

LIVING THE FULLNESS OF
ORDINARY TIME:
A THEOLOGICAL CRITIQUE OF
THE INSTRUMENTALIZATION OF
TIME IN PROFESSIONAL LIFE

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“The matrix of meaning revealed in and
through the Mass . . . discloses the ultimate nature
of the everyday world.”

*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. —T.S. Eliot, “Burnt Norton”*

Introduction

Many lawyers are very unhappy, particularly lawyers who work in big firms. They may be rich, and getting even richer,¹ but they are miserable, or so they say. Several commentators on the state of the

¹ 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,” *New York Times*, 2 February 2000, A-1.

legal profession have turned their attention to this phenomenon, probing its causes and exposing its effects upon the legal culture and the wider society.² They agree 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 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 people if they agreed to earn less money in exchange for working fewer hours. They need to “get a life.”

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 75th 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?³

²See Mary Ann Glendon, *A Nation Under Lawyers: How the Crisis in the Legal Profession is Transforming American Society* (New York: Farrar, Straus and Giroux, 1994), chap. 3; Anthony T. Kronman, *The Lost Lawyer: Failing Ideals of the Legal Profession* (Cambridge: The Belknap Press of Harvard University Press, 1993); and Patrick J. Schiltz, “On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession,” *Vanderbilt Law Review* 52 (1999): 871-951.

³The lack of data makes it difficult to compare the job satisfaction of other professions with that of the legal profession. A 1984 study of 19 to 68-year-old professionals 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. The study concluded hours worked and being on call showed no significant correlation with burnout. Diane McDermott, “Professional Burnout and Its Relation to Job Characteristics, Satisfaction and Control,” *Journal of Human Stress*

In this essay, I would like to propose a different hypothesis: the true culprit is not the amount of time lawyers 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 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 little to no incentive to make future partners, with whom they will have to share the spoils.

I believe, however, that this way of calculating the worth of legal work does more subtle — and more serious — damage to the attorneys forced to bow to its demands. The regime of the billable hour presupposes a highly contestable account of the meaning and purpose of a lawyer's time, and therefore of the meaning and purpose

10:2 (1984): 79-85. A more recent study of engineers found that the number of hours worked was not indicative of overall job satisfaction. Instead, career structure, salary, management supervision, training, and working environment were decisive. Duncan Cramer, "Tenure, Commitment and Satisfaction of College Graduates in an Engineering Firm," *Journal of Social Psychology* 133(1993): 791-6. 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 and Peter F. Meiksins, "What Do Engineers Want? Work Values, Job Rewards, and Job Satisfaction," *Science, Technology, and Human Values* 16:2 (1991): 140-72. Furthermore, it might 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. Except for advance partners, the majority of public practice accountants were only moderately job-satisfied and were not committed to staying in their present jobs until retirement. Bernadette H. Schell and Valorie M. DeLuca, "Task-Achievement, Obsessive-Compulsive, Type A Traits and Job Satisfaction of Professionals in Public Practice Accounting," *Psychological Reports* 69 (1991): 611-30.

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 the pressures of large firm life force most lawyers to internalize this understanding of their time, they find themselves increasingly alienated from events in their lives that characteristically do not construe time in this way, 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. It may also be the case that lawyers imbued with the ethos of the billable hour are no longer able to grasp a non-instrumental understanding of the meaning of time that would allow them to appreciate the true value of these events. As a consequence, they may eventually find that work is the only activity that has meaning for them.

What will allow lawyers to recognize and resist the temptation to instrumentalize time that is lodged in the very structure of their workdays? I suggest that some of the necessary resources might be found in the wisdom embedded in communities of faith. In many such communities, that wisdom is intricate and dense. It includes not only abstract theological doctrine, but also a set of practices that allows believers to understand and appropriate the full meaning of that doctrine in a holistic, three-dimensional way. These practices frequently include public worship services and other rituals, structured forms of private prayer, and other opportunities to participate in the life of the religious group, which connects the individual believer to a broad community of believers that extends both backward and forward in time.

Participation in a robust religious community might offer the lawyer who belongs to it the resources to resist the account of time's meaning currently dominating the legal profession. It might do this in part by providing a coherent account of a well-lived life that would allow him or her to articulate a critical stance toward the regime of billable hours. However, membership in a religious community might also shape that lawyer's habits and sensibilities in a way that allows him or her to react against that regime as a whole person, not merely as an intellect. More specifically, it might allow the lawyer to draw not just upon a *theory* of time, but upon an *experience* of time that structures the life of his or her religious community. Abstract theology, doctrine

disengaged from life in community, is unlikely to provide sufficient resources for any lawyer to respond in a critical way to the powerful pressures to conform to legal culture.

In my view, a religion is best understood not merely 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 structures human experience and understanding of self and world.”⁴ Just as there is no such thing as a generic culture, so there is 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 an intricate web of belief, action, symbol and ritual.

In this essay, I will explore how the understanding of time embedded in the cultural–linguistic framework of Roman Catholic Christianity, might be used to challenge the hegemony of billable hours. I hope that lawyers and theologians intimately familiar with other religious traditions might do the same with them. I also hope that this critique might profitably be extended to other occupations. It may be, for example, that the highly regimented day of a physician practicing in the rapidly growing world of managed care bears a significant resemblance to that of a lawyer who is required to bill time. 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.

In the first two sections, I will explain the workings of billable hours, and hold up to scrutiny the normative notion of time it presupposes. I will also describe some of the harmful effects (in addition to overwork) that it has on the lives of those over whom it holds sway. In the third part, I will explore how a view of time drawn from Roman Catholic theology and liturgy might both reveal and overcome the inadequacies of the billable hours mentality. I will

⁴ George A. Lindbeck, *The Nature of Doctrine: Religion and Theology in a Postliberal Age* (Philadelphia: The Westminster Press, 1984), 32. 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.

suggest that one of the most important contributions that Catholic thought and practice can make to lay persons in professional life at the outset of the third millennium is the gift of time -- that is, the gift of seeing the time of their own lives as intrinsically valuable, because it has been redeemed by the Lord of Time, Jesus Christ.

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 rendered 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.⁵ In the 1960's, 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.⁶ In the early 1960's only 38 firms in the United States had more than 50 lawyers. By 1988, the number of firms with more than 50 attorneys had risen to over 500. Many firms included more than 200 lawyers.⁷ 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.⁸ Gradually, however, it became more and more customary for a client's bill to depend largely, if not exclusively,

⁵ Carl T. Bogus, "The Death of an Honorable Profession," *Indiana Law Journal* 71 (Fall 1996): 922-23.

⁶ Bogus, "The Death," 923.

⁷ Bogus, "The Death," 923, citing Mark Galanter and Thomas Palay, "The Transformation of the Big Law Firm," in Robert L. Nelson et al, eds., *Lawyers' Ideals/Lawyers' Practices: Transformations in the American Legal Profession* (Cornell University Press, 1992): 45.

⁸ William G. Ross, *The Honest Hour: The Ethics of Time-Based Billing By Attorneys* (Durham, NC: Carolina Academic Press, 1996), 19.

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 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 billable hours requires spending nine to twelve hours in the office.⁹ When computerized time keeping was introduced in the 1960's, both partners and associates billed an average of 1500 hours annually. 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. 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.¹⁰

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 1,900 hours per year is approaching that of the larger firms.¹¹ 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

⁹ Mary Ann Glendon, *A Nation Under Lawyers*, 30.

¹⁰ Bogus, 925-26.

¹¹ NALP's "Employing Associates in 1997: Patterns and Practices" indicates that approximately 36% of associates in large law firms bill greater than 1,900 hours per year, while about 27% of associates in smaller firms bill more than that amount.

evaluating its worth. Heavy, if not exclusive, reliance on billable hours can relieve billing partners from 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.

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.¹² 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 his or 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, many billing lawyers are tempted not to do so, or at least tempted not to scrutinize an associate's use of time too closely.¹³

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. In 1997, the average partner in a large firm (over 75 lawyers) earned \$225,701 annually; for those in mid-size firms (21 - 40 lawyers), that amount was \$193,020. But the opportunity to enjoy the benefits of such remuneration is increasingly limited. In that same year, 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

¹² Francis H. Musselman, "Abandon the Billable Hour," *New York Bar Journal* 68 (July/August 1995): 28-29.

¹³ Ross, *The Honest Hour*, 90.

mid-size firms.¹⁴ 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 many firms, partnership is granted only to a fraction of those associates who apply for it.¹⁵ Moreover, some firms have begun to fire partners who are deemed to be insufficiently productive.¹⁶ 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.

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 presupposed by the hegemony of billable hours? More importantly, what view of the shape of a lawyer's life, of a *human* life, is fostered by that hegemony? I believe it has four 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); second, it teaches that time is a commodity with a readily identifiable monetary value; third, it presumes that all time is fungible; and fourth it suggests that we live our lives in an endless, colorless present. Taken together, these characteristics contribute to the alienation and isolation experienced by many lawyers. While these characteristics are distinct, they also build upon and reinforce each other. I will explore each of them in turn.

¹⁴"The 1997 Survey of Law Firm Economics," Altman Weil Pensa Publications, Inc., 1997. Also noting that in small firms (under nine lawyers), the average partner billed 1,578 hours and earned \$152,260 in 1997.

¹⁵See Robert L. Nelson, "The Future of the Legal Profession: The Futures of American Lawyers: A Demographic Profile of a Changing Profession in a Changing Society," *Case Western Reserve Law Review*, 44 (1994): 345-406.

¹⁶*Ibid.*

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 as “cost-effective” a manner possible. On the other hand, it contributes to the goal of the firm, which is 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 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. However, there is a deeper difficulty with the use of billable hours to value a lawyer's services, which lies with 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; as 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.¹⁷

¹⁷Another 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.

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 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 the lawyer has helped to create), not inventing an entirely fictitious world more to the client's 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 solely in terms of the extrinsic value of winning. From this point it is but a short step to the conclusion that a good lawyer will do anything necessary to win.

It has similarly distorting effects to understand the value of a lawyer's work solely in terms of the second extrinsic goal, earning money for the firm. It is true, of course, that lawyers have obligations

Instead, many of them are afraid (among other things) 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 and 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 Affairs* 18:4 (July/August 1999); Mary Guptill Warren, Rose Weitz, and Stephen Kulis, "Physician Satisfaction in a Changing Health Care Environment: The Impact of Challenges to Professional Autonomy, Authority and Dominance," *Journal of Health and Social Behavior* 39 (1998): 356-67; Karen Donelan et al., "The New Medical Marketplace: Physicians' Views," *Health Affairs* 16:4 (July/August 1997). 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 Astrid M. Richardsen and Ronald J. Burke, "Occupational Stress and Job Satisfaction among Canadian Physicians," *Work and Stress* 5 (1991): 301-313; Peter P. Groenewegen and Jack B.F. Hutten, "Workload and Job Satisfaction among General Practitioners: A Review of the Literature," *Social Science and Medicine* 32 (1991): 111-119 (focusing on physicians in the United Kingdom and Netherlands).

to the firms to which they belong. But it is a mistake to understand that obligation solely 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. However, they do facilitate 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.

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 good will for the firm if properly publicized, rather than as a professional responsibility. It is always difficult, of course, to encourage ambitious and 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 lawyers to view themselves as selling something that is solely and uniquely theirs—the hours and days of their lives. Their time is their own, to sell or give away entirely as they choose. 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 the broader community. Students may pay for their law degrees, but the institutions from which they receive them

can charge lower tuition because they are exempt from taxation. The knowledge and ideas which they will use in practice were developed, preserved, and extended by countless scholars and activists who are not compensated for by the tuition paid to any one institution. The intricate network of laws and legal institutions upon which the work of lawyers depends was created by many people over centuries, and continue 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.

A Commodity

A second aspect of the regime of billable hours is *the commodification of time* that it entails. Its key feature is an ability to assign market value, 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; senior partners can charge \$400 or more as an hourly rate.¹⁸

In her book *Contested Commodities*,¹⁹ Margaret Jane Radin notes that many things we value in life are "incompletely commodified." By this she means that an understanding of those things that focuses on its market value coexists with another construal of its meaning that is not tied to bargain and exchange.²⁰ 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

¹⁸"A Firm-by-Firm Sampling of Billing Rates Nationwide: Billing Rates Across the Nation: America at a Glance," *National Law Journal* (21 December 1998): B6. According to the 1998 survey, the average rates for associates in New York was \$141, for partners it was \$454. The average rates in Chicago were \$129 (associates) and \$384 (partners). 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," *National Law Journal* (21 December 1998): B12.

¹⁹Margaret Jane Radin, *Contested Commodities* (Cambridge: Harvard University Press, 1996).

²⁰*Ibid.*, chapter 7.

bound up with the self. To allow them to be reduced to their market value correspondingly 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 can never be sold without compromising the integrity and dignity of the person, both in him or herself and in his or 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. 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.”²¹ Drawing from Marx and Arendt, Radin distinguishes “workers”—those who 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. Laborers are forced to define their core identities in a very 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

²¹Ibid, 105.

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. Battin 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. In contrast, the hegemony of billable hours means that the commodification of a lawyer’s time can seep into other aspects of his or her life, eroding their intrinsic value as well.

Because the process by which this 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 his or 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. As young lawyers, we rationalize shopping at boutiques rather than T.J. Maxx because our time is “worth” more than the money that could be saved by a trek to the discount mall. Slowly but surely, we slip away from the chores and routines that comprise the reassuring rhythms of ordinary life. We justify hiring someone to clean our houses because the amount of time it would take us to do so is “worth” more than we have to pay. We order in rather than cooking ourselves because it saves “valuable” time. We have our dry cleaning delivered to our offices rather than doing our own errands on Saturday morning.

Far more ominously, we begin to view our personal relationships in the same market-based way. We begin to think we can “make up” to our children for missing a two-hour school play by giving them a new computer; we think we can “make up” to our spouses for a year’s worth of our 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 one’s 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.

The seductive process of commodification continues to its natural conclusion by encouraging lawyers to reduce *themselves* 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 I am a successful lawyer, that means that I am a lawyer who bills many hours and generates a great deal of revenue for the firm. I begin to calculate my own value to myself and to other people accordingly. I remember having a conversation with another lawyer who was pondering how to contribute to her church. “What I’d really like to do,” she 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.”

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; 10:00 p.m. Christmas 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 in advance doing work during any given time period. I have heard of a lawyer

sending out a memo saying that he would not be available via beeper for two hours on one Sunday morning, so that he could attend his 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 can be reliably measured by amount of time spent on them; proofreading highly technical legal documents, for example. Nonetheless, the value 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 he or 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 he or 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.

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, no alternating rhythm in life. This illusion is maintained with the help of the artificial work environments in which most big-firm lawyers work. 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 had 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 extremes, 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 like 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.”

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 of their time is I-90 through the great plains. Their days and evenings are identically consumed with work, 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 his or her identity, which is consumed in producing a steady stream of billable hours.

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; and 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 is instrumentally to 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 step back a moment, to ponder their lives as a whole, and to articulate a narrative 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 a 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 not usually 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 our moments of insight according to a schedule; they tend to come on their own terms.

Second, from the perspective of the billable hours mentality, introspection is not sufficiently oriented 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 his or her alleged commission of a crime two years ago is ultimately significant because it may bear upon what percentage of the next ten years the client spends in prison. In contrast, in the context of personal introspection, an individual's past is relevant because it is a crucial part of his or her identity. Who an individual is today incorporates who one was last week, as well as five years ago. Retrospection facilitates integration, encourages the articulation of 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 identified, so that they take their proper place in an individual's own account of who he or 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-identity 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 all are working 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.

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 they 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. Many people, including their own family members, spend a great deal of time getting ready for the holidays or anticipating their vacations. Most of us enjoy lingering in a conversation with a good friend, or getting a good bargain at the winter sale (be it on tires or towels). The longer that a lawyer lives a life that is dominated by an instrumental understanding of time's value, the more alienated he or she will feel from persons and institutions accustomed to viewing and valuing time differently.

One such institution is the Roman Catholic Church, which not only advocates, but embodies, a very different view of time in its theological and liturgical life. Participation in an ecclesial community's life of faith and worship might allow lawyers to recognize, critique, and perhaps resist the normative conception of time embedded in the regime of billable hours. To take up Margaret Radin's challenge, such participation may furnish one bulwark in the challenge to defend the non-market-based meanings of incompletely commodified goods, such as a lawyer's work and time. I now turn to the substantial critique—and corrective—that a Catholic Christian view of time can mount against the view of time presupposed by the regime of billable hours.

The 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 patterns of response to the events and situations likely to be encountered by believers, 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).²² 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.”²³ A Roman Catholic theologian influenced by Frei would modify his description to stress the importance of sacrament as well as word, perhaps substituting the

²²See Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame Press, 1988), for a description of how different accounts of the virtues and vices are embedded in different traditions and cultures.

²³For an account 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* (New Haven and London: Yale University Press, 1973). 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 (1832–1838) *Little Women* (1868–69), in which the March sisters view the tribulations of their lives through John Bunyan’s (1628–1688) Christian allegory *Pilgrim’s Progress* (1678).

phrase “absorbing the world into the Mass,” which includes the liturgy of the Eucharist as well as the liturgy of the Word.²⁴

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, Catholicism makes the astonishing claim 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.

How does a community that finds its center and ongoing strength in the birth, life, death, and resurrection of Jesus Christ view time differently than the way it is viewed in most large law firms? In my opinion, 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. From a Catholic Christian world view, time is intrinsically rather than instrumentally valuable; it is not a commodity, but a mystery; its moments are not fungible, but in significant ways unique; it is not an endless, colorless present, but a spiral punctuated by moments of decision. Finally, viewed in proper theological and liturgical perspective, time does not lead to

²⁴See Aidan Kavanagh, *Liturgical Theology* (Collegeville, MN: The Liturgical Press, 1992) 100: “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*.” 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 community assembled in a given time and place before the living God for the life of the world.”

fragmentation and isolation, but calls for personal integration and the nurturing of community.

Intrinsically Valuable

From a Catholic Christian point of view, time has intrinsic value, because it is 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) voicing old and tired lines.²⁵ 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, 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 Trinity who became incarnate in Christ Jesus, is marked by his receptivity with respect to God the Father. "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."²⁶ 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. "What tells us more than anything else that Jesus' mode of time is indeed real is the fact that he does not

²⁵See Augustine's discussion of the nature of eternity in the *Confessions*, book XI, chap. 13. Addressing God, he writes, "Furthermore, although you were 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." Saint Augustine, *Confessions*, trans. R.S. Pine-Coffin (London: Penguin Books, 1961) 263.

²⁶Hans Urs von Balthasar, *A Theology of History* (New York: Sheed & Ward, 1963), 26.

anticipate the will of the Father.”²⁷ Furthermore, by patiently waiting until the call is given to him in the Father’s time and on the Father’s terms, Christ breaks 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.’”²⁸ 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.”²⁹

On this 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 understood as an annihilation of time, which after all expresses the Son’s divinely receptive mode of being, and a human being’s proper, non-sinful mode of being as a receptive creature. Rather, eternity is best described poetically as the fullness of time, as carrying its true meaning without distortion.³⁰ 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. 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, and the possession of that which has been merited, which is a sovereignty

²⁷Ibid., 30.

²⁸Ibid.

²⁹Ibid., 31.

³⁰“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.” Ibid., 39.

bestowed by the Father. . . . This time, now his, reveals all the fullness of eternity that is in it.”³¹

Not Commodifiable

A second essential feature of the Catholic Christian view of time is that it is not a commodity; its meaning cannot be translated 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 one’s clients and increasing the revenues of his or her 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 we happen to formulate. Instead, they encourage us to repent, to *reconstitute* our desires and restructure our days in order to accept God’s continuing invitation to experience and understand the real meaning of time as inscribed in 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.³² Every seven days, Catholic Christians affirm both the meaning of the course of human time, and the possibility of breaking through it to eternity. The Eucharist both looks back upon Jesus Christ’s gratuitous self-sacrifice in order to redeem humanity from sin and death, and looks forward to his Second Coming, which will bring the glorious fulfilment of the Kingdom inaugurated by his resurrection. Yet the sacramental power of the Eucharist also breaks through the march of time and history, re-presenting Christ’s sacrifice and victory to us in a

³¹Ibid., 84.

³²The 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 P. Jounel, “Sunday and the Week,” and “The Easter Cycle,” January 31, 2002, *The Church at Prayer: vol. IV: The Liturgy and Time*, ed. A.G. Martimort (Collegeville, MN: The Liturgical Press, 1986), 11-29 and 33-76.

way that allows us to truly 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 opening paragraph of the chapter devoted to "the most sacred mystery of the Eucharist."

At the Last Supper, on the night he was betrayed, our Savior instituted the eucharistic sacrifice of his Body and Blood. This he did in order to perpetuate the sacrifice of the Cross throughout the ages 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 consumed, the mind is filled with grace, and a pledge of future glory is given to us.³³

As Pope John Paul II writes in his encyclical *Dies Domini*, "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 when they were gathered together. In a sense, the People of God of all times were present in that small nucleus of disciples, the first fruits of the church."³⁴ In the Sunday Eucharist, the eternal significance of that unique event, which truly transpired in one particular place and time, overflows into other times and other places.

As the fulcrum of history, the death and resurrection of Christ exerts its power both backward and forward in time. 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.³⁵ It also

³³Vatican II, The Constitution on the Sacred Liturgy (*Sacrosanctum Concilium*), *Vatican Council II: The Conciliar and Post Conciliar Documents* (vol. 1), ed. Austin Flannery, O.P. (Northport, NY: Costello Publishing Company, 1987), 16.

³⁴Pope John Paul II, *Dies Domini* (Chicago: Liturgical Training Publications, 1998), 25.

³⁵As the Pope makes clear throughout *Dies Domini*, the Christian understanding of Sunday draws upon and incorporates 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

foreshadows the last day, the day of Christ's second coming, which completes the work begun on Easter. The Pope writes:

Everything 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*.³⁶

For the early Christians, Sunday was not originally a day of rest, it was a workday. It was also the first feast; they were forbidden to kneel on Sunday because it is the day of the 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 how inbreaking eternity, itself clothed in time, truly sanctifies ordinary time, giving it a meaning that transcends the vicissitudes of human desire. The same validation of human time takes place within the Mass today. Readings from the Old Testament are interpreted as symbolic prefigurations of Christ's life. The New Testament gives us an account of Christ's life and death from the perspective of a writer already gathered into the community created by his Spirit after his resurrection. As we ourselves are dismissed from the Mass, "to go forth to love and serve the Lord," we are called to inscribe our own lives into the story of salvation.

No human time, which has its meaning anchored in Christ's salvific activity, can be truly and accurately commodified, reduced without distortion to a monetary value and bought and sold to further pre-existing desires. I would like to suggest that the story of Judas' betrayal of Jesus,³⁷ which is recounted in all four gospels as the event that sets in motion both his trial and his crucifixion, can be read to

Abraham Joshua Heschel, *The Sabbath: Its Meaning for Modern Man* (The Noonday Press, 1994).

³⁶Pope John Paul II, *Dies Domini*, 56.

³⁷Mt 26-27, Mk 14, Lk 22, Jn 13, 18.

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, charge him with treachery and to put him to death. Judas, one of Jesus' disciples, approached them, asking what they were willing to trade for his delivery of Jesus into their hands. 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' 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."³⁸ 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."³⁹ The Gospels of Matthew, Mark, and Luke all describe how Judas betrayed Jesus with a kiss, a sign of the very familiarity with his teacher that he had traded upon in his dealings with the chief priests and elders.⁴⁰

The story of Judas is not only an account of greed and disloyalty, of a sinful man who sold his own rabbi to corrupt officials for a relatively small amount of money. It can also be read theologically as the divine rejection of a commodified understanding of time. 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 working out of salvation history 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,

³⁸Matthew is the only gospel that specifically mentions the price: thirty pieces of silver. It also is the only gospel that recounts the story of Judas' suicide (Mt 27:3-10).

³⁹Jn 18:3.

⁴⁰Mt 26:48-50, Mk 14:44-45, and Lk 22:47-48.

reaching out in mercy to embrace sinful humanity within that relationship of divine love. Judas' machinations not only failed to divert or prevent the temporal unfolding of Christ's fulfillment of his eternal mission from his Father; in the end they were folded into it. The event that gives ultimate meaning to all events in the history of the world can never be reduced to, or even distracted by, an attempt to sell or buy it.

Uniqueness and Mystery

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

The liturgical calendar of the Roman Catholic Church is designed to enable believers to appreciate each moment of salvation history, even while viewing it all from the eternal perspective of the resurrection.⁴¹ The liturgical year begins with Advent, a time of waiting, followed by the season of Christmas, encompassing the savior's birth and revelation to the world on Epiphany. Then follows a season of ordinary time, in which the earthly life of Jesus Christ is chronicled and celebrated in the context of the Sunday Eucharist. Next we have Ash Wednesday and Lent, a penitential season preparing us for Holy Week's "real time" commemoration of the events celebrated each Sunday. Easter follows; it is a celebratory period of fifty days punctuated by Christ's ascension and closed by the gift of the Holy

⁴¹For a description of the norms governing the liturgy in the contemporary Church, see Vatican II, The Constitution on the Sacred Liturgy (*Sacrosanctum Concilium*), *Vatican Council II: The Conciliar and Post Conciliar Documents*, ed. Austin Flannery, O.P. (Northport, NY: Costello Publishing Company, 1987) 1-40, and other implementing documents following the Constitution. 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*, eds. Cheslyn Jones et al., (London: SPCK / New York: Oxford University Press, 1992).

Spirit at Pentecost. Then again comes a long season of ordinary time, during which each member of the Church is sustained by and lives out the mystery and the gifts he or she is given as the body of Christ. The liturgical year ends with the feast of Christ the King, which emphasizes the “cosmic and universal” character of Christ’s reign.⁴²

Unlike billable hours, time as qualified by the liturgical year is not freely exchangeable; Christians do not fast on the birthday of Christ, nor feast on Good Friday. The lack of fungibility of the days of the liturgical calendar conveys something of the uniqueness of the opportunities presented to us, the time-bound character of our invitations and obligations, and the need to lay hold of them in a moment of decision. We cannot make up for having ignored Lent by observing our own private penitential season in the first week of Easter, any more than we can 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 which is 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 equivalent and therefore interchangeable with it.⁴³ Conversely, that which is mysterious can never be 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. The fundamental mystery of the universe, the depth of its meaning, is the very reality of God himself. The kingdom of God, inaugurated with the death and resurrection of

⁴²P. Jounel, “The Year,” *The Liturgy and Time*, ed. A.G. Martimort, 106-107.

⁴³I.H. Dalmais, “The Liturgy as a Mystery of Salvation” in *The Church at Prayer* (vol. 1): *Principles of the Liturgy*, ed. A.G. Martimor (Collegeville, MN: The Liturgical Press, 1987), 253-72.

Christ, is truly but only dimly present in our midst; it will be revealed in its full glory only at the eschaton.⁴⁴

The Church, as it understands itself spiritually, is the body of Christ; it participates 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, [and] must bring out the various aspects of the latter as related to the whole range of basic human situations.”⁴⁵ 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.”⁴⁶

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 return to the path that will take them to God. Finally, in the sacrament of the sick, they are asked upon to

⁴⁴The 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 *Vatican Council II: The Conciliar and Post Conciliar Documents* (vol. 1), ed. Austin Flannery, O.P. (Northport, NY: Costello Publishing Company, 1987), 351, at 3.

⁴⁵I.H. Dalmis, “The Liturgy as a Mystery of Salvation,” 265.

⁴⁶*Ibid.*

unite themselves with the passion of Christ in preparation for their final journey into eternal life.⁴⁷

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 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.⁴⁸ Each sacrament individually is an "efficacious sign of grace," drawing upon a different aspect of Christ's earthly life. The rites of each sacrament "signify and make present the graces proper to [it]."⁴⁹ Taken together, the sacraments are designed to enable believers to live the entire sweep of their own lives in communion with him.

Moreover, and equally importantly, the very same mystery that undergirds the sacraments also supports the more mundane moments of our existence, imbuing them with a depth of life and significance that also saves them from fungibility. The theologian Karl Rahner

⁴⁷See, generally, the *Catechism of the Catholic Church* and *The Church at Prayer* (vol. 3): *The Sacraments*, ed. A.G. Martimort (Collegeville, MN: The Liturgical Press, 1988).

⁴⁸"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.'" *Ibid.*, 257.

⁴⁹*Catechism of the Catholic Church* (New York: Doubleday, 1995), 1131.

argues that the sacrament of the Eucharist, by which Christians are brought into closer union with Jesus Christ, is the quintessential sacrament of the everyday. “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.”⁵⁰

An Integrative Spiral

Moreover, Catholic Christianity refuses to treat time in the way that 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. 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 time’s movement 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

⁵⁰Karl Rahner, “The Eucharist and Our Daily Lives,” in *Theological Investigations*, vol. 7, trans. David Bourke. (London: Darton, Longman & Todd / New York: Herder and Herder: 1971), 211-26, at 224.

strong cyclical component; it taps into and reinforces the recurring rhythms of human 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.⁵¹ 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.⁵² While the liturgy of the Church does not invite us to track these patterns as part of a futile attempt to control time (that, according to Balthasar, would be sin), it does invite us to mark them as created by the Father and transformed and sanctified by Christ.⁵³

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 believers. The reform of the liturgy in the Second Vatican Council consolidated and eliminated some feast days dedicated to saints in order to better focus attention on the life of Christ. Yet an unintended consequence of this particular item of reform is that it exacerbates one of the major problems of capitalist cultures in general and lawyers in particular. We have forgotten the meaning of play, of joy. We cannot abide in a happy moment without worrying about the next moment's work. Our leisure consists of short bursts of frenetic activity or exhausted idleness designed to enable us 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.

⁵¹See, generally, *The Church at Prayer* (vol. 4): *The Liturgy and Time*, ed. A. G. Martimort (Collegeville, MN: The Liturgical Press, 1986).

⁵²See Anscar Chupungco, "Liturgical Feasts and the Seasons of the Year" in *Concilium: The Times of Celebration*, ed. David Power (1981), 31-36.

⁵³See 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*, eds. Wiebe Vos and Geoffrey Wainright (Rotterdam: 1982 Liturgical Ecumenical Center Trust, 1982) 4-21: "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" (19).

It 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 contemplation, and can unite them when intensity reaches relaxation. So feasts are characterized 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 everyday.⁵⁴

The practice of feasting is complimented by the practice of fasting, which has also fallen into some disuse in the contemporary Church. 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 our own spiritual emptiness and our need for God, as well as to reveal specific areas in our own lives in which we resist God's will for us. These areas of deficiency are not merely personal; they are also social. Consequently, the Church calls upon us to perform acts of justice and charity as activity connected with our 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 ourselves when turning to God. But the connection is intrinsic as well. The discomfort caused by fasting and self-denial captures our attention, breaking us out of our old, distracted ways of thought. Because our vision is sharper, we are better able to discern our own plight more carefully and, if we teach ourselves to look, better able to discern the plight of others as well.

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 Church's 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

⁵⁴Lluís Duch, "The Experience and Symbolism of Time," in *Concilium: The Times of Celebration*, ed. David Power (1981), 26.

sometimes involve a total reversal of direction. The story of St. Paul is the most striking example of the radical possibility for change embedded in the Church's view of time; 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.⁵⁵ While Paul's conversion was more or less instantaneous, Augustine's extrication from a life trammled by sexual pleasure, professional fame, and intellectual error was long and tortured, encompassing more than one episode of indecision and backsliding.⁵⁶ In today's Church, 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.⁵⁷ It teaches 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 inaugurated by Christ. 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 gives shape to its cyclical and decisional aspects. Christian time is best depicted pictorially not as a line, a circle, or a series of right angles, but 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 Church's Liturgy of the Hours, it places everything else that believers do with our time into proper perspective. By praying matins and vespers (the two great hours) we recollect that the primary value of our lives does not lie in externally validated achievement, but in giving our lives to God in prayer and service. The Fathers of the Church called on us to pray as well at the

⁵⁵Acts 9.

⁵⁶See Books I-IX of the *Confessions*.

⁵⁷See, e.g., P.M. Guy, "Penance and Reconciliation," in *The Sacraments*, ed. A.G. Martimort (Collegeville, MN: The Liturgical Press, 1988), 101-115.

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. The monastics added additional hours, more closely to achieve the ideal of ceaseless prayer.⁵⁸

Second, the teleological aspect of Christian time orders both its cyclical and its decisional aspects in ways that allow persons to understand their own lives, no matter how complicated, in an integrated way. 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 we live the present Lent and anticipate the upcoming Easter season, we are led to reflect upon the shape of our 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 us to relate our past to our present, and to bring our selves, our 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 articulate 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.

From one perspective, the forty-year-old bishop who narrates the account of his conversion could not be more radically different than the dissolute youth he once was; in his own terms, he has turned away from sin and heresy and accepted the grace of Christ and his Church. Yet by embedding the events of his life within a strong

⁵⁸ See A.G. Martimort, “The Liturgy of the Hours,” in *The Liturgy and Time*, 151-272, ed. A.G. Martimort, and Adalbert de Vogüé, “Monastic Life and Times of Prayer in Common,” in *Concilium: The Times of Celebration*, ed. David Power (1981), 72-77.

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 to solidify 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. Moreover, the very words and 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.

Personal and Social Integration

Unlike the notion of time presupposed by billable hours, Catholic Christianity views time as intrinsically rather than 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. Here, I would like to focus on the ways in which that view of time might foster the development of community. First, the God who is honored as the creator of time is not understood as a remote, still and isolated deity, but as a triune community of three persons, the Father, Son, and Holy Spirit. God's eternity, the source and goal of human time, is not cold stillness, but dynamic, loving relationship. Second, from before the dawn of time, it has been part of God's plan to allow humanity to share in this divine life, through the Second Person of the Trinity, who became incarnate as the man Jesus of

Nazareth.⁵⁹ With the descent of the Holy Spirit at Pentecost, God gave the Church a source of life and renewal that will sustain it until the end of time. From a Catholic perspective, 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.”⁶⁰ In fulfilling this purpose, the Church combats the tendency of time to be experienced in this earthly life as separating people from one another.⁶¹ It provides a way of affirming that time will not in the end divide us, precisely because it is rooted in eternity. In fact, through the experience of memory, we see, however imperfectly, that our connections to one another can traverse the passage of time.

The members of the Church, who have diverse functions and gifts, are unified by Christ as his body; “in him all things hold together.” Time transformed in Christ extends out in a vast and intricate web of connection. The members of the body of Christ, who stretch backward and forward in time, are gathered together in every celebration of the Eucharist. 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.” Similarly, our actions impinge upon the future. He continues:

⁵⁹Cf. Vatican II, Dogmatic Constitution on the Church (*Lumen Gentium*), 3: “The Son, accordingly, came, sent by the Father who, before the foundation of the world, chose us and predestined us in him for adoptive sonship.”

⁶⁰*Ibid.*, 1, 4.

⁶¹*Lumen Gentium* explicitly recognizes that the “Church” is not coextensive with the roster of those who identify themselves as Roman Catholic. Those Catholics who do not persevere in charity are incorporated into the body of Christ only “in body,” not “in heart.” (14). At the same time, it also affirms that other Christians “are sealed by baptism which unites them to Christ,” (15), 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 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.” (16).

“All of our destinies are interwoven; and until the last of us has lived, the significance of the first cannot be finally clear.”⁶²

This community-constituting understanding of time, which is anchored in the Church’s identity as the body of Christ, 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 our 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. From another perspective, which sees all persons as invited to participate in eternal life with God and each other, the relationship 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. Karl Rahner considers that it is the feast of Christ’s ascension that best honors and transforms the experience of long separation from loved ones; he suggests that it is at one and the same time both “the festival of holy pain” and the “festival of the future of the world.”⁶³ The feast celebrates the return of the resurrected Christ to the right hand of his Father after spending forty days among his disciples; until the end of time, he will never walk among them again. But that means that he has gone away from us, at least in the form that we have come to know him during the span of his earthly existence. Rahner notes that angels’ words to the disciples assuring them that Jesus will come again “just as” they saw him take his leave

⁶²Balthasar, *A Theology of History*, 72-73.

⁶³Karl Rahner, “He Will Come Again,” in *Theological Investigations*, vol. 7, 177-80, and “The Festival of the Future of the Future of the World,” in *Theological Investigations*, vol. 7, 180-85.

are both dismissal and consolation (Acts 1:11). Although he has gone away, and gone away until the end of the time, he will return to us, and we 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."⁶⁴

Because we are members of the body of Christ, we may hope that the divisive power of time's course will be overcome for us as well, that at the end of time we will be recognizable to one another even as we are glorified and cleansed from all sin. With the help of the Holy Spirit, who was sent to the Church at Pentecost, we can reclaim the rhythm of our day-to-day lives, with its separations and reunions, without fearing that the time spent apart is lost time rather than redeemed time. "This reality, as the living and life-giving, the victorious and the transforming, can also be experienced in microcosm; best of all perhaps in keeping faith with [Christ] in a spirit of joy and thanksgiving to God for the life of spring; in the courage and joyfulness which we show in our everyday life."⁶⁵

On the level of clans and communities, time's inexorable march erases the chain of relationship that bind generations together. Most people cannot remember more than three or four generations of their family born before them; they will not live to see the birth of more than three or four generations after them. Past generations, past cultures, past civilizations all fade into remoteness. Our knowledge of the patterns of life, thought, and belief of ancient civilizations, even those that we 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 direction;

⁶⁴Karl Rahner, "He Will Come Again," 178. The interlocking nature of the elements of the Catholic Christian view of time are evident in Rahner's elucidation of the reason why we can be confident that Jesus will return "even as" he came: "Eternity 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." *Ibid.*, 179.

⁶⁵Karl Rahner, "The Festival of the Future and of the Future World," 185.

we may come to appreciate something of their ways of life, but they can never come to know us.

In contrast, the ecclesial community, formed around Christ, transcends the barriers imposed by time. The Second Vatican Council describes not a Church triumphant in its earthly accomplishments, but rather a pilgrim Church, whose earthly institutions are “among the creatures which groan and travail yet and await the revelation of the sons of God.”⁶⁶ “At the present time, some of [Christ’s] disciples are pilgrims on earth. Others have died and are being purified, while still others are in glory, contemplating ‘in full light, God himself triune and one, exactly as he is.’” The feast of All Saints day, which occurs on November 1, celebrates all of those persons, unsung and unnamed, who now enjoy the presence of God. On All Souls Day, November 2, we pray for those who are making them ready to experience the divine presence through a purification process that Catholics believe is available to persons after death. At the same time, the Church commemorates the lives of particular saints, who in the words of Karl Rahner, “are the initiators and creative models of the holiness which happens to be right for, and is the task of, their particular age.”⁶⁷ At the same time, precisely because it is an authentic model of holiness, it remains in the Church as a “permanent form,” different facets of which might be discovered in later eras.⁶⁸

Through the communion of saints, believers now living are joined with a vast array of persons, known and unknown, male and female, of all races, nations, cultures, and walks of life,⁶⁹ whom God

⁶⁶*Lumen Gentium*, 48.

⁶⁷Karl Rahner, “The Church of the Saints,” in *Theological Investigations*, vol. 3, trans. Karl-H., and Boniface Kruger (Baltimore: Helicon Press / London: Dartmon, Longman & Todd, 1967), 100.

⁶⁸An example of this process is the way in which feminist theologians have highlighted different aspects of the lives of women saints than was stressed by those who canonized them.

⁶⁹“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* (New York: Continuum, 1998), 65.

has chosen to transform more perfectly into the image of Christ.⁷⁰ Together, this “cloud of witnesses” manifests the universal scope of God’s grace. At the same time, God’s call to every person is particular; each is called by name to his or her own vocation. Within the 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.⁷¹ Friendships can be forged between the living and the dead, commonalities 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 believe in the communion of saints means that in some real although ultimately mysterious way, the bonds of friendship can extend in both directions across the barrier of death. 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.⁷² In ways that we cannot fully know or articulate, the possibility of petitionary prayer means that we can call upon the help of those who have trod before us on a similar path, asking for guidance and

⁷⁰“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.” *Lumen Gentium*, 50.

⁷¹In her book, Elizabeth Johnson downplays petitionary prayer to particular saints, in favor of practices which focus on prayers of praise and lament, and attention to the whole “cloud of witnesses,” both known and unknown saints. 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. Similarly, 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 in turning to particular saints as mentors or role models.

⁷²“We should realize 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 realization 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, “All Saints,” in *Theological Investigations*, vol. 8, trans. David Bourke (London: Darton, Longman & Todd / New York: Herder and Herder, 1971) 29. See also Karl Rahner, “Why and How Can We Venerate the Saints?” in *Theological Investigations*, vol. 8, 3-23.

assistance in responding to our own vocations with creativity and faith.⁷³ In his or her own particular way, each saint reminds believers that their own lives in faith are an adventure, while also giving them aid and encouragement along the way.⁷⁴

Finally, a rich appreciation of the communion of saints should focus our attention on the needs of other people living today. Proclaiming that our union with the heavenly Church is best realized in the celebration of the Eucharist,⁷⁵ the Second Vatican Council exhorts Catholics to demonstrate devotion to the saints “in a more intense practice of our love.”⁷⁶ In the end, worship of God cannot be separated from loving service of the human beings who are created in the divine image. In the words of John Chrysostom, which the Pope himself quoted in his encyclical *Dies Domini*:

Do you wish to honor 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 when 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.”

Conclusion

Is the richly textured theological and liturgical view of time that I have just described 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 culture, from which it draws many of

⁷³For 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* (Chicago: University of Chicago Press, 1981). For a description of the canonization process, see Kenneth Woodward, *Making Saints: How the Catholic Church Determines Who Becomes a Saint, Who Doesn't, and Why* (New York: Simon and Schuster, 1990).

⁷⁴Karl Rahner, “The Church of the Saints,” 101-103.

⁷⁵*Lumen Gentium*, 50.

⁷⁶*Ibid.*, 51.

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.⁷⁷ 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."⁷⁸

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."⁷⁹ Loss of time through sociability, idle talk, luxury and even more sleep than is necessary for health . . . is worthy of absolute moral condemnation."⁸⁰ From the perspective of this world view, the ideal life did not include contemplation, but consisted instead of "hard, continuous bodily or mental labor." Furthermore, the time available

⁷⁷Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons, 1992. I would like to thank Robin Lovin for reminding me of this connection.

⁷⁸*Ibid.*, 172.

⁷⁹Weber was speaking of election to heaven; interpreted in the legal context, the phrase could very well refer to election to partnership in the firm.

⁸⁰Weber, 158.

for labor became expanded, as the celebration of saints' days and other feast days waned under the influence of the Calvinists and the Puritans.⁸¹

As Weber recognizes, this inexorable work ethic has shaped a capitalist culture in ways that have long outlasted the religious commitments that generated it.⁸² 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.⁸³ 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 succeed in a good law school. No matter what their ultimate commitments, the Protestant work ethic is their ethic too; it shapes their sensibilities and governs their responses to the demands that employers place upon them.

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? "I have plans to go to the beach"; "I want to

⁸¹Weber, 168. See also Kevin Donovan, S.J., "The Sanctoral," in *The Study of Liturgy*, eds. Cheslyn Jones et al., (London: SPCK / New York: Oxford University Press, 1992), 481-84.

⁸²Needless 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.

⁸³See Gary Cross, *Time and Money: The Making of Consumer Culture* (London and New York: Routledge, 1993).

catch up on my reading”; “I was going to bake cookies and wrap presents with my kids”; “No, I don’t want to”?

In the face of the concrete demands of work, these responses will inevitably appear hollow and frivolous, not only to the partners, but also to the young lawyers themselves. Everyone has internalized a culture where secretaries, food, and fax machines are available twenty-four hours a day, seven days a week. This rhythm has become routine, even *normal*. It is this insidious, apparent normalcy that mutes objections to the way of life, because it trivializes them. Rather than pressing on with their complaints, young lawyers begin to consider themselves lazy and abnormal for having articulated 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 do I want to imply that busy attorneys should suddenly begin saying ritualized prayers at regular intervals throughout the day. Instead, I hope to inspire a prophetic, spiritual critique of the billable hours mentality in a few lawyers and law students, as well as to sketch one particular, integrated set of resources with which they could challenge its hegemony.

In my view, the key lies in challenging the entire context of the billable hours mentality, not simply in providing one or two more plausible “excuses” for refusing to go along with its worst excesses. The key lies in rejecting the question, “Oh, and what case are you working on this weekend?,” rather than formulating a better answer to it. In turn, rejecting that question involves repudiating its presuppositions about the nature and purpose of time. For those of us not inclined to radical skepticism, repudiating those presuppositions is much easier when they can be replaced with another, richer view of time. The liturgical theologian Aidan Kavanagh contends that the ultimate purpose of Catholic theology and liturgy is to immerse believers in a world where they can glimpse what is truly *normal* for human persons: life-giving communion with God and fellowship with one and other, rather than the strife, destruction and death to which we

have sadly become accustomed.⁸⁴ In this essay, I have attempted to show that life immersed in this world also reveals that it is *normal* to view time as intrinsically valuable, with rich possibilities for individual and social integration. By dwelling within that world, perhaps some persons may find the resources with which to challenge the fundamentally *abnormal* way that time is portrayed in the world of billable hours, and by extension, in the wider capitalist culture that it serves.* □

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⁸⁴Aidan Kavanagh, *Liturgical Theology*, chap. 8.

*This paper is a revised version of the Baker-McKenzie Lecture in Ethics, delivered at Loyola University Chicago School of Law in February, 2001, and published as "Billable Hours in Ordinary Time: A Theological Critique of the Instrumentalization of Time in Professional Life" in the *Loyola University Chicago Law Journal*.