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Justice: The Impact of a Lawyer's Personal Philosophy

*Jeffrey L. Kwall**

INTRODUCTION

In approaching the topic of justice, it is natural for us, as lawyers, to contemplate how we can further this goal by the actions we take in our professional lives. At first blush, our personal lives may seem incidental, or even irrelevant, to this subject. This essay suggests an alternative view; namely, that living by a philosophy of respect for others will inevitably influence how we conduct ourselves in our professional lives. In effect, a lawyer's personal philosophy can reinforce the effort to practice honorably and inspire the individual to treat people fairly and respectfully in the course of one's profession. Hence, each lawyer's personal philosophy can potentially contribute to the furtherance of a just society.

WHY RESPECT OTHERS?

Respecting others requires a good deal of personal effort. It would certainly be easier to go about one's day-to-day life without contemplating how what we say or do impacts others. Nevertheless, nearly all members of society realize that life would be, at best, unpleasant in a world where people think only of themselves. As a result, almost everyone will expend at least some energy to achieve positive interactions with others.

The harder question is why one should aspire to exceed the minimum acceptable threshold of civility in one's day-to-day interactions. In other words, why should anyone strive to discover opportunities to act in a kind and generous manner? Some among us may be so innately virtuous that this way of life comes naturally. Others might find this

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approach desirable, but fall short of the self-discipline needed to function in this manner during every waking hour. And many others, of course, are simply not inclined to live this way. Quite probably, the vast majority of us do not have the innate strength and conviction to live by a philosophy that requires constant thought and effort. Help is undoubtedly needed to achieve this end. Faith can dramatically improve the prospect of success.

THE ROLE OF FAITH

A philosophy of respect for others can undoubtedly be adopted in the absence of a faith-based value system. Living by this philosophy, however, requires the constant exercise of self-discipline in a world where endless temptations exist to deviate from one's aspirations. Individuals with great inner strength may be capable of avoiding these temptations much of the time and thus allow an inner desire to "do good" to rule every aspect of their daily lives.¹ Nevertheless, even the strongest among us will undoubtedly lapse on occasion. If all that exists to deter moments of weakness is one's own inclinations, this defense will likely be worn down by the inevitable challenges of daily life.

The goal of channeling one's actions to reflect an overriding philosophy of respect for others can be achieved more easily when an individual is committed to a spiritual perspective that demands such behavior.² Even the best among us may falter when a philosophy of life is regarded as a matter of personal choice. The prospect of success is likely to increase when one embraces the belief that he or she is commanded to live this way by a higher power.³

Unabiding faith in a higher power can strengthen one to act commendably even in moments of weakness.⁴ Some may believe that one is a better person when one respects others by choice. Society, however, is affected by results, not good intentions. Hence, one's motive for acting is largely irrelevant; what matters is that the desired action is taken.⁵

1. See *Pirkei Avos* 4:1 (ArtScroll Mesorah Series, Mesorah Publications Ltd., 1st ed. 1989) ("Who is strong? He who subdues his personal inclination").

2. See *id.* at 3:22 ("[O]ne whose good deeds exceed his wisdom, to what is he likened?—to a tree whose branches are few but whose roots are numerous; even if all the winds . . . were to . . . blow against it, they could not budge it from its place").

3. See *id.* at 3:13 ("If the spirit of one's fellows is pleased with him, the spirit of the Omnipresent is pleased with him").

4. See *id.* at 2:1 ("Consider three things and you will not come into the grip of sin: Know what is above you—a watchful Eye, an attentive Ear and all your deeds are recorded in a book").

5. See *id.* at 3:12 ("Anyone whose good deeds exceeds his wisdom, his wisdom will endure;

Any religion demanding that its adherents live honorably and in a manner that advances the well being of others in even the most mundane situations furthers the goal of achieving a world in which every human is valued and treated with respect.⁶ The faithful will feel compelled to embrace every opportunity to act in a manner that furthers this vision. Adherents can be energized by viewing themselves as earthly messengers of the creator of an aspirational world.⁷

Rather than embracing the common secular view that each individual's actions are meaningless in the vast world in which each person is but a tiny speck, faith can inspire each individual to recognize that every positive action, no matter how small, improves the world. If every individual were committed to acting in a positive manner, the sum total of these efforts would undoubtedly influence the shape of society in a marked way. Thus, faith can inspire good deeds that contribute to a better world.

ACTING AFFIRMATIVELY

As a threshold matter, each of us must decide whether we are going to be active or passive participants in life, a gift we have been granted. While the path of least resistance results in passivity, rejecting the opportunity to leave some mark on the world, no matter how small that mark might be, effectively represents the choice of death over life. To choose life, one must act affirmatively by embracing a personal philosophy ideally strengthened by a deep and abiding faith. Such a philosophy can then serve as the cornerstone of one's being and motivate every action an individual takes in his or her daily life.

Examples abound of actions taken in our daily lives to improve the world in which we live. Many of these actions are private, observed by no one. We can either critically judge our own actions or succumb to the temptation to simply do the minimum necessary to co-exist. Ideally, each of us will choose to act affirmatively for whatever reason that motivates us to do so. The result will be a better world and a better profession.

To make the message conveyed by this essay more concrete, some illustrations are desirable. All of these vignettes are minor events representing a tiny sample of simple daily interactions. Many, if not all, may seem trite, and most readers could easily compile a much longer list of far more important personal events. Nevertheless, there is some

but anyone whose wisdom exceeds his good deeds, his wisdom will not endure”).

6. See *id.* at 2:15 (“Let your fellow’s honor be as dear to you as your own”).

7. See *id.* at 2:4 (“Treat His will as if it were your own will”).

value in focusing on the mundane—both to show the endless opportunities for acting in an affirmative fashion and to advance the perspective that every action, regardless of its magnitude, is a thread that becomes part of the fabric of an inner being that will serve us well when the rare, large, life-changing event occurs.

As a starting point for contemplating the feelings of others, consider the StreetWise vendor who pays thirty-five cents for a periodical that he or she then sells for a dollar.⁸ One might think that giving the vendor a dollar and allowing the vendor to retain the paper and sell it to another customer is a more generous act than accepting the paper in return for the payment. One of the vendors I patronize, however, views this intended act of generosity as degrading, because when the buyer does not accept the paper, this seller feels that he is taking charity rather than earning a living. Thus, care must be taken to refrain from projecting our views of what a less fortunate person's goals should be and, instead, try to look at the situation from the other's perspective.⁹

As a second example, some time ago, a male friend and I were walking along a deserted street when my friend noticed in the distance a woman walking towards us on the same side of the street. Although it did not occur to me, he suggested that we cross the street when she still remained a good distance away from us. His intention was to diminish any fear the woman might have by virtue of our presence.

Endless opportunities exist to teach our children to think of and respect others. Children can learn at an early age that personal celebrations are enriched by tying the event to charitable actions. Thus, a young child might be taught to give one or two birthday gifts to charity. Or, when a major event occurs in the child's life, the family might make a major charitable contribution to mark the event, hoping to teach the child that the joy of one's personal milestone can be enhanced through simultaneous charitable giving.

Just as important as acting in a positive manner is resisting the temptation to act in a negative manner. When confronted with an offensive action, one should cling to his or her guiding philosophy and avoid lowering one's self to the conduct that elicits a response.¹⁰ For

8. A Chicago organization publishes a newspaper called StreetWise, which is distributed through vendors who are homeless. The vendor pays the publisher \$.35 for each periodical that is then sold by the vendor at a retail price of \$1. See *STREETWISE*, Vol. 12, No. 42 (Oct. 13-19, 2004), p. 2 (illustrating that \$.65 of the \$1 purchase price goes directly to the vendor).

9. See Maimonides, *Law of Gifts to the Poor*, Chapter 10:14-17 (delineating eight levels of charity).

10. See *Pirkei Avos*, *supra* note 1 at 5:14 (“[O]ne who is hard to anger and easy to pacify is pious”).

example, when cut off by a car on the highway, one should resist the temptation to sound the horn and flash lights at the offender. Or when one is jarred awake by a phone call in the middle of the night and the caller hangs up, the temptation to implement an automatic call back feature and confront the offender should be resisted.

These few random examples offer some indication of the endless opportunities that exist for every individual to contribute to the betterment of the world. No action is too minor—discarding one's own newspaper on the train, picking up one's own towels at the gym, or returning one's grocery cart at the grocery store—every small action is important and makes the world a better place.

CONCLUDING THOUGHTS

As lawyers, we are members of a privileged group. By virtue of our ability to think, reason and act, we can potentially have a greater impact than those who have not been trained in the study of law. This is an exhilarating realization regardless of the current stage of one's career and life.

Undoubtedly, a few among us will focus our careers on making the world more just. Most of us, however, will have limited opportunities to further this goal directly. We might occasionally represent an indigent client on a pro bono basis. In most cases, however, our individual expertise will have limited application to correcting the injustice that exists in our society. All is not lost, however. We can each still have an impact by practicing our profession in an honorable and just manner and treating those with whom we come in contact with the respect that every person deserves. This goal can best be achieved by living a personal life in which values are developed that can influence our day-to-day encounters in all aspects of our lives.

It may not seem that the way we conduct ourselves in our personal lives can have much of an impact on society. How can the actions of one individual make a difference in the vast world in which we live? Each step taken by each individual, however, improves the world a little bit. And the cumulative impact of all our actions can certainly be powerful.

No one is perfect. We are all human and inevitably slip at certain points. This reality is not a reason to abandon our efforts. It is unproductive to focus on lost opportunities. Instead, we should focus on future actions.

The more actions we take in our daily lives that reflect a respect for all humanity, the more likely it is that we will conduct ourselves in a

similar manner in our professional lives. Each step in this direction helps improve the world. We should resolve to be guided in our personal lives by a philosophy that can make the world a better place. Such a resolution will undoubtedly further the goal of achieving a just society.