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Pepperdine Commencement Speech

Anthony T. Kronman

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On the first page of the catalog describing the courses and programs of the Pepperdine School of Law, there appears a statement of the University's most fundamental commitment: to honor and preserve the connection between the life of the mind and the life of the spirit. In Dean Lynn's own message, a few pages later, this commitment is reaffirmed. Pepperdine gives its students the skills they need to be effective lawyers, but these are not, Dean Lynn correctly says, what the law is really about. More important than a person's skills are the qualities of character that determine how he or she will use them, and the ultimate values that constrain and direct their employment. The law is not a business, Dean Lynn writes, but a profession, and the deepest dream of those in it is not to make a fortune for themselves, but to live a life of personal integrity in service to the world. This is a spiritual ideal, one that I share, and I would like to offer a few comments about its relation to the sphere of professionalism, and to that of the law in particular.

I have no doubt that there are many men and women of genuine spirituality who view their work as something disconnected from their spiritual concerns. For them, work is simply a way of making a living, a necessary task that has no more intrinsic value than washing the dishes or doing the laundry. It is just a means for acquiring the material resources to do other things, the really important things, the ones that possess true spiritual worth. No matter how spiritually alive a person is, the more routine and circumscribed that person's work becomes the more likely he or she is to see it in this light - as an instrumental activity, devoid of opportunities and challenges that call for a spiritual response.

Dean Lynn's message affirms that the work lawyers do cannot be reduced in this way to a mere means for making money. It affirms that a lawyer's professional life is charged with spiritual meaning, that the world of legal practice is one in which the strength of a lawyer's character is tested at every moment, and his or her soul is constantly put on the line. His message asserts that for those who engage in it, the practice of law can be an area of ultimate

concern, and therefore it is one of the places where lawyers must work out the meaning of their lives.

There is a fashionable pseudo-realism that mocks the idea that a lawyer's professional work has any connection to the life of the spirit. But of course it does. The depth and intimacy with which lawyers involve themselves in the lives of other people demand a sense of responsibility that only conscience can supply. The subtleties of judgment that even the most routine legal matters require depend upon a combination of steadiness and compassion that only character can provide. Conscience and character are ingredients in everything that lawyers do, and without them no collection of rules, however complete, or system of courts, however powerful, can bring a minute's worth of justice to the world. Conscience and character are the spiritual conditions of justice and of law, which a sounder realism recognizes to be inseparable from the life of the spirit.

Like many other aspects of our dominantly secular civilization, the idea that the sphere of professional work is charged with spiritual meaning is one that belongs to the tradition of biblical thought. For the ancient Greeks, the idea that work of any kind could have spiritual meaning was absurd. Work, according to Aristotle, was what slaves have to do in order that a few free men might live a life of leisure devoted to the free activities of politics and contemplation, beyond the realm of necessity and labor.

The notion that work itself has spiritual meaning is first suggested by the story of the Fall, as told in the Book of Genesis. For their sins, Adam and Eve are expelled from Paradise and (among other things) condemned from that moment on to work for a living. In the story of the Fall, human work is portrayed as the punishment for a crime, not as a mere accident of fate, and is thereby given an ethical or spiritual meaning. It is true that this meaning is, to begin with, a negative one. But the revolutionary implication of the story of the Fall is not its association of work with punishment, but the absorption of work into the realm of the spirit. For once this happened, once the old Greek view of work as a spiritually dead activity had been shattered, the way was open for the revaluation of work as an arena of redemption. Work could be seen as an opportunity for the advancement of God's purposes on earth and, with that, for the salvation of one's soul. Luther's doctrine of good works and the teachings of Calvin and the other great Protestant divines of the Reformation all affirm the positive spiritual value of work, and its connection to the deepest interests of the soul, as do the rabbis of the Talmudic tradition.

Today, the religious beliefs that formed the matrix in which this spiritualized view of work was first invented have largely fallen away, but the view itself remains as a conviction still shared by many people. In particular, many professionals continue to hold onto the idea that their jobs are more than just a means to wealth, that they concern the spirit and the life of the soul from which in the end they cannot be detached. This is what Dean Lynn means, I believe, when he says that the law is a profession, not a business. And I also believe it is the source of the anxiety, widespread among lawyers today, that the

practice of law is becoming more businesslike and less professional. At bottom, this anxiety is born of the conviction, unstated but widely held, that the very things which make the law a profession are the ones that give it spiritual meaning. Therefore, the current crisis of legal professionalism, as it is sometimes called, is in fact a spiritual crisis as well.

The practice of law is not just a way of making a living; it is a way of life. Those who think they can succeed in the practice of law without committing their whole souls to the work are bound to disappoint both their clients and themselves. Success in the practice of law of course demands a large volume of technical knowledge and presupposes the mastery of many specialized skills. But it also requires character and conscience, without which the law is dead and the practice of law deadening. These are the spiritual foundations of the lawyer's art, and Pepperdine is right to give them the emphasis it does.

But if the law is a discipline that engages the spirit, it is also one that tests the spirit, and the more deeply a lawyer's character and conscience are engaged by his or her work, the more strenuous this testing becomes. The testing takes many forms, but I shall mention only two.

First, most spiritually mature men and women have relatively well-formed views about the right way for people to live. They have beliefs, often very strong, about matters of supreme moral concern like abortion, euthanasia and gay marriage. They disagree sharply with those who hold conflicting beliefs, and consider their opponents' views morally mistaken, and sometimes even wicked. They devote themselves to the defense of their own conception of morality, and seek to persuade others of its correctness. All of this is a sign of spiritual vitality, and a familiar part of American life.

But one of the guiding principles of American life, expressed, among other places, in the Constitution's separation of church and state, is the principle of toleration that requires us to accept the inevitable disagreements on matters of ultimate importance that separate us into different moral and religious camps. The principle of toleration commands us to find a way of living together despite these differences, and that is possible only if those with the most intense moral convictions abstain from the temptation to use the law to forcibly impose their views on those who resist them. The more convinced one is of the rightness of one's views the stronger this temptation will be, and the stronger the will needed to resist it.

Lawyers, above all others, must find the strength to resist. They must set an example in the practice of tolerance. They must abstain from using the law, whose levers they control, to promote their own personal morality, however convincing its precepts seem. A spiritually serious lawyer, one who holds deep moral or religious beliefs about the most important questions of human life but

who also feels an allegiance to the principle of toleration that is enshrined in the American system of law, is therefore caught in a dilemma from which there can be no escape. The tension that such a lawyer experiences between his or her spiritual values on one hand, and professional duties on the other, can never be fully dissolved. Indeed, the more spiritually alive a lawyer is, the more excruciating this tension becomes, and the only responsible attitude for the lawyer caught in it is one of acceptance and resolve: the resolve to live in the tension with as much honesty and integrity as he or she can muster. This is the first way in which a lawyer's life engages the spirit but tests it as well.

The second is even more challenging. It is a consequence of the fact that the law is a magnificently refined and wonderfully disciplined system of violence. The violence of the law is generally concealed, but behind every legislative act, every judicial decision, every voluntary contract, there stands the force of the state, without which the law would not be law at all, but mere suggestion. Behind the dignity of the courtroom and the solemnity of the law's stately procedures stand the police and the army and the prison wardens who represent, as it were, the punch line of every legal argument.

To enter the world of law is thus to enter a realm of violence - often only threatened violence, but real nonetheless. The lawyers who make their living in this world must therefore be prepared to accept the use of violence in human affairs. Indeed, they must be prepared to use it themselves. They must be prepared to acknowledge - as every legal system does - that it is impossible to govern, here on earth at least, in accordance with the ethic of the Sermon on the Mount, or with Socrates' claim that it is always worse to do violence to another than to have it done to oneself. But the lawyer who is spiritually alive will know that Jesus and Socrates were right, that violence is always corrupting, that those who use it do so out of ignorance, and that every human being has an infinite preciousness that lies beyond our power to judge. Knowing this, such a lawyer will feel stained by sin every time he uses the violence of the law - as he must - to achieve his ends. He will feel the weight of our common human failings which make the use of violence necessary to the law and social life.

But he will not abandon the law on this account, to save his soul from the evil of the world with its contaminating violence. He will be prepared, instead, to put his soul at risk for the sake of the world, the imperfect human world we shall always inhabit. There is in this commitment, I believe, real courage and nobility, though tremendous danger too, especially for the lawyer who remains spiritually alert to the corrupting power of violence and who refuses to become inured to its effects. For those who turn away from the law, who seek to live in a purer realm and to base their relations with others on Jesus' injunction to turn the other cheek, I have immense respect. They choose a hard path, difficult to follow. But so do those who choose the law, and the worldly institutions it supports, knowing the jeopardy in which they thereby place their souls - our most valuable possession, as Socrates long ago taught us. For the lawyers who knowingly run this risk, for the sake of our fallen but hopeful world, I have immense respect as well.

And so I say to you, whose graduation we are here to celebrate today, in

this splendid place under Heaven's watchful eye, you are entering a profession that is more than a business. The law is a spiritual vocation that demands character and conscience, one that will test your spirits every day of your professional lives. Pepperdine has taught you to recognize the spiritual nature of your work and equipped you to meet the spiritual tests that lie ahead. But in the end, that is something you must find the strength in your own souls to do. No one can teach you how to keep your balance in the whirlwind you are entering. You must discover this on your own.

Of course, you will stumble and be disappointed. How could you not? You will let yourselves and others down. You will at times, perhaps, despair of the world, whose failings you will know more intimately than others do. But in the end you will prevail. You will keep your balance. You will know the joy of being spiritually alive in your work, which is the work of the world. You will find the strength to meet the tests that a lawyer's life puts in the way of those who choose it, and in meeting these tests you will grow stronger still. And when that distant day arrives, and you retire from the fray, you will hand the world on to your successors in good repair. You will leave the field with honor and distinction and with your soul intact. May the blessing of that day be yours, and may every day until then be brightened by the prospect of the prize you aim to win.

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