanity through Jesus Christ, who is affirmed to be both fully human and fully divine. God did not script every human action in a distant time long before the dawn of creation; the unfolding history of the world is not a third-rate play with actors (or puppets)

community assembled in a given time and place before the living God for the life of the world.

Id.

40. *See supra* Part III.

41. *See infra* Part IV.A.

42. *See infra* Part IV.B.

43. *See infra* Part IV.C.

44. *See infra* Part IV.D.

45. *See infra* Part IV.E.

voicing old and tired lines.⁴⁶ God's eternity does not prevent each step in the unfolding of salvation history from working something mysterious and new in the story of humanity's relationship to God.

Moreover, Catholic thinkers have long acknowledged that time itself is indispensable to that relationship. The great twentieth century theologian Hans Urs von Balthasar argues that the very nature of the Son, the second person of the divine trinity whom Catholics believe became incarnate in Christ Jesus, is marked by his receptivity with respect to God the Father, the first person of the trinity.⁴⁷ "The Son's form of existence, which makes him the Son from all eternity, is the uninterrupted reception of everything that he is, of his very self, from the Father."⁴⁸ By immersing himself in the course of time, Christ revealed his eternal sonship in a most appropriate way, receiving and responding to the Father's call as it was given to him. For Balthasar, it is crucially important to emphasize that while on earth, Jesus did not merely implement a pre-arranged salvific plan already familiar to him.⁴⁹ He writes that: "What tells us more than anything else that Jesus' mode of time is indeed real is the fact that he does not anticipate the will of the Father."⁵⁰ Furthermore, by patiently waiting until the call is given to him in the Father's time and on the Father's terms, Christ is seen as breaking the pattern of human sin, which Balthasar maintains is characterized by our attempts to "break out of time, within which are contained God's dispositions for us, in order to arrogate to ourselves a sort of eternity, to 'take the long view' and 'make sure of things.'"⁵¹ Balthasar's list of the virtues of the Christian in relation to God are very different from the personal characteristics prized in a modern law firm; they include "the power to wait, to persevere, to hold out, to endure to the end . . . not to force issues by playing the hero or the titan, but to practice the virtue that lies beyond heroism, the meekness of the lamb."⁵²

46. See SAINT AUGUSTINE, *CONFESSIONS* at bk. XI, at 253-80 (R.S. Pine-Coffin trans., Penguin Books 1961) (discussing the nature of time and eternity). Addressing God, he writes, [f]urthermore, although you are before time, it is not in time that you precede it. If this were so, you would not be before all time. It is in eternity, which is supreme over time because it is a never-ending present, that you are at once before all past time and after all future time.

Id. at 263.

47. HANS URS VON BALTHASAR, *A THEOLOGY OF HISTORY* 26 (1963).

48. *Id.*

49. *Id.* at 30.

50. *Id.*

51. *Id.*

52. *Id.* at 31.

On the Catholic view, a second reason that time is intrinsically rather than merely instrumentally valuable is that at every moment, it is borne up by eternity. Eternity is not properly understood as a very, very long extension of time, nor is it rightly construed as an annihilation of time. Rather, eternity is best described poetically as the fullness of time, as carrying its true meaning without distortion.⁵³ According to Balthasar, the in-breaking relationship of eternity to earthly time is best revealed by the forty days that Jesus walked among the disciples after the resurrection; those days belong to both eternal time and earthly time.⁵⁴ He walks among them, eats among them, even jokes with them; they recognize him as the man they have always known. Yet all is different; he has conquered sin, vanquished suffering and death. Balthasar writes:

The time of the forty days is thus genuine time, though indeed no longer time dedicated to death, but resurrection-time, no longer a time for suffering and meriting, no longer time as a burden, but time as a blessed spaciousness . . . time, now his, reveals all the fullness of eternity that is in it.⁵⁵

B. Not Commodifiable

To say that time is intrinsically valuable does not mean to say that human beings should not try to accomplish certain tasks, to achieve certain goals, in their allotted span of days. It does mean, however, that the value of those days cannot be encompassed entirely by the objectives we set for them. Our hours and minutes have a meaning, a purpose, and a value, apart from our successes or failures. This perspective contrasts sharply with the instrumental value of time in the billable hours mentality. Time spent that does not achieve the client's goals is a waste, from his or her perspective; as is time spent that does not increase the revenue of the firm, from the perspective of its managing partners.

A second essential feature of the Catholic Christian view of time is that it is not a commodity; its meaning cannot be translated without remainder into an equivalent market price. A commodity *per se* has no intrinsic value; its worth is determined by how well it satisfies the pre-existing desires of its consumers. Accordingly, commodification of a lawyer's time entails that its value is gauged by its effectiveness in advancing the cause of her clients and increasing the revenues of her

53. "In this participation in eternal love, time, as the creature's form of being, is not annihilated but consummated and filled to overflowing with the eternal dimensions of divine life." *Id.* at 39.

54. *Id.* at 84-85.

55. *Id.* at 83-84.

firm. In contrast, Catholic theological and liturgical sensibilities do not encourage believers to assess the value of time in terms of its ability to contribute to the satisfaction of the desires they happen to formulate. Instead, they encourage believers to repent, to *reconstitute* their desires, and to restructure their days in order to accept God's continuing invitation to experience and understand the real meaning of time as inscribed in the life of Jesus Christ.

A continuing invitation to understand time's real meaning is embedded in the celebration of Sunday Eucharist, which was for over a century the only liturgical rite celebrated by the early Church.⁵⁶ Every seven days, Catholic Christians affirm both the meaning of the course of human time and the possibility of breaking through it to eternity. Drawing upon biblical images, they understand the Eucharist both to look back upon Jesus Christ's gratuitous self-sacrifice in order to redeem humanity from sin, suffering, and death, and to look forward to his Second Coming which they believe will bring the glorious fulfillment of the kingdom inaugurated by his resurrection. Yet the sacramental power of the Eucharist is also seen as breaking through the march of time and history, representing Christ's sacrifice and victory in a way that allows believers to take part in them, thereby drawing strength and grace. This richly textured approach to time is densely encapsulated in the Second Vatican Council's constitution on the liturgy, particularly in the symbol-laden opening paragraph of the chapter devoted to "the most sacred mystery of the Eucharist".⁵⁷

At the Last Supper, on the night he was betrayed, our Savior instituted the eucharistic sacrifice of His Body and Blood. He did this in order to perpetuate the sacrifice of the Cross throughout the centuries until He should come again, and so to entrust to His beloved spouse, the Church, a memorial of His death and resurrection: a sacrament of love, a sign of unity, a bond of charity, a paschal banquet in which Christ is eaten, the mind is filled with grace, and a pledge of future glory is given to us.⁵⁸

56. The Lord's Day was celebrated as early as the first Sunday after the Resurrection. Easter, the first feast recognized by the Church, was not celebrated by Christians until the early years of the second century, and was not accepted by the Church of Rome until the second half of the second century. See Pierre Journel, *Sunday and the Week*, in 4 THE CHURCH AT PRAYER: AN INTRODUCTION TO THE LITURGY 11-29 (A.G. Martimort ed., Matthew J. O'Connell trans., 1986); Pierre Journel, *The Easter Cycle*, in 4 THE CHURCH AT PRAYER, *supra*, at 33-76.

57. VATICAN II, *The Constitution on the Sacred Liturgy (Sacrosanctum Concilium)*, in 1 VATICAN COUNCIL II: THE CONCILIAR AND POST CONCILIAR DOCUMENTS para. 47, at 16 (Austin Flannery, O.P. ed., 1987).

58. *Id.* para. 47.

In the Sunday Eucharist, the normal relationship of time and eternity is overturned. The eternal significance of that unique event, which truly transpired in one particular place and time, allows its presence to overflow into other times and other places.⁵⁹ The death and resurrection of Christ is understood to be the fulcrum of history; it exerts its power both backward and forward in time. In his encyclical *Dies Domini*, Pope John Paul II writes that Sunday is both the first day of the week and the eighth day of the week; the meaning of the creation is shown forth and fulfilled in the resurrection.⁶⁰ It also foreshadows the last day, the day of Christ's second coming, which completes the work decisively begun on Easter. The Pope writes:

[E]verything that will happen until the end of the world will be no more than an extension and [an] unfolding of what happened on the day when the battered body of the Crucified Lord was raised by the power of the Spirit and became in turn the wellspring of the Spirit for all humanity. Christians know that there is no need to wait for another time of salvation, since, however long the world may last, they are already living in *the last times*.⁶¹

For the early Christians, Sunday was not originally a day of rest, but instead was a workday. It was also the first feast; they were forbidden to kneel on Sunday because it is the day of their Lord's resurrection. For them, the most unfathomably terrible and joyous mystery of the cosmos regularly took place on an ordinary day, in a house-church, in the midst of ordinary life. The original social context surrounding the celebration of Sunday vividly represented the early Church's conviction that in-breaking eternity, itself clothed in time, truly sanctifies ordinary time, giving it a meaning that transcends the vicissitudes of human desire. The contemporary mass is structured to give the same validation of human time. Readings from the Old Testament are interpreted as

59. Pope John Paul II writes in his encyclical on the meaning of Sunday:

At Sunday Mass, Christians relive with particular intensity the experience of the Apostles on the evening of Easter when the Risen Lord appeared to them on the Evening of Easter as they were gathered together (cf. John 20:19). In a sense, the People of God of all times were present in that small nucleus of disciples, the first fruits of the Church.

POPE JOHN PAUL II, *DIES DOMINI* para. 33 (1998), available at <http://www.cin.org/jp2/diesdomi.html>.

60. As the Pope makes clear throughout *DIES DOMINI*, the Christian understanding of Sunday draws upon and incorporates elements of the Jewish understanding of the Sabbath. Nonetheless, from the very beginning, it situated the meaning of Sunday within the broader context of Christ's activity. For a meditation on the meaning of the Sabbath from the perspective of a modern Jewish writer, see ABRAHAM JOSHUA HESCHEL, *THE SABBATH: ITS MEANING FOR MODERN MAN* (1994).

61. POPE JOHN PAUL II, *supra* note 59, para. 75

symbolic prefigurations of Christ's life. The New Testament readings give an account of Christ's life and death from the perspective of writers who see themselves as already gathered into the community created by his Spirit after his resurrection. As they are dismissed from the mass, contemporary believers are urged "to go forth to love and serve the Lord" and to inscribe their own lives into the story of God's merciful love for humanity.

From a Catholic Christian point of view, human time, which has its meaning anchored in Christ's activity, can never be truly and accurately commodified. It cannot be reduced without distortion to a monetary value and bought and sold to further pre-existing desires. In fact, there are unmined resources within the canonical texts that can be read to shed new light on this point. For example, the story of Judas's betrayal of Jesus,⁶² which is recounted in all four gospels as the event that sets in motion both Jesus' trial and his crucifixion, can be read to testify to that fact. According to the gospels, the chief priests and the elders were increasingly disquieted by the potential for social upheaval posed by Jesus' teaching and ministry; they decided to arrest him, to charge him with treachery and to put him to death.⁶³ Judas, one of Jesus' disciples, approached them, asking what they were willing to trade for his delivery of Jesus into their hands.⁶⁴ The two parties agreed on a price, and the deal was struck.

What exactly did Judas promise to sell in this exchange? Not Jesus himself; until captured by the authorities, he was a man free to come and go as he wished. It was not within Judas's power to bind him up and turn him over to his opponents. Rather, what he in fact sold to the chief priests and elders was his intimate knowledge of Jesus' days, the patterns and variations of his teacher's time. Matthew notes that after agreeing on a price, Judas "looked for an opportunity to hand him over."⁶⁵ The Gospel of John notes that the reason why Judas was able to lead a band of soldiers to the garden where they captured Jesus was because he "knew the place, because Jesus had often met there with his disciples."⁶⁶ The Gospels of Matthew, Mark, and Luke all describe how Judas betrayed Jesus with a kiss, a sign of the very familiarity with his

62. *Matthew* 26:14-16, 47-56; *Mark* 14:10-11, 43-52; *Luke* 22:1-6, 47-53; *John* 13:18-30, 18:1-11.

63. *Matthew* 26:1-5, 57-58; *Mark* 14:1-2, 53-65; *Luke* 22:1-2, 54-71; *John* 18:12-24.

64. *Matthew* 26:14-16; *Mark* 14:10-11; *Luke* 22:1-6; *John* 18:1-11.

65. The Gospel of Matthew is the only Gospel that specifically mentions the price: thirty pieces of silver. *Matthew* 26:15. It also is the only Gospel that recounts the story of Judas's suicide. *Matthew* 27:3-10.

66. *John* 18:2.

teacher that he had traded upon in his dealings with the chief priests and elders.⁶⁷

The story of Judas can be read not merely as an account of the greed and disloyalty of a man who sold his own rabbi to corrupt officials for a relatively small amount of money. Contemporary Christians living in a market-permeated culture might justifiably read it theologically as the divine rejection of a commodified understanding of time. The story suggests that the events of salvation history cannot be manipulated. Knowledge of their unfolding cannot be harnessed or diverted to satisfy the pre-existing desires of individuals or groups. In the end, Judas was unable to reduce to his own purposes the historical unfolding of God's relationship to humanity through Jesus of Nazareth, or to turn his limited awareness of Jesus' time into his own money. As Balthasar has so eloquently described, the minutes and hours of Jesus' life on earth incorporated the inner-Trinitarian relationship between the Father, Son and Spirit, reaching out in mercy to embrace humanity within that relationship of divine love.⁶⁸ Judas's machinations not only failed to divert or prevent the temporal unfolding of Christ's fulfillment of his eternal mission; in the end they were folded into it. From the perspective of Catholic Christian time, the event that gives ultimate meaning to all events in the history of the world could never be reduced to, or even distracted by, an attempt to sell or buy it. What does this imply for the way in which contemporary professionals treat their own time? It cannot be interpreted to generate an absolute prohibition against any and all attempts to charge or pay for services on an hourly basis. It may, however, provide an important interpretive bulwark that prevents complete commodification of a lawyer's time, in the manner suggested by Margaret Jane Radin's efforts to shore up the phenomenon of "incomplete commodification."⁶⁹

C. Uniqueness and Mystery

A third feature of Catholic Christian time is that it is not fungible, but instead, each moment is understood to carry a certain uniqueness. To believers, the meaning of time is carried in the chronicle of Jesus' life, death, and resurrection; each event in that story must be grasped in chronological order, even if the full meaning of the beginning may be understood only from the perspective available at the end, marked by the presence of the resurrected Christ.

67. *Matthew* 26:48-50; *Mark* 14:44-45; *Luke* 22:47-48.

68. BALTHASAR, *supra* note 47, at 33-43.

69. RADIN, *supra* note 31, at 102-14.

The liturgical calendar of the Roman Catholic Church is designed to enable believers to appreciate each moment of salvation history, even while portraying it all from the eternal perspective of the resurrection.⁷⁰ The liturgical year begins with Advent, a time of waiting, followed by Christmastime, which encompasses both Jesus' birth and the commemoration of his revelation to the world on the feast of Epiphany. Then follows a season of Ordinary Time, in which the earthly life of Jesus is chronicled and celebrated in the context of the Sunday Eucharist. Next comes Ash Wednesday and Lent, a penitential season preparing believers for Holy Week's "real time" commemoration of the events celebrated each Sunday. Eastertime follows; it is a celebratory period of fifty days punctuated by the feast Christ's ascension and closed by the celebration of the gift of the Holy Spirit to the Church at Pentecost. Then again comes a long season of Ordinary Time, during which the Church sees itself as sustained by the Spirit. The liturgical year ends with the feast of Christ the King, which emphasizes the cosmic and universal character of Christ's reign.⁷¹

Unlike billable hours, time as qualified by the liturgical year is not freely exchangeable; Catholic Christians ought not to fast on the birthday of Christ nor feast on Good Friday. The lack of fungibility of the days of the liturgical calendar conveys to believers something of the uniqueness of the opportunities presented to them, the time-bound character of invitations and obligations, and the need to lay hold of them in a moment of decision. Within this framework, it is no more possible to make up for having ignored Lent by observing one's own private penitential season in the first week of Eastertime, than it is to make up for having forgotten an anniversary or a birthday by giving a bigger present the next day.

From a theological perspective, the reason that time in a Catholic Christian world-view cannot be fungible is that its role in the economy of salvation has imbued it with mystery. By definition, something fungible cannot be mysterious. Rather, in every important way, its meaning must be transparent. Its nature and operations must be entirely open to evaluation and assessment; it must be capable of being compared with another object in order to be determined to be its

70. For a description of the norms governing the liturgy in the contemporary Church, see VATICAN II, *The Constitution on the Sacred Liturgy (Sacrosanctum Concilium)*, in 1 VATICAN COUNCIL II: THE CONCILIAR AND POST CONCILIAR DOCUMENTS, *supra* note 57, at 1-40. For a comprehensive introduction to liturgy, including theology and rite, the history of liturgical development, and a history of the development of the sacraments, see THE STUDY OF LITURGY (Cheslyn Jones et al. eds., 1992).

71. Pierre Journel, *The Year*, in 4 THE CHURCH AT PRAYER, *supra* note 56, at 106-07.

equivalent and therefore interchangeable with it.⁷² Conversely, something mysterious can never be entirely fungible. Its meaning cannot be neatly summarized, but is necessarily multivalent; its impact upon those perceiving it at any particular moment is always partly apparent and partly occluded. To Catholic Christians, the fundamental mystery of the universe, the depth of its meaning, is the very reality of God. The kingdom of God, inaugurated with the death and resurrection of Christ, is truly but only dimly present in their midst; it will be revealed in its full glory only at the end of time and the coming of the kingdom of God.⁷³

The Roman Catholic Church understands itself spiritually to be the body of Christ; it sees itself as participating in and draws its strength from this mystery, making it effectively present to succeeding generations of humanity. It does this through ritualized actions, or sacraments, that draw upon and point toward the fundamental “mystery of salvation as recapitulated in Christ,” bringing out various aspects of that mystery, as it is “related to the whole range of basic human situations.”⁷⁴ In fact, in the Patristic period, the Latin terms “mysterium” and “sacramentum” were used nearly interchangeably, although there was a tendency to use the former term when the “emphasis was on the spiritual realities hidden beneath the letter of the Scriptures,” while the latter more frequently referred to “the actions by which Christians were initiated into those realities.”⁷⁵

In addition to the Eucharist, the Church also sacramentally marks other key events in the life of individual believers. In baptism, which commonly is performed on infants, young children are formally brought into the community of believers, which takes responsibility along with their parents for nurturing them spiritually. In confirmation, the second sacrament of initiation, young men and women renew their baptismal commitments in their own names and on their own behalf. In marriage or holy orders (i.e., ordination to the priesthood), individuals discern God’s particular vocational call to them. In the sacrament of penance, believers are brought forthrightly to acknowledge wrongdoing and to

72. See Irénée-Henri Dalmis, *The Liturgy as a Mystery of Salvation*, in 1 THE CHURCH AT PRAYER, *supra* note 56, at 253-72.

73. The Second Vatican Council proclaims: “To carry out the will of the Father Christ inaugurated the kingdom of heaven on earth and revealed to us his mystery; by his obedience he brought about our redemption.” VATICAN II, *Dogmatic Constitution on the Church (Lumen Gentium)*, in 1 VATICAN COUNCIL II: THE CONCILIAR AND POST CONCILIAR DOCUMENTS, *supra* note 57, para. 3, at 351.

74. See Dalmis, *supra* note 72, at 265.

75. *Id.* at 256.

return to the path that will take them to God. Finally, in the sacrament of the sick, they are asked to unite themselves with the passion of Christ in preparation for their final journey into eternal life.⁷⁶

The events marked by the sacraments of the Catholic Church are of general human significance. Birth, maturity, communal membership, vocational decisions, wrongdoing and regret, and illness and death punctuate the lives of believers and nonbelievers alike. Most people, whatever their belief system, take note of these events in some way. What particular insight can the Roman Catholic sacramental perspective offer about their meaning? It is tempting, particularly for very busy people, to view these events as isolated milestones without giving any thought to their interrelationship or the shape of the well-lived life whose progress they are intended to track. The Catholic community has not been immune to this temptation as many believers over the centuries tended to treat the sacraments as discrete, magical events. The liturgical renewal culminating in the Second Vatican Council (1963–1965) attempted to resist this tendency by emphasizing that all the sacraments ritually makes accessible one and the same mystery that undergirds and permeates every aspect of the universe: God’s loving and saving will.⁷⁷ Each sacrament individually is an “efficacious sign[] of grace,” drawing upon a different aspect of Christ’s earthly life.⁷⁸ The rites of each sacrament “signify and make present the graces proper to [it].”⁷⁹ Taken together, the sacraments are designed to enable believers to live the entire sweep of their own lives in communion with Christ.

Equally importantly, the very same mystery that undergirds the sacraments is also understood to support the more mundane moments of human existence, imbuing them with a depth of life and significance that also saves them from fungibility. The theologian Karl Rahner argues that the sacrament of the Eucharist is the quintessential sacrament of the everyday:

76. See generally CATECHISM OF THE CATHOLIC CHURCH, para. 648, at 169 (1994) (describing the mystery of Christ’s resurrection as “an object of faith in that it is a transcendent intervention of God himself in creation and history”); 3 THE CHURCH AT PRAYER, *supra* note 56 (detailing the historical and cultural foundation behind ritual anointing and prayers for the sick).

77. Dalmais states,

Once we give “sacrament” its older and broader meaning, we realize that in the Church, the “universal sacrament of salvation,” everything is somehow sacramental, that is, everything is the vehicle of a meaning and efficacy belonging to a different order from the realities of direct experience, and that this is so because the Church of Christ is a sign and anticipation of the “mysteries of the kingdom.”

Dalmais, *supra* note 72, at 257.

78. CATECHISM OF THE CATHOLIC CHURCH, *supra* note 76, para. 1131, at 293.

79. *Id.*

If we receive the Lord and his grace only in the sacrament, if we do not make the everyday itself a means of receiving the grace of God by accepting it in the guise in which it is mercifully presented to us of the toilsome, the drab and the everyday, then, basically speaking, our Communion will not have been brought to its full and true significance. For there is one point that we must never forget: Simply stated as an abstract proposition of theology it is a truth of faith that the Christian, by every good work, by every act of faithfulness performed in the context of the everyday, by every deed done in the grace of God in the everyday, grows in this same grace of God.⁸⁰

To say that time is unique, and not fungible in the manner presupposed by billable hours does not mean, of course, that emergencies will not arise that necessitate postponing or altering ritualized events, such as birthday or anniversary celebrations. It does, however, reinforce the recognition that substitutions of this sort are not costless.

D. An Integrative Spiral

In addition, the view of time adopted by Catholic Christianity is alien to another aspect of the way it frequently appears in modern law firms, as an endless, colorless extension without any intrinsic purpose or any opportunity for the exercise of human freedom. Many young lawyers perceive themselves to be on a vocational treadmill, constantly propelling themselves forward without moving toward any destination. As described in the foregoing pages, partnership is an elusive goal whose achievement may not be the gateway to a qualitatively better life.⁸¹ Moreover, some young lawyers may not believe they are free to live in any other way. Ensnared by debt (law school loans, mortgages, and car payments), they recognize they cannot maintain their current lifestyles on substantially less than their current salaries. They have, however, neither the time nor the energy to imagine any other possibility for their lives, or to formulate a plan to escape their current predicament.

In contrast, the depiction of the movement of time embedded in Catholic theology and liturgy is far more complex than that presupposed by the world of billable hours. First, rather than being reducible to an endless extension, Catholic Christian time includes a strong cyclical component; it taps into and reinforces the recurring rhythms of human

80. KARL RAHNER, S.J., *The Eucharist and Our Daily Lives*, in 7 THEOLOGICAL INVESTIGATIONS 211, 224 (David Bourke trans., 1971).

81. *See supra* notes 2-4 and accompanying text (describing the state and status of the legal profession today).

life in particular, as well as the natural ecosystem in general. In particular, the rhythm of the liturgical calendar orders the time of a believer, calling attention to markers of cosmic significance within it.⁸² It incorporates alternating times of joy and times of sorrow and penance; marking the seasons of the year as well as the story of Christ.⁸³ While the liturgy of the Church does not invite believers to track these patterns as part of a futile attempt to control time (that, according to Balthasar, would be sinful), it does invite them to mark those patterns as divinely created, transformed, and sanctified.⁸⁴

For example, a key rhythm in the life of the Church that could be profitably attended to by most modern professionals is the alternation between feast days and fast days in the course of the year. The feast days which used to punctuate the Christian calendar have all but disappeared from the consciousness of ordinary Catholics. The reform of the liturgy in the Second Vatican Council consolidated and eliminated some feast days dedicated to saints in order to focus attention on the life of Christ. Yet an unintended consequence of this particular item of reform may have been to exacerbate one of the major problems of capitalist cultures in general and lawyers in particular. Many people in such cultures have forgotten the meaning of play, of joy. They cannot abide in a happy moment without worrying about the next moment's work. Their leisure consists of short bursts of frenetic activity or exhausted idleness designed to enable them to work even harder. But as the monk and theologian Lluís Duch observes, this definition of leisure has nothing to do with an authentic feast.⁸⁵

[I]t is not . . . mere 'distraction', 'boredom' or a pause in the febrile activity of man dedicated to ever-greater productivity. 'Essentially the feast consists in tranquillity, as opposed to the greedy intransquillity of everyday life: a tranquillity which embraces intensity and

82. See generally 4 THE CHURCH AT PRAYER, *supra* note 56 (exploring liturgy in the context of time).

83. See Anscar Chupungco, *Liturgical Feasts and the Seasons of the Year*, in CONCILIUM: THE TIMES OF CELEBRATION 31-36 (David Power ed., 1981) (describing the function of time in Catholic worship).

84. See also Hans Bernard Meyer, S.J., *Time and the Liturgy: Anthropological Notes on Liturgical Time*, in LITURGICAL TIME: PAPERS READ AT THE 1981 CONGRESS OF SOCIETAS LITURGICA 4, 19 (Wiebe Vos & Geoffrey Wainwright eds., 1982). Meyer states,

That is why man, upon encountering God in the midst of the transiency of this world's time, without denying or devaluating this time, enters into the finality of being and life with God. To put it another way: in the midst of transient time God gives man a share in His own eternal life.

Id.

85. Lluís Duch, *The Experience and Symbolism of Time*, in CONCILIUM: THE TIMES OF CELEBRATION, *supra* note 83, at 22, 26.

contemplation, and can unite them when intensity reaches relaxation.' So feasts are characterised [sic] by human encounters devoted not to greater work effort, but to feeling, intuiting the unity, fullness and beauty of reality, beyond the apparent chaos and distortion of the everyday.⁸⁶

The practice of feasting is complimented by the practice of fasting, which has also fallen into some disuse in the contemporary practices of Roman Catholicism. By treating Fridays and Wednesdays as fast days, earlier Christians were able to incorporate some ascetic elements into their own lives, which were lived fully in the world. Fasting is never its own end; the physical sense of emptiness it creates is designed to call attention to one's own spiritual emptiness and need for God, as well as to reveal specific areas in one's own life in which an individual resists God's will. According to Catholic believers, these areas of deficiency are not merely personal, they are also social. Consequently, the Roman Catholic Church calls upon believers to perform acts of justice and charity as activity connected with their fasts. At first glance, it might seem as if the connection between works of self-mortification and works of justice is extrinsically imposed, functioning as a mere cautionary word not to turn in on oneself when turning to God. But the connection is intrinsic as well. The discomfort caused by fasting and self-denial is designed to capture a believer's attention, breaking her out of old, distracted ways of thought. The rationale for the practice is that if her vision is sharper, she should be able to discern her own situation more acutely, as well as better able to discern the needs of other people.

Second, the Catholic Christian understanding of time explicitly acknowledges the possibility of empowerment and self-determination. Unlike the mundane fatalism experienced by associates who believe themselves to have no options, the Catholic view of time maintains that *chronos* (the span of time running from creation to final judgment) is regularly punctuated by *kairos* (a moment of decision or a turning point). Not only do moments of *kairos* involve change, they can sometimes involve a total reversal of direction. From this perspective, the story of Saint Paul offers the most striking example of the radical possibility for change in a human life; his vision on the road to Damascus converted him from one of the most zealous persecutors of the fledgling Christian community to one of its most tireless defenders.⁸⁷ This is not to say, however, that all radical change must be instantaneous. While Paul's conversion was so, Augustine's extrication

86. *Id.* at 26.

87. *Acts* 9.

from a life ensnared by sexual pleasure, professional fame, and intellectual error was long and tortured, encompassing more than one episode of indecision and backsliding.⁸⁸ Contemporary Catholic practices acknowledge the protracted nature of real change for most people, while attempting to offer hope and support. The continuing availability of the sacrament of reconciliation (also known as penance or confession) presupposes and reinforces the idea that no one is doomed to remain in a life that is spiritually deadening and ultimately self-destructive on the most fundamental level.⁸⁹ It is designed to foster moral and spiritual self-reflection and to teach that with the help of divine grace, fundamental change is always possible.

Third, and most importantly, in a Catholic Christian perspective human time is not a purposeless extension; instead, it is teleologically ordered toward a goal—the full instantiation of the kingdom of God. All of the events that occur within time and history take their ultimate meaning from their relationship to this goal; consequently, the teleological aspect of Christian time give shapes to its cyclical and decisional aspects. Christian time is best depicted pictorially rather than as a line, a circle, or a series of right angles, as a three-dimensional spiral, which can on occasion incorporate rather sharp changes in direction even as it moves continually upward toward its goal of communion with God.

There are two immediate consequences of this teleological orientation of time. First, as embodied in the Catholic liturgy of the hours, it attempts to place everything else that believers do with their time into proper perspective. By praying matins and vespers (the two great hours) believers are urged to recollect that the primary value of their lives does not lie in externally validated achievement, but in giving their lives to God in prayer and service. Early in Christian history, the Fathers of the Church called on them to pray as well at the third, sixth, and ninth hours, to remind ourselves that praise of God was not an “interruption” of our lives, but their ultimate meaning and purpose. Later on, the monastics added additional hours, to achieve more closely the ideal of ceaseless prayer.⁹⁰

88. See SAINT AUGUSTINE, *supra* note 46, at bks. I-IX (describing Augustine’s life to the time of his baptism as an adult).

89. See, e.g., Pierre Marie Gy, *Penance and Reconciliation*, in 3 THE CHURCH AT PRAYER, *supra* note 56, at 101-15.

90. See Aimé Georges Martimort, *The Liturgy of the Hours*, in 4 THE CHURCH AT PRAYER, *supra* note 56, at 151, 162-64; Adalbert de Vogüé, *Monastic Life and Times of Prayer in Common*, in CONCILIIUM: THE TIMES OF CELEBRATION, *supra* note 83, at 72.

Second, the teleological aspect of Catholic Christian time orders both its cyclical and its decisional aspects in ways that allow persons to understand their own lives in an integrated way, no matter how complicated they may be. The fact that the liturgical calendar is cyclical helps prevent human beings from experiencing time in their own lives as simply an endless extension, as the unrolling of a ball of twine. Easter 1990, Easter 1995, Easter 2000; as believers live the present Lent and anticipate the upcoming Easter season, they are led to reflect upon the shape of their lives at similar markers in years past. How have they changed, how have they stayed the same? Concurrently, the teleological aspect of time gives an integrative point to that reflection; it calls believers to relate their past to their present, and to bring themselves, their whole selves, to the feast of the resurrection in the eschatological future.

There is a similar interplay between the decisional and the teleological aspects of time. Whereas the strong affirmation of the possibility of decision and change in human life prevents time from being perceived as the tool of necessity or fate, it can also give rise to the opposite danger. Alterations in the direction of one's life, particularly if they are too many or too radical, can call into question the unity of one's personal identity. The more twists and turns that one's path takes, the more difficult it is to build up a cohesive account of oneself that integrates past, present, and future. The teleological account of time embedded in Christianity makes this task far easier, as Augustine's *Confessions* vividly reveal.⁹¹

From one perspective, the forty-year-old bishop who narrates the account of his conversion could not be more radically different from the dissolute youth he once was; in his own terms, he has turned away from sin and heresy and accepted the graces of Christ made available through the Catholic Church.⁹² Yet by embedding the events of his life within a strong account of God's providential love, Augustine manages both to recognize and to exemplify the strong bonds of connection between his younger and his present selves. For example, the actions that he once intended as solidifying his rejection of Catholic Christianity (e.g., his meeting with Faustus in Book IV) he now interprets as encompassed within God's providential and long-suffering mercy, as eventually enabling him to return to the fold.⁹³ Moreover, the very words and

91. See SAINT AUGUSTINE, *supra* note 46, at bk. XI, ch. 13, at 262 (questioning the role of time in human understanding).

92. See *id.* at bks. III-X, at 55-252.

93. *Id.* at bk. IV, at 71-90; *id.* at bk. X, at 207-52.

structure of the *Confessions* manifest the way in which the teleological sweep of time encompasses and turns all events to the glory of God, as Augustine draws upon the very rhetorical ability which once could serve as a snare in order to ignite in others the burning faith in God he now experiences himself.⁹⁴

E. Personal and Social Integration

Unlike the notion of time presupposed by billable hours, Catholic Christianity views time as intrinsically and not merely instrumentally valuable; it is not a commodity satisfying our pre-existing desires but a mystery that critiques and transforms them, it is not fungible, but unique, and not an endless, purposeless extension but a spiral that gathers in the past even as it moves toward an eschatological future that is best evoked by the metaphor of the kingdom of God. All of these factors work together to create a view of time that encourages self-integration rather than fragmentation and emphasizes life in community rather than isolation.

I have adumbrated the ways in which the Catholic Christian view of time might facilitate self-integration in the previous section of this essay.⁹⁵ Here, I would like to focus on the ways in which adherents of that view of time might find it helpful in fostering relationships and developing community. From a Catholic perspective, the role of the Church is to symbolize and to help bring about community. Its official teaching holds that the Church is in “the nature of [a] sacrament,” whose purpose is to be “a sign and instrument” of “communion with God and of unity among all men;” a “people brought into unity from the unity of the Father, the Son and the Holy Spirit.”⁹⁶ In fulfilling this purpose, the Church overturns the inherent tendency of time to separate people from one another.⁹⁷ Its members, who have diverse functions

94. *Id.* at bk. IV, at 71-90.

95. See *supra* Part IV.D (exploring the integrative spiral of time).

96. VATICAN II, *Dogmatic Constitution on the Church*, in 1 VATICAN COUNCIL II: THE CONCILIAL AND POST CONCILIAL DOCUMENTS, *supra* note 57, paras. 1, 4.

97. Most importantly, the use of the term “Church” here is metaphysical, not sociological to refer to all those, of whatever faith, who live in accord with divine will. The *Dogmatic Constitution on the Church* explicitly recognizes that the “Church” is not coextensive with the roster of those who identify themselves as Roman Catholic. *Id.* para. 13, at 364. Those Catholics who do not persevere in charity are incorporated into the body of Christ only “in body,” not “in heart.” *Id.* para. 14, at 365-66. At the same time, it also affirms that other Christians “are sealed by baptism which unites them to Christ,” *id.* para. 15, at 366-67, that “in view of the divine choice,” those of the Jewish faith “are a people most dear for the sake of the fathers,” that “the plan of salvation also includes those who acknowledge the Creator, in the first place amongst whom are the Moslems,” and that divine providence shall not “deny the assistance necessary for

and gifts, are understood to be unified by Christ as his body. Time transformed in Christ stretches out in a vast and intricate web of connection. The members of the body of Christ extend backward and forward in time. Because each of their lives is inscribed in the overarching narrative of salvation, each of their actions might very well take its ultimate significance from an event long past, or one yet to come. Balthasar writes that “since Christian missions are linked together historically, it follows that a later mission can justify an earlier one.”⁹⁸ Similarly, all human actions impinge upon the possibilities open to persons not yet born. He continues: “All our destinies are interwoven; and until the last of us has lived, the significance of the first cannot be finally clear.”⁹⁹ On this view, time, even the great expanse of ages, does not separate people, but draws them together.

This community-constituting understanding of time counteracts the many ways in which time can seem to separate one person from another and one people from another. On an individual level, because earthly lives are finite, any time spent away from loved ones can seem to be irretrievably lost. We all know of situations where close friends become estranged early in life, and then attempt to reconcile many years later. From one perspective, the reconciliation can appear to be almost futile; time spent apart can never be recovered, and years of estrangement cannot be erased during the little time remaining. To someone finding meaning in the Catholic view of time, this is too pessimistic, because it suggests that the time lost to estrangement can in fact be redeemed. To believers who see all persons as invited to participate in eternal life with God and one another, a relationship repaired after a long rift has a depth and future that the reconciliation both symbolizes and ratifies.

Moreover, any lengthy separation from a loved one raises the specter of loss, even if there is no estrangement. What if one or the other person has changed radically? What if the passage of time has altered beyond recognition the commitments, attitudes, and feelings of both persons? The pain of separation is not attributable only to the loss of time to spend with the other; it also stems from the fear that the relationship itself could be lost if the parties grow apart during their absence from each other. Here again, the Catholic Christian view is less likely to see the passage of time as ultimately dangerous to human

salvation to those who, without any fault of theirs, have not yet arrived at an explicit knowledge of God, and who, not without grace, strive to lead a good life.” *Id.* para. 16, at 367-68.

98. BALTHASAR, *supra* note 47, at 72.

99. *Id.* at 73.

relationships. Karl Rahner suggests that the experience of long separation from loved ones is both honored and transformed by the feast of Christ's ascension; he suggests that it is at one and the same time both "the festival of blessed pain" and the "festival of the future of the world."¹⁰⁰ The feast celebrates the return of the resurrected Christ to heaven after spending forty days among his disciples. Rahner argues that the angels' words to the disciples assuring them that Jesus will come again "just as" they saw him take his leave should be read as both a dismissal and consolation.¹⁰¹ On the one hand, his followers will no longer be able to see him, at least in the form that they have come to know him during his life on earth. On the other hand, Rahner emphasizes the disciples' belief that Jesus will return, and that they will recognize him as the same. "There is no need for us to fear that because he has gone away he may return as someone else who, in the meantime, has undergone a transformation, so that he is no longer the person whom we knew, and of whom we have experience."¹⁰² The doctrine and the liturgical calendar of the Catholic tradition converge to assure believers that time no longer has the awful power to destroy relationships by changing one person beyond the recognition of the other.

On the levels of clans and communities, time's inexorable march erases the chain of relationship that bind generations together. Most people cannot remember more than two or three generations of their family born before them; they will not live to see the birth of more than two or three generations after them. Past generations, past cultures, past civilizations all fade into remoteness. The contemporary understanding of the patterns of life, thought, and belief of ancient civilizations, even those that historians know best, is partial and incomplete; their worlds are distanced from us by the passage of time. Moreover, any knowledge, any communication that there may be can only flow in one

100. KARL RAHNER, S.J., *He Will Come Again*, in 7 THEOLOGICAL INVESTIGATIONS, *supra* note 80, at 177-80 [hereinafter RAHNER, *He Will Come Again*]; KARL RAHNER, S.J., *The Festival of the Future of the World*, *supra*, at 180-85. The biblical passage under discussion is Acts 1:11.

101. RAHNER, *He Will Come Again*, *supra* note 100, at 178.

102. *Id.* at 178-79. The interlocking nature of the elements of the Catholic Christian view of time are evident in Rahner's elucidation of the reason why believers can be confident that Jesus will return "even as" he came:

[E]ternity does not come 'after' time, but is the sheer validity of that which has taken place in time, but endures for ever. And therefore he comes 'so,' just as he has gone. In the 'interval' nothing will happen, for in his temporal life itself that eternity which endures has been worked out and suffered for.

Id. at 179.

direction; those living today may come to appreciate something of their ways of life, but they can never come to know us.

The Roman Catholic view of time offers believers an alternative perspective by holding that the ecclesiastical community, formed around Christ, transcends the barriers imposed by time.¹⁰³ Through the communion of saints, believers now living are seen to be joined with a vast array of persons, known and unknown, male and female, of all races, nations, cultures, and walks of life,¹⁰⁴ who have been transformed by divine grace.¹⁰⁵ Together, this “cloud of witnesses” manifests the universal scope of God’s love for humanity. At the same time, God’s call to every person is particular; each is called by name to her own vocation. Within that great “cloud of witnesses” of the saints who have lived in previous ages, individuals living today can find particular role models and exemplars who confronted challenges analogous to those that face them.¹⁰⁶ Friendships can be forged between the living and the dead as commonalties can be discovered which transcend differences. A feminist theologian can find a friend in Thomas Aquinas, a political activist can discover a mentor in Joan of Arc. To those who believe in the communion of saints, the bonds of friendship can extend in both directions across the barrier of death, in a way that is real although ultimately mysterious. It is not just the living who can take an interest in the dead, but also the dead who can take an interest in the living.¹⁰⁷

103. An example of this process is the way in which feminist theologians have highlighted different aspects of the lives of women saints than those which were stressed by those who canonized them.

104. “If living persons shared in the life of God, and if the dead were likewise still clasped by the living God, then both the living and the dead were united to each other, forged into one community by the same vivifying Spirit.” ELIZABETH A. JOHNSON, *FRIENDS OF GOD AND PROPHETS: A FEMINIST THEOLOGICAL READING OF THE COMMUNION OF SAINTS* 65 (1998).

105. “God shows to men, in a vivid way, his presence and his face in the lives of those companions of ours in the human condition who are more perfectly transformed into the image of Christ.” VATICAN II, *Dogmatic Constitution on the Church*, in 1 VATICAN COUNCIL II: THE CONCILIAL AND POST CONCILIAL DOCUMENTS, *supra* note 57, para. 50, at 410-12.

106. In her book, Elizabeth Johnson downplays petitionary prayer to particular saints, in favor of practices focusing on prayers of praise and lament, and calling attention to the whole “cloud of witnesses,” both known and unknown saints. JOHNSON, *supra* note 104, at 64-68. While I am sympathetic to her concern that petitionary prayer might be misused to create a hierarchical system of intermediaries between God and living human beings, I think that this potential danger can be addressed in other ways, in particular by emphasizing the importance of praying to God directly. In addition, while I agree that it is important to remember the whole range of “friends of God and prophets,” named and unnamed, I see nothing objectionable or inconsistent in turning to particular saints as particularly helpful mentors or role models in light of one’s own vocation. A physician might turn to Saint Luke, a lawyer to Saint Thomas More, a social activist to Dorothy Day, whose case for canonization was recently opened.

107. Rahner states,

In ways that cannot be fully known or articulated, the possibility of petitionary prayer is perceived by Catholics to mean that believers today can call upon the help of those who have trod before them on a similar path, asking for guidance and assistance in responding to their own vocations with creativity and faith.¹⁰⁸ In his or her own particular way, each saint is understood to remind believers that a life of faith does not require mindless conformity to a preset pattern but responding to one's unique divinely given vocation as if it were an adventure.¹⁰⁹

Finally, by fostering a rich appreciation of the communion of saints, the Catholic tradition hopes to focus the attention of adherents on the needs of other people living today. For example, proclaiming that union with the heavenly Church is best realized in the celebration of the Eucharist,¹¹⁰ the Second Vatican Council exhorts Catholics to demonstrate devotion to the saints "in a more intense practice of our love."¹¹¹ In the end, the worship of God cannot be separated from loving service of the human beings who are created in the divine image. Making the point in his encyclical *Dies Domini*, Pope John Paul II quotes John Chrysostom, one of the Greek Fathers of the Church:

"Do you wish to honour the body of Christ? Do not ignore him when he is naked. Do not pay him homage in the temple clad in silk only then to neglect him outside where he suffers cold and nakedness. He who said: 'This is my body' is the same One who said: 'You saw me hungry and you gave me no food', and 'Whatever you did to the least of my brothers you did also to me.' . . ."¹¹²

We should realise [sic] that in the course of the world's history an innumerable multitude has already been drawn into the eternity of God before us, so that we are the late-comers. And the realisation [sic] of this should generate hope and consolation in us, courage and trust. And in this spirit we should speak with *our* saints. We should greet them, call upon them for their help on the way which is bringing us to where they are, before the face of Our Lord.

KARL RAHNER, S.J., *All Saints*, in 8 THEOLOGICAL INVESTIGATIONS, *supra* note 80, at 24, 29; see also KARL RAHNER, S.J., *Why and How Can We Venerate the Saints?*, *supra*, at 3-23 (reconciling the veneration of saints with adoration of God).

108. For an account of the development of the cult of the saints in the early church, see PETER BROWN, *THE CULT OF THE SAINTS: ITS RISE AND FUNCTION IN LATIN CHRISTIANITY* (1981). For a description of the canonization process, see KENNETH L. WOODWARD, *MAKING SAINTS: HOW THE CATHOLIC CHURCH DETERMINES WHO BECOMES A SAINT, WHO DOESN'T, AND WHY* (1990).

109. KARL RAHNER, S.J., *The Church of the Saints*, in 3 THEOLOGICAL INVESTIGATIONS, *supra* note 80, at 101-03.

110. VATICAN II, *Dogmatic Constitution on the Church*, in 1 VATICAN COUNCIL II: THE CONCILIAR AND POST CONCILIAR DOCUMENTS, *supra* note 57, para. 50, at 410-12.

111. *Id.* para. 51, at 412-13.

112. POPE JOHN PAUL II, *supra* note 59, para. 71 (quoting John Saint Chrysostom).

Thus the view of time embedded in the liturgy and theology of Catholic Christianity discourages the isolation of believers and fosters the creation of community in numerous ways. It encourages them to maintain and repair relationships with the people who have been significant in their lives, by assuring them that those relationships will outlast death. It challenges them to see themselves as belonging to a community that transcends the boundaries of nations, classes, and civilizations, by presenting them with role models who come from many places, eras and walks of life. Finally, it calls upon them to draw upon the fellowship and support offered by the communion of saints, in order to reach out in solidarity to the vulnerable persons at the margins of society. In so doing, it offers a view of time that counteracts the isolation that the worldview of billable hours frequently imposes upon those who live within it.

V. CONCLUSION

In this essay, I have argued that embedded within the culture of billable hours is a highly particular view of time, which has five characteristics. First, it suggests that the value of a lawyer's time is entirely extrinsic (i.e., that it lies in achieving the purposes of the client and in making money for the firm);¹¹³ second, it treats time as a commodity;¹¹⁴ third, it presumes that all time is fungible;¹¹⁵ fourth it suggests that lawyers live their lives in an endless, colorless present.¹¹⁶ Fifth and finally, time viewed in this way tends to isolate lawyers from their colleagues, families, and communities, as well as to exacerbate their own self-alienation.¹¹⁷ Moreover, in describing how the culture of billable hours generates this view of time, I have attended not only to the theoretical beliefs about temporal existence that it presupposes, but also to the concrete practices embodying those beliefs in the lives of many American lawyers.¹¹⁸ For example, I have noted how the fungibility of billable hours leads to a culture in which many lawyers lose some of their ability to relate to the time-bound and season-bound events that are so important to family members and friends.¹¹⁹ I have

113. *See supra* Part III.A.

114. *See supra* Part III.B.

115. *See supra* Part III.C.

116. *See supra* Part III.D.

117. *See supra* Part III.E.

118. *See supra* Part III.

119. *See supra* Part III.D–E.

also observed how the practice of hourly billing can easily lead to the professional isolation of lawyers.¹²⁰

In sharp contrast to the way time is viewed in the framework of billable hours, I have described its contours in the very different perspective offered by Roman Catholic belief and practice.¹²¹ Here, time is perceived to have intrinsic value rather than merely instrumental value.¹²² Time is viewed not as a commodity valued in terms of its ability to satisfy human desires, but as a prism that is revelatory of the way those desires should ideally be directed (i.e., toward fellowship with God and one another).¹²³ It is not fungible, but marks points of unique importance in the lives of individual persons and the broader community.¹²⁴ It is not an endless, flat extension, but an integral spiral that encompasses decisive moments, including reversals of direction, as it moves toward an ultimate goal, which is evoked by the metaphor of the kingdom of God.¹²⁵ Finally, at its very core, time on a Catholic view does not lead to isolation, but calls for the creation of community on many levels and among many different persons.¹²⁶

Just as importantly, I have tried to describe some of the ritualized practices that inscribe those perspectives on time in the lives of believers. The idea that time is an integral spiral is reinforced by the way in which believers experience the cyclical nature of the liturgical calendar.¹²⁷ The regular observance of feasts and fasts reinforces the conviction that all time is not fungible, that every moment offers its own possibilities, which may not return a second time.¹²⁸ The celebration of the sacraments, especially the Eucharist, fixes in the minds and hearts of participants the belief that there is some transcendent value to their earthly lives.¹²⁹

What, however, is the point of this comparison? Can the view of time embedded in Catholic theology and liturgy actually challenge the dominance of billable hours? Is its view of time easily transferable to the environment of big-firm legal practice? Very likely not. The culture of lawyers is only a small part of a much broader capitalist

120. *See supra* Part III.E.

121. *See supra* Part IV.

122. *See supra* Part IV.A.

123. *See supra* Part IV.B.

124. *See supra* Part IV.C.

125. *See supra* Part IV.D.

126. *See supra* Part IV.E.

127. *See supra* Part IV.C–E.

128. *See supra* Part IV.C.

129. *See supra* Part IV.C.

culture from which it draws many of its values. The billable hours mentality, in my view, is actually not unique in our culture, but is a more sharply delineated version—almost a caricature of the view of time dominant in American life today.

What are the sources of this view of time? Historians and sociologists of American religious history might find it profitable to examine this question in light of the belief systems of religious groups who initially settled this country. For example, Max Weber, the pioneering early-twentieth century sociologist, has famously argued that the growth of capitalism was facilitated by a distinctively Protestant ascetic ethos (particularly that of the Calvinist Branch in its Puritan formulation). That ethos would have flatly repudiated many elements of the Catholic theological and liturgical vision outlined in the foregoing pages.¹³⁰ More specifically, Weber's basic thesis is that a "worldly Protestant asceticism," which encourages hard work in one's worldly calling and discourages consumption resulted in the "accumulation of capital through ascetic compulsion to save."¹³¹ This thesis has been hotly disputed from a number of perspectives. Nonetheless, the controversial nature of his work does not mean that some of his observations may not prove extremely helpful in explaining certain aspects of contemporary American culture. For example, at the heart of the ethos he describes is a view of time that is achingly familiar to most big firm lawyers. "Waste of time is thus the first and in principle the deadliest of sins. The span of human life is infinitely short and precious to make sure of one's own election."¹³² The "[l]oss of time through sociability, idle talk, luxury and even more sleep than is necessary for health . . . is worthy of absolute moral condemnation."¹³³ From the perspective of this world-view, the ideal life did not include contemplation, but consisted instead of "hard, continuous bodily or mental labour."¹³⁴ Furthermore, the time available for labor became expanded, as the celebration of saints' days and other feast days waned under the influence of the Calvinists and the Puritans.¹³⁵

130. MAX WEBER, *THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM* (Talcott Parsons trans., 1992) (1930). I would like to thank Robin Lovin for reminding me of this connection.

131. *Id.* at 172.

132. Weber was speaking of God's election (choice) of particular human beings to enjoy eternal life in heaven. *Id.* at 157. Interpreted in the legal context, the phrase could very well refer to election to partnership in the firm.

133. *Id.* at 157-58.

134. *Id.* at 158.

135. *Id.* at 168; see also Kevin Donovan, S.J., *The Sanctoral*, in *THE STUDY OF LITURGY*, *supra* note 70, at 481-84 (describing the effect of reformation movements on Christian ritual and practice).

As Weber recognizes, this inexorable work ethic has shaped a capitalist culture in ways that have long outlasted the religious commitments that generated it.¹³⁶ It remains influential today, although the post-religious ethos of hard work and “sober virtue” about which Weber wrote in 1905 has largely given way to a “work hard (for long periods)—play hard (for very short periods)” mentality.¹³⁷ The culture of American lawyers is created, maintained, and carried on by the secular heirs of those who created the Protestant work ethic. No longer belonging exclusively to Protestants, it has been detached from the particular religious beliefs that generated it and absorbed by intelligent and ambitious people who adhere to a wide range of belief systems. It has seeped into the bones of virtually everyone who has demonstrated sufficient discipline and drive to excel in college and to succeed in a good law school. No matter what their ultimate commitments, that work ethic is their ethic, too.

One reason, therefore, that young lawyers so quickly internalize the billable hours mentality is that it is by no means utterly foreign to them; in fact, it is best understood as an exaggerated and more demanding articulation of a cultural perspective on time in which they have lived for many years. Because those pressures are internal as well as external, they are doubly hard to resist. What can young lawyers say to partners who routinely expect them to work three out of four weekends in July, or twelve hours a day during the two weeks before the Christmas holidays?

In the face of the concrete demands of work, an invocation of plans with family or a simple “no” will inevitably appear hollow and frivolous, not only to the partners, but also to the young lawyers themselves. The rhythm of billable hours has become routine, even *normal*. This insidious, apparent normalcy mutes objections to the way of life because it trivializes them. Rather than pressing their complaints, young lawyers begin to consider themselves lazy and abnormal for having articulating them in the first place. Indeed, in the context of the governing work ethic, they *are* lazy and abnormal.

In this context, what can I hope to accomplish by articulating the diametrically opposed view of time developed within the theological and liturgical framework of Catholic Christianity? I am not suggesting that law students transfer *en masse* to divinity schools. Nor am I

136. Needless to say, Protestant theologians can argue that the view of time and work described by Weber is a distortion of Protestant commitments rather than an accurate articulation of them.

137. See GARY CROSS, *TIME AND MONEY: THE MAKING OF CONSUMER CULTURE* (1993).

suggesting that law firms install bells to mark the liturgical hours in the manner of medieval monasteries. Rather, by drawing upon the alternative perspective of Catholic Christianity, I have tried to demonstrate, rather than merely assert, that it is possible to understand “normal” responses to the pressures of time in a very different way, depending upon one’s background presuppositions. Perhaps this example will inspire others to develop and defend their own normative visions of time’s meaning. That is the first step toward challenging the hegemony of billable hours in their own lives and in the legal culture more generally.

Moreover, I think it is possible to extrapolate from the example of Catholicism some general features of any full-blown alternative to the view of time embedded in the world of billable hours. First, views of time rarely, if ever, appear by themselves. They are intertwined with other presuppositions about the purpose of human life, the meaning of human agency, and the relationship of the individual to community. The Puritans’ vision of the purpose of human life was very different than that of the Catholics; it generated a correspondingly different view of how one should spend one’s time. The question of time’s meaning is not often given explicit attention by persons struggling to decide which world view to accept for themselves and inculcate in their children. It deserves more consideration.

Second, as I have stated repeatedly throughout this essay, the Catholic view of time does not engage the mind exclusively, but also enlists the body and the imagination. For example, the Catholic tradition teaches believers never to confuse Good Friday with Easter Sunday not only by imparting to them abstract doctrine, but also by inviting them to experience doctrine-infused practices such as fasting and the commemoration of the stations of the cross. In this three-dimensional way, the tradition drives home the lesson of time’s uniqueness, its lack of fungibility. Speaking more broadly, if young lawyers are to have any hope of maintaining a countercultural view of time in the face of substantial pressures to conform to prevailing sensibilities, they too must develop corresponding countercultural practices. Perhaps they might set aside a few moments in the morning or afternoon for prayer, meditation, or quiet reflection. They might decide that two nights a week, they will be home for dinner. They might commit themselves to taking Saturdays or Sundays off to pursue other meaningful activities, rather than just using them as part of a frantic effort to get the mechanics of their lives back on track. They could choose to volunteer at the local soup kitchen every Tuesday or Wednesday night. Constancy in these matters is crucial. In my view,

establishing a new rhythm and ritual are key to sustaining a vision of time opposed to that of billable hours. Old habits are more easily defeated when they are replaced with new ones.

What about emergencies? Obviously, they must be accommodated; that is a fact of professional life. But what counts as a true emergency? It is my suspicion that lawyers frequently do not work late and on weekends because of sudden crises, but rather because they have developed the habit of "catching up" during that time. Moreover, weeks and months of crushing amounts of work do not constitute a succession of "emergencies," they are a sign that more lawyers must be hired to do what needs to be done. It is true, however, that a young associate's definition of an emergency may not be a senior partner's. What can a lawyer determined to resist the hegemony of billable hours say to the partner who presents her with work? There is no easy answer to this question. She is, I believe, more likely to be able to resist the pressure to believe her own counter-cultural views of time are silly, lazy, and abnormal if she has the support of a community of people who share them. This is the third general point to be gleaned from the example of Catholic theology and liturgy. The view of time it adopts is not merely individual, it is thoroughly social. Many of the practices that reinforce it are communal; they created a shared experience of time that allows believers to support one another in living out their commitments.

Therefore, if there is a constructive proposal in this essay, it is the following: I would like to urge representatives of various religious communities, as well as the lawyers who find some aspect of their identity reflected in those communities, to mine their respective traditions for help in dealing with the alienation of time so characteristic of the modern law firm. Many religious traditions are as rich and complicated as any legal tradition; it would be foolhardy for someone not trained in the intricacies of a particular religious worldview to attempt to address the complicated questions of time and meaning from the perspective it offers. I would not presume, for example, to identify the challenges that a Jewish or Muslim view of time might pose to the regime of billable hours. But I would like to learn more about what those challenges would look like. Fortunately, the legal profession in the United States includes persons who belong to a wide variety of religious traditions (as well as other, non-religious comprehensive worldviews). Facing the same difficulties in our professional lives, we may be able to bring to bear the resources of our different traditions to identify ways of minimizing them. In this, as in so much else in our richly pluralistic society, we may well find that we both benefit from and contribute to one another's efforts.

Is all of this likely to be enough? Perhaps not. Some lawyers will capitulate to the billable hours mentality in the end. Others will leave their firms, and perhaps the practice of law altogether. But there may be a few who will be strong enough to resist, and talented enough to survive in their firms despite that resistance. If the legal profession is fortunate, these resisters will one day find themselves in positions of sufficient power to begin changing the meaning of time by reforming the world of billable hours, step by step. I have no firm basis for believing this will happen. But I can have hope. Hope, after all, must be the quintessential virtue of a life lived within the boundaries of time.