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Why Are You Working at the Firm?¹

Wayne Eastman

INTRODUCTION

The circumstances attending the publication of this document are perhaps worthy of explanation. I am not the author of the manuscript from which this document is drawn. I received the manuscript from the author in the latter part of the 1980s in the library of the New York law firm where we were both then employed, with a statement, formalized later that night in a contract between us, that I could do with the manuscript, or any part of it, as I wished.

The author, N___, was an associate in the firm's litigation department; I was an associate in the corporate department. The night he gave me the manuscript was his last scheduled day of employment at the firm. Since giving notice of his intention to depart four weeks before, N___ had, to the best of my knowledge, not left the premises of the firm. As far as I could tell, based on my observations and what N___ related to me, he slept on a sofa in a nook of the library or on the carpeted floor in his office, showered in one of the several stalls that the firm maintained for the use of its attorneys, and satisfied his needs for food and clean clothing by utilizing various delivery services. Furthermore, he did no firm work during this period, but rather worked on the manuscript that he was to pass on to me.

N___'s unusual conduct attracted a certain measure of attention and concern. As one who was known to be friendly with N___, I was asked about him by a number of partners and others who were concerned about his mental state and the possible difficulties for the firm were he to fail to vacate the premises when the period of his employment with the firm ended. I was unable to tell them anything based on any statements by N___, who was reserved on nearly all personal subjects with me, but reassured them that I was highly confident that there would be no trouble

1. This essay is a memoiristic phenomenological inquiry into a mode of consciousness linked to, though not determined by, being a middle-class straight white male leftist working as an associate in a large New York City law firm in the 1980s. It is a work of fiction. All characters, situations, and locales are fictional or are used fictionally. Thanks to Duncan Kennedy for his assistance at an earlier stage of this project, and thanks to my wife and parents for their many forms of assistance over the years.

with his departure.

In truth, I lacked confidence that N___ would leave the firm quietly. The circumstances behind my less than candid representations were as follows: N___ had told me some time ago that, on his last day at the firm, he would give me a philosophical text he was working on. I was the person, N___ said, to work with him to bring his message to the world. I am constrained to note here that N___ was in some respects a peculiar person. Along with being extremely shy, he was sometimes intemperate in his dislike of the firm and grandiose in his manner of expression. Furthermore, I was temperamentally unsuited to the role N___ had assigned me. I shared some of his feelings about the firm, along with his interest in philosophy, and had known him since law school. All of these things presumably led him to see me as a plausible emissary of his vision, however, I am myself rather reserved and lacked the inclination and aptitude to serve as his promoter. Nevertheless, N___'s grandiose ambitions and his promise of a gift intrigued me, and I became, in some measure, his protector from others in the firm as I anticipated his offering.

The manuscript as given to me that night nearly fifteen years ago was an original, neatly handwritten in a blue notebook, with very few emendations. It was organized in the form of a journal with entries from the final year of N___'s employment with the firm.

A few minutes before midnight on his last day at the firm, I walked with him from the library to the firm's elevators and down to the lobby of the building. We talked about getting together soon for lunch. He gave me a number where he could be reached, and we waved goodbye as he left the building and walked away in the direction of Battery Park. As far as I know, he never returned.

JANUARY 25

The problem was that you liked yourself.

The partner was enraged at you for failing to detect that there were mistakes in a chronology that a paralegal had done for you and that had been given to the client. Tell her one more mistake and she'll be fired, he screamed at you, pointing his finger at your chest.

You are plagued by the sense that the very iniquities and inequities that you decry pervade your life and your faith. In your yearning for salvation, you affirm your corruption.

FEBRUARY 4

"Gentrification kills" . . . you could see it written on the walls around Hoboken. You liked being in a place where artists, burnouts, and past-expiration-date hippies leavened the mix of Wall Street-dominated newcomers. But it never occurred to you to be a traitor to your class and join the shadowy anti-development movement . . . you weren't pulled by a

feeling that you ought to be doing something about gentrification the way you were occasionally pulled by a feeling that you ought to be volunteering at the homeless shelter across the street at the church.

FEBRUARY 7

The big client was generally referred to by associates simply as “Ivan.” Among associates, Ivan was discussed not so much as an individual – though there was plenty of gossip, starting with unverified claims that he got by on two hours of sleep a night and lived on lettuce and cocaine – but in relation to the work he generated. Ivan was reputed to be a monomaniacal worker himself, and even by the firm’s anything but relaxed standards, “Ivan work,” as it was called, was especially high-pressure, especially subject to tight deadlines – everything, it seemed, had to be at Ivan’s offices by the next morning.

In its ability to profit from every aspect of Ivan, his rise and fall, the firm was reminiscent of the Chicago slaughterhouses that proverbially used every part of the pig except the squeal. The firm did better, though, since even Ivan’s squealing was billable.

In Tallahassee with a junior partner to meet the lawyers from the Constitutional Law Center for the death penalty appeal. You were eating nachos together in the airport bar when Ivan and his paper-thin skull smile filled the TV screen over the bar while the anchor described his plea bargain and deal to cooperate with the government. It was all news to you; the partner wasn’t surprised, or pretended not to be. “We’ll make more from him now than we ever did before,” he said.

Of course, he was sort of joking in the way that people were always sort of joking, sort of making fun of things and sort of being entirely serious at the same time.

Would you be able to hack the firm, or would the firm hack you down? Would you grow up, or would you end up like Peter Pan, Holden, Werther, Friedrich, and the other boy-men who never grew up?

But the death penalty appeal. The firm’s commitment to pro bono work. Four people including two teenage girls killed in a marijuana smuggling operation gone bad, buried in north Florida limestone sinkholes. Your man had been there, but it wasn’t clear, at least you told yourself it wasn’t clear, whether he’d actually been the shooter.

FEBRUARY 8

In its overriding effect on the minutes, hours, days, weeks, months, and years of one’s life, firmism is a practical system par excellence. But firmism is also a moral system that lives inside people. Firmism does not drown morality in the icy waters of economic calculation . . . on the contrary . . . the practices of firmism assume, grow out of, and foster a deeply felt morality of work.

You lacked the self-hating resolve to smash the library windows and plunge to the ground, the way one of the founding partners of the firm had done.

FEBRUARY 9

Your feeling, as a disaffected associate, that there was something wrong with the job was inseparable from a feeling that there might be something wrong with you. After all, some of the other associates seemed better able than you to get some kind of reasonable balance between acquiescence and resistance, like the senior associate who gave good comments on your memo and talked about the work that kept you both up all night as “happy horseshit.” Were you perhaps too inflexible or too emotional? Were you rationalizing doubts about your ability to do the work well? Was your sense of the firm as a place where bad behavior flourished a way of avoiding the plank in your own eye? Given that most of the partners and many of the associates in the firm were Jewish and you were not, might there be an element of anti-Semitism in your feelings, especially your dislike of the yelling and screaming at the firm? Or might your dislike of the way the firm worked be a displacement of excessive anger, or of dislike of yourself, and thus an evasion of the real issue? Wasn't it possible that you had come to the firm wanting to dislike it? After all, you certainly had political problems with corporate law that preceded your working for the firm. Mightn't it be not only more prudent but also healthier – saner even – to accommodate yourself to, to believe in, your workplace and its norms? And so it went, on and on. Acquiescence in the order of things at the firm was upheld by your self-doubt – by an explicit or implicit questioning of your motives for evaluating the firm negatively – as well as by the cold hard cash you were paid.

FEBRUARY 10

Rain outside blowing against the library windows. The rain-dimmed lights of the skyscraper across the way. The harbor washed away in the rain.

You feel you are grappling with the dilemmas of choice, corruption, maturity, and understanding, just as Faust did. But you are a generic, dime-a-dozen Faust, for others are grappling with the same dilemmas and mostly making the same choices as you. There is nothing distinctive about you.

You assisted a junior partner at the firm in taking the deposition of a real estate magnate. The magnate's lawyer, a balding middle-aged partner at a large, midtown law firm, yelled out frequent objections to the junior partner's questions while the magnate beamed cherubically and patted his lawyer on the back. Finally, the magnate's lawyer swore – it wasn't entirely clear, but it sounded like “these asshole questions.” The junior partner promptly said, “Let the record reflect that Mr. ___ swore at me,

saying (here she bent over and got confirmation from you of what the magnate's lawyer had said) 'these asshole questions.'" The lawyer promptly yelled, "The record will reflect that Ms. __ is misrepresenting the record! My objection was to her calculated harassment of my client with patently improper questions!"

FEBRUARY 17

Balance is a compromise ideology between firmism and utopia. Balance concedes that having one's energy turned into a useful part of a collective whole through firms is a highly valuable thing. Balance strives to chasten the current work system rather than to eliminate it.

One can rebel against firmism's regimen of paid labor, but on behalf of what . . . sloth? . . . selfishness? . . . these strategies won't work.

Firm life did not enforce a universal worship of work. On the contrary . . . the old skeptical definition of work applied: work was what you had to do, as opposed to what you wanted to do. Opposition to work and attachment to leisure was anything but unheard of . . . the saying at the firm as elsewhere was "Thank God it's Friday," not "Thank God it's Monday," although given the way the firm worked, the traditional saying had to be modified – instead of "Thank God it's Friday," it was "Thank God I don't have any assignments this weekend," and you said it with some trepidation, always aware of the possibility of a Friday afternoon surprise from the assignment partner.

FEBRUARY 18

Under firmism, adult daily life is primarily devoted to paid labor. Work as job is the dominant experience of a typical day. In such a day, you get up in the morning; you go to work; you work; you come home from work; you do whatever for a few hours before sleeping and starting the cycle again. And what applies to a day also applies to a lifetime. Parts of your life that do not consist of paid labor, such as going to school, having and bringing up children, unemployment, and retirement, are nevertheless defined by their relation to such labor. You begin your life; you are schooled to become a worker; you work; and you retire from your work in a premonitory anticipation of your retirement from life.

The economics were still pretty good for the partners if you billed only 1600 hours, which was around what you'd done last year.

FEBRUARY 20

What would happen if women were bosses and men were secretaries? You can't find out by studying particular anomalous cases of women who are bosses and men who are secretaries. So instead, experiment with the whole society, by choosing an alternative system in which women rule. "Craziness! Have you learned nothing from the failure of the Marxist

experiment? Why the fetish with turning all of society upside down instead of experimenting locally?" Fine. Can you help then in figuring out some ways to carry out local experiments?

FEBRUARY 26

The rumor was that the firm's senior partners (billed out at \$300 per hour) had a basic starting draw of \$500,000 per year. You as an associate were billed out at \$150 per hour, but had an initial salary of \$69,000, not \$250,000. "This implies that your compensation was inequitably low – is that really what you mean to say? That implication can be attacked both from the Right – since the partners have put into effect the system that you're only piggybacking on – and from the Left – whining about your pay, which got jacked up a number of times from the \$69,000 starting point, is hardly going to win you points." Actually, you didn't feel underpaid. At the firm, the traditional unionist mantra of more pay for less work didn't feel right. Less pay for less work was what you needed.

Associate turnover at the firm was around 25% per year, judging by a check you did based on the phone directory you'd gotten the day you'd started. Look to the left of you, look to the right of you, look in front of you – one of you would be gone next year.

The firm had a shoeshine man, an Israeli, who walked through the halls with his rag, polish, and stand and knocked on office doors, and asked if you needed a shine. He shined your shoes while you wore them; women handed him their shoes and he shined them in the corner of their offices.

FEBRUARY 28

Balance is a challenge to firmist virtue, not to firmist vice. No doubt firm work is often oppressively hierarchical, mentally deadening, or physically dangerous. But a movement for balance will be a paltry thing unless it challenges the firmist ideal of single-minded commitment to a single job. What is needed is not a balance movement against people's lives being consumed by work as coal miners, assemblers in a pin factory, or word processors. Rather, what is needed is a balance movement that speaks out against people consuming their own lives through single-minded pursuit of their identities as doctors, lawyers, executives, professors, or artists.

MARCH 1

Forbidden loves for grown-ups: The Bill James Baseball Abstracts. *The Lord of the Rings*. *Thus Spake Zarathustra* (other works by Nietzsche are fine). *Atlas Shrugged*.

The commitment of the partners to being full-time lawyers was virtue of a sort, but it was virtue that chilled with a sense of life limited. Not that the partners led lives devoid of passion – if anything, some of them startled

you with the vehemence of their feelings about the bastards on the other side, the client's recapitalization plan, or Delaware Chancery's latest decision. But their passions were work-related. They had succeeded in a total project of becoming job-defined people. "Really? You've never tried to talk with any of the partners about outside stuff like baseball stats or Tolkien or critical legal studies, right?"

MARCH 2

"To know no boundaries!" This could be a conservative critic's nightmare, a platform of a postmodern Leftism that subverts distinctions between id and ego, self and other, woman and man, public and private. Or it could be a squatter's manifesto. Or it could be, it is, part of a Merrill-Lynch advertising jingle in which a sleek and speedy bull vaults all around a Western landscape.

MARCH 4

Nastiness toward subordinates was rationalized not only by a hardheaded "this is what it takes to get the job done" logic, but also by a softer logic of empathy. Under this logic, lawyerly misconduct was understandable if not right, for the attorney was a victim of the burdens of work. The partner who yelled at associates or pushed them to work without letup was under pressure that dwarfed that on the associates; the associate who mistreated a secretary bore a professional's burden of which the secretary could not conceive.

MARCH 6

No white males shall be politicians, presidents, partners, principals, or deans. "Why?" So that Madisonian principles can be better upheld; a balancing of faction by faction, of domination by domination, would exist under the proposed rule. "But isn't your rule wrong given your premises – what about gays, working class men, poor men, etc.?" Lines must be drawn somewhere, and be attended by injustice. And the point is not to create a permanent, but a temporary regime of power, and a regime will more likely be temporary if its rules are unjust. "But aren't you just recapitulating the Left fallacy of kicking out the bourgeoisie in favor of a new ruling class?" Possibly. A law of white male exclusion would be worthy of support only if it were accompanied by a statement that it was wrong. Such a statement of anticipatory reparations would separate power from right. "But no rule in the history of the world has ever been enacted with such a statement!" Precisely.

MARCH 8

The liberal partner took pro bono work entirely seriously, and you respected him for that – but among other things, that meant that he yelled

as much at secretaries and associates on a pro bono case as he did when he had a paying client.

MARCH 9

The two of you decided to look for a new condominium. An architect told you about a place on 14th Street that would be starting renovations as soon as they cleared the Puerto Ricans out.

As an ideal, balance is superior to firmism. Similarly, socialism is superior to capitalism. That "similarly" is a problem . . . need to work out how balance incorporates a desirable clash and combination of egoism and altruism in a way that socialism does not.

MARCH 12

"You are just in the wrong line of work, no? You disdain the toil at the firm because it is not sufficiently detached and intellectual. Get a job teaching at a university and you'll be happy enough competing to get tenure by writing articles. Then, if you make it, you'll have an aristocrat's portion of free time to reflect." "Suppose you're right. But isn't it unfair to be an aristocrat of labor while the rest of the crew in the junior faculty and the law firms toil away in the salt mines? It'd be like having a million dollars a year – great for you, but what about the good old Kantian issue of universalizability?" "No. Most people simply can't use free time well, including most of the people at the firm. You are special, and you should not be ashamed of being an aristocrat while they toil away."

MARCH 15

Straight associates and gay associates. Straights were the ones who played the firm game well and gays were the ones who played the game of disaffection well. Neither side did well at the other's game. You were gay, and the firm's one out-of-the closet gay associate was straight.

MARCH 25

The firm's work culture encouraged not only compulsive work but also compulsive pretending to work. At the firm, you not only worked. In one way or another, you also presented yourself as a worker. Some associates were disdained for being particularly devoted to such self-presentation; such "political" associates, as they were called, were renowned for their appearance of being constantly busy, their attentions to important partners, and their ability to slough off work on lower ranking associates and support staff. Discussion among associates about this sort of behavior was widespread, though different groups of associates naturally had different ideas about who personified it. This discussion was double-edged; it both criticized and upheld the firm's work culture. As an associate deprecating the pretenses of work at the firm, you expressed dissatisfaction with the

firm, but you also appealed to work as an ideal – and that ideal of work was precisely the credo of the firm.

MARCH 29

Near Shop-Rite on crowded Washington Street, a woman pushing a baby carriage yells at the young child walking behind her, then turns around to slap the child on the face.

The woman looked Hispanic, so you naturally thought of cultural differences in child-rearing practices.

If she hadn't looked Hispanic, you would have assumed that she was working class, probably Italian, and your assumptions about cultural differences worked just fine in that case, too.

A yuppie mom. Suppose it had instead been one of the two of you pushing the carriage and slapping the child . . . then you would have been crazy.

APRIL 5

There was warmth and camaraderie that flowered more brilliantly because the work was bad and overbearing. To be watching MTV in a conference room after working, dead-tired in the middle of the night, with someone you liked, for a firm you both thought was full of shit, could be a liberating, exhilarating experience. Solidarity arose not only from shared work but also from shared opposition – and the firm gave an abundance of both to its employees. In the end, this curious gift of the firm was not worth the candle, but there was no denying the existence of moments of shared good feeling that were heightened by a sense of shared opposition to what you were experiencing.

APRIL 8

Why were you working at the firm? It was the logical next step, the path of least resistance. You were on a conveyer belt. The overwhelming majority of your classmates were in similar firms; the probability that a new Harvard Law School graduate would go off to a non-firm job was minimal, only a few percentage points higher than the chance you would fall victim to a terrorist attack.

APRIL 12

Will balance be a Left movement? Of course – but there is a serious tension between balance and traditional Left advocacy of economic equality. A society in which some but not other people at all economic levels opt out of firmism in favor of balance will *ceteris paribus* be a society with a higher level of economic inequality than firmist society. One can try to avoid that consequence through one form or another of economic coercion – such as forcing everyone to cut back on paid work or

taxing away their high earnings – but economic coercion is not a costless strategy, practically or morally, as Leftists have learned at last.

APRIL 25

Toward Hoboken: ash blew out of a freezing dark sky in gray blobs. Underneath the Skyway was a perpetual chemical fire that smelled of burning rubber.

Work system morality in general, and its firmist version in particular, are ambivalent in their relation to individualism/liberalism and collectivism/communitarianism. Although capitalist firmism emphasizes the value of individual effort and reward, while socialist firmism emphasizes the value of collective social production, both types of firmism, in practice, fuse individualism and collectivism. The individualist ethos of capitalism coexists with the collectivist side of the firm – its joining and ordering people in a shared enterprise – while the collectivist ethos of socialism coexists with the individualist, inegalitarian side of the firm – some are heroes of socialist labor, some are not, some command, others follow.

MAY 1

Only women shall be judges. This simple rule is better than the current standards for judicial selection – the rule would be a way for domination to question domination, for female judicial power to counter various forms of male power. “But the rule is unjust, isn’t it?” Yes. “And therefore improper to adopt?” No. If they have merit for other reasons, unjust rules can be worth trying, partly because they undermine themselves in a way that just ones do not. “Absurd!”

MAY 2

The marriage deal you were being offered valorized and intensified the social differences between men and women. In a few years, you would have children and be bound tightly to firm work as the work of your life.

“You must admit that people are self-interested” Fine. But frequently you have to grope around, as if in the dark, for your own interest . . . as a self-interested person, you imagine what the other’s interest is, and then create your own by contrast.

MAY 8

Advocates of utopia will attack firmism on behalf of work. Work means not only the realization of certain aims through paid labor, but also the realization of meaning through travail, of salvation through struggle, of pleasure through pain.

A backwards dialogue about whether a woman should have her own bank account: “You’re right – financial independence is important.” “But

in practice you're subsidizing me, so having my own bank account doesn't really mean independence." "There's something controlling, though, about our having only a joint account that's mostly funded by me." "Maybe it'd be simpler if we were married." What happens when romantic identification with the other meets the market and liberal egalitarianism? They get married.

MAY 12

Tuesday's science section featured an article entitled, "Bestiality: New Psychological Perspectives." Since it was the *Times*, the central characters were scientists rather than women abandoned by alien lovers, and the sensational subject was offset by the gray style: "Although the overwhelming majority of practitioners of bestiality are male, recent studies indicate that bestiality committed by women is increasing." Practitioners were more introverted than a control group, and also scored higher on measures of fearfulness and authoritarianism. There was a table summarizing the results of a researcher who had studied patterns of urban and suburban bestiality. Dogs, particularly larger breeds, were by far the most common objects of their owners' affections, though cats were also fairly well-represented; hamsters, fish, birds, and turtles lagged.

To live in a society less preoccupied with the work of getting and spending; to have more time to learn, to be with children, to cultivate a garden, to write poems, to organize a rally, to play games, to love, to reflect, to do work in all its diverse forms . . . that is the way of balance.

MAY 19

Lawyers in the firm left their doors open and their lights on in their offices when they left work. You could explain the practice as the associate in the next office did when you asked her about it during your first week at work: people liked to leave their lights on and doors open so that other people who had to work late at night wouldn't have to walk down dark, empty corridors. It seemed more plausible, though, that the practice was followed because it made sense on a more self-interested basis: leaving your door open and your lights on meant that it was not so easy for the people who were working later than you to tell that you had left work before them.

MAY 28

Why were you working at the firm? Gift exchange. The firm had been more than generous to you during your job as a summer associate – great tickets to the Yankees and the Mets, sailboat cruises from South Street Seaport, lavish dinners, two weeks in the London office, a cruise down the Thames, great tickets to Wimbledon. All of this largesse created a sense of obligation, the more compelling because there was no direct quid pro quo.

No contractual tie bound you to come back to the firm. If you and all your peers had spurned the firm's offers, the firm would have been empty-handed, with no recourse against you. True, the firm's motives in offering you summer largesse had been no more altruistic than the motives of a wealthy Lothario in providing expensive entertainment for his date. Yet gift exchange worked. You felt a sense of obligation growing out of the firm's largesse.

The ambivalence of firm morality gives it a power and an appeal that a more straightforward morality of inequality lacks. With its nuanced view of upper level work as both meaningful and burdened, firmism provides a more morally compelling case for class society than either the marginal productivity theory of its capitalist subdivision or the revolutionary vanguard theory of its socialist subdivision.

MAY 31

Firm morality supplies the most powerful apology for the social, political, and economic domination of men over women. "Those who command are those who become their jobs. This is a fair, gender-neutral standard for leadership. True, in practice nearly all top leaders are men, because a man's life tends to be a single project in which his job is primary and everything else is secondary. A woman's life, on the other hand, cannot readily be characterized as a unitary project, since her work is typically more diverse, divided as it is between paid labor and other kinds of work, such as child care, domestic work, and emotional care taking. Is this unfair to women? Not exactly – being fused with one's job is an equivocal blessing; to identify self with job is to be burdened as well as blessed."

JUNE 7

As a mid-level associate, the firm billed your time to clients at \$150 per hour, so if you billed 2000 hours per year – a roughly average level for associates, as far as you could tell, although some said the average was higher (you couldn't be sure, given that billing, salary, and profit figures were not released to associates) – you brought in \$300,000 for the firm. Your yearly salary and bonuses accounted for around \$86,000 of that, and the headhunter's commission, your health and other benefits, the firm's overhead, and unpaid or partially paid client bills further reduced the amount available for the partnership pool – still, a large amount of the \$300,000 seemed to be left for that pool.

JUNE 17

You built a mound of sheets between you as you slept.

You should reduce the sway of your job over your life, for you have other duties to yourself and to others that you are not taking seriously

enough.

JUNE 19

You could always wait to get married.

Who is “we?”

Her life is a story. Not yours. Your life is by Goffman, not Tolstoy.

JUNE 22

More reasons for working at the firm. The good training. The contacts for the future. The people you knew from law school. The herding phenomenon – the firm as the thing to do because it was the thing to do. The firm as your generation’s moral equivalent of war.

JUNE 27

Only women shall be judges. Sooner or later the rule would grow epicycles and give rise to legal fictions. Ambiguities in the definition of “judge” would be discovered, debated, and created. Is a given man a judge disqualified by the rule – or is he an arbitrator, a magistrate, a lay counselor, or something else? Similarly, the definition of “woman” would be subject to challenge. Men who adhered to certain norms of behavior, such as wearing wigs and dress-like robes, would be eligible to serve as judges. Eventually, all men would qualify.

What is the feminist man good for? Being a priest who stands apart from the cruder men. Hearing their confessions and giving his blessings while they pick up their trophy wives.

JUNE 30

Firmism supports and justifies a gender system of male privilege and female disadvantage. Firmism’s ideal of single-minded commitment to work as job is an ideal that both responds to and rewards the circumstances of men’s lives over the circumstances of women’s lives.

JULY 4

Most of the attorneys at the firm, partners as well as associates, were Democrats and liberals – the firm’s liberal reputation was one of the reasons you’d chosen it. Devotion to liberal positions in the firm was considerably stronger on social than on economic issues. By and large, lawyers at the firm tended to have strongly liberal opinions on issues such as abortion and Central America, but were by no means similarly liberal on progressive tax rates or labor unions.

JULY 8

You are sustained by reading court cases with outrageous outcomes . . .

to read them is to be exhilarated by the feeling that the opposite outcome is possible. A search for unfairness and an energy in opposition drive you further into the law. By virtue of attributing certain outcomes to the legal system and caring about them you are a believer in the legal system. And so too with patriarchy, capitalism, firmism, etc.

JULY 12

Under firmism, the work of your job is the work that comes first in your life. Though more extreme on Wall Street than on Main Street, that firmist ethos pervades society. The problem is that there are lots of things, including other kinds of work, that you should be doing. There's family, art, non-workplace politics, friendship outside the job, the search for knowledge and enlightenment beyond the job . . . and you should be devoting more time to these pursuits.

JULY 29

By and large, the partners worked long hours. It wasn't as though they put in forty hour work weeks and made their money (just) by siphoning off the fruits of the labor of underlings putting in eighty hour weeks. There was a bit of that, to be sure – there were certainly times you had to work at the firm over the weekend while the partner in charge was not in . . . also, once you'd seen a timesheet with the partners' billable hours on the yelling partner's desk and had gotten a chance to scan it by reading upside down as you'd waited for him to come back into his office, and it had seemed as though average billable hours among the partners were somewhat lower than among associates. The overall reality of firm work was not one of relaxed partners knocking off at 5 p.m. and spending their time in the Hamptons or on the slopes while associates worked like dogs . . . not at all. The reality of firm work, as far as you could tell, was that partners as a group also worked like dogs.

AUGUST 7

For a movement against firmism and for balance to work, it will have to develop the hard shell against traditional Left economic egalitarianism that environmentalists have acquired. "You know, don't you, that the 50% reduction in work hours you favor will hit lower income workers far more heavily than upper income ones?" "Yes." "A Chevy instead of a Mercedes in a doctor's garage would be fine, but a minimum wage worker having only half her old income would be highly disturbing, wouldn't it?" "Yes, though the low wage worker could choose to do more paid work." "But surely there is an element of unfairness in a society in which lower income workers work longer hours than upper income workers?" "Yes." "So of course you only support reductions in work hours to the extent that there are no negative consequences for low income workers in the form of

income losses or having to work more hours relative to higher income workers?" "No. Balance is not a subsidiary goal to income equality or the difference principle – for me, it is more important."

Why were you working at the firm? Because the firm was different in some respects from other firms. Firms were generic but in some ways differentiated, much as you and your classmates were. For example, your firm had a large Washington office and a named partner who had been a national Democratic figure.

AUGUST 12

The bisexual associate. She could play the firm's game and the malcontent's game. She could sit at a firm dinner while a partner droned on and lean over to whisper to you and the other malcontents about how small his penis was, and she could join the partners in strategizing how to rip the other side's guts out. Though you liked her a lot, you thought she would be a sell-out in the end.

SEPTEMBER 1

Why were you working at the firm? There was a straightforward answer – not that you gave it in your interviews before you were hired or to the people you worked with after you were hired. You wanted to save money, then quit to write philosophy.

SEPTEMBER 8

Only blacks shall be politicians, presidents, partners, principals, and deans. Under this rule, political and workplace domination would run counter to cultural domination. Domination would chasten domination. "But such a rule is unfair." To be sure. "And what about the competing claims of other groups – women, Latinos, gays and lesbians, and so on?" A problem, to be sure. "So you can't really support the rule?" Perhaps not as stated.

SEPTEMBER 14

The prevailing liberal ethos at Harvard Law School had helped give firm work the cachet of badness, or at least naughtiness. If there had instead been a dominant conservative law school ethos under which working at firms was identified with virtue and the fulfillment of duty, perhaps you would have bought it and gone off happily to a firm. But in that case, it seemed at least more likely that you would have resisted virtue and sought out something with more of the messy aura of real world vice and compromise that firm work had under the liberal regime.

OCTOBER 18

You participated in the expense account culture soon enough, not only through joining other people's dinners, but also through organizing your own, asking people for client numbers, and charging meals eaten at restaurants to the firm. Though the cost of the sashimi dinner had seemed bizarre to you, you soon enough submitted bills to the firm with per person charges not greatly less than that for the sashimi. The total costs were much less than \$600, only because your bills were for smaller numbers of people. Dinners with a few associates you liked were much better for conversation. With a large group, as at the sashimi meal, associate discussions became almost as stilted and stylized as conversations when partners were present.

OCTOBER 19

The firm was by no means an egalitarian place, but it was not a place that relied on traditional aristocratic, theistic, or patriarchal moralities to justify inequality. At the firm, privilege was never justified by its possessor's hereditary or temperamental nobility; rather, it was excused by its possessor's work. Faith in divine salvation was, for the most part, nonexistent among the attorneys, as far as you could tell; a secular faith of salvation through work was the reigning creed. And, although men and women were by no means equal at the firm, the feminine mystique had been demystified. Women attorneys at the firm were expected to join men in an identification of self with job.

OCTOBER 20

Before working at the firm, you'd wondered how much the particular legal arguments you'd be expected to make as a Wall Street litigator would conflict with your political and moral beliefs. At the firm, though, that turned out not to be the central issue. True, the work you did was undoubtedly "greasing the wheels of the system" work. As you worked on a memo on why a multinational corporation should not be subject to Oklahoma jurisdiction, it was hardly plausible to see yourself as a tribune of progressive thinking. True, some of the clients you worked for belonged in jail, and most of them had far too much money for your taste. True, there indeed were moral/political problems you had with some of your assignments – for instance, a partner's request that you explore the possibilities for a corporate client under criminal investigation to avoid liability by dissolving. Overall, then, the conservative tilt and the ethics of particular legal arguments you made at the firm as a litigator were issues, just as you had suspected. But the problem of your work taking over your life turned out to be a more disturbing and central problem than any of the other problems.

OCTOBER 25

Usually, under 10% of a first year class eventually became partners at the firm, but a particular associate hell-bent on partnership could look at this low rate without becoming unduly discouraged, for most of those who did not become partners left more or less voluntarily before the decision on them was made. For the small minority of associates who stuck around to the point of decision, the percentage who became partners was very variable from year to year. Nevertheless, that percentage was typically much closer to 50% than 10%.

Even if you expected to work at the firm for a relatively short time; even if you did not believe in the firm's standards; even if you were committed to viewing your experience at the firm with anthropological detachment – for all that, you also believed in the messages that the firm transmitted to you. To be yelled at by a partner hurt, no matter whether you believed that his opinion was ill-informed and expressed in an infantile fashion. To do a bad job and feel like a failure hurt, no matter whether you told yourself that the firm's work was of dubious value. To sense that your competence and flair as a lawyer were respected felt good, no matter how disillusioned you were with the firm's standards. And more broadly, you believed in the job experience you were undergoing. You were depressed, frightened, exultant, angry, and so on in relation to that experience and the people sharing it with you. You were the time you spent at the firm, and the more time you spent there, the more that became true.

NOVEMBER 1

Defiance. An associate, unhappy with the less than choice assignments he was getting, instructed his secretary not to put through calls from a particular partner. Afterwards he refused to apologize for refusing to talk to the partner, and was then fired summarily. Second, a less extreme case: a distraught secretary you barely knew and hadn't worked with went up to you and began yelling at you. After walking away quickly, you reported the problem to the head of secretarial services; a little later, the now-contrite secretary was brought around to apologize to you. She explained that she'd confused you with a paralegal who'd been rude to her, and that she never would have done it if she'd known who you were.

NOVEMBER 3

Of the associates who left, who was a voluntary departure and who left because they were fired or as an alternative to being fired? Viewed one way, departures from the firm were heavily tilted toward people who chose to leave rather than toward firings, which were comparatively rare. (At least if one didn't count those who had to leave because they were turned down for partnership.) Viewed another way, nearly every associate who left did so as an alternative to being fired. There were only so many slots at

the top of the firm, and extremely few of the people who left would have gotten them if they had stayed around to the point of decision.

NOVEMBER 5

Billing practices on Ivan work were especially flexible. You charged a new pair of glasses to him because all the documents you'd had to read had given you eyestrain and caused your prescription to change.

NOVEMBER 9

"Get in touch with your feelings!" Yes, but this injunction is by no means straightforward . . . it is often unclear whether feelings are yours, or somebody else's, or nobody's.

Because Hoboken had no parks bigger than a city block, the two of you went to the Stevens campus for Sunday picnics. You and other newcomers with the names of banks and brokerage houses on their tee-shirts sat on the green campus lawns, looked over to Manhattan, did the crossword puzzle, nibbled on crackers, sipped seltzer, and sneaked white wine.

Why were you not working at the firm? That was the question that you needed answers for, as many answers as you could provide for why you were working at the firm.

NOVEMBER 15

As bad as your work might feel, you could not deny that you were privileged financially and in other ways; a conventional identification of oneself as a member of an oppressed class was more than a bit difficult when you made \$70,000 as a new associate and nearly \$90,000 as a mid-level one. "More than a bit difficult." That's the rhetoric of difficulty. That means that you are implying that the Wall Street associate should indeed be regarded as oppressed. "Yes. And the partners, too."

To experience a sense of language as power, as a captor's hand constantly on one's shoulder, read a number of short passages from different genres. To skip around rapidly – jumping from one sentence of LeCarre to one of William James to one of Fanny Farmer to one of Freud to one from the *Times* to one of Kant to one of Danielle Steele to one of Pynchon to one from the Department of Motor Vehicles – helps remove the idea of language as content in favor of the idea of language as power.

NOVEMBER 18

"The firm is very unusual, right? After all, most workplaces don't operate under the firm's rigid up-or-out policy. It's that policy of pitting people together against one another in a huge competition in which partnership is the reward and firing the penalty that leads to many of the extreme aspects of the firm's work culture." The firm is crazier than most places, yes, but it is an ideal type of the race to the top.

NOVEMBER 22

Moving to the ratty railroad flat on the back streets was a way to save money for the day when you finally quit the firm to write and get down in a fully-worked out form the thoughts you were now only able to jot down in fragments. Moving was a way to escape the fire. Moving was a way to atone for the firm. Moving was a way to destroy your marriage, as you watched while she ate and ate and blew up into a younger version of your landlady in silent, rageful protest. You had your war, and now she had hers.

NOVEMBER 25

Why were you working at the firm? The money. The starting salary was well over twice what the prosecutor's office where you'd interviewed was paying.

DECEMBER 30 (LAST ENTRY)

"You have to make up your mind. You can say that the basic problem with the firm is that too many people are too mean and too tough there. Or you can say the basic problem with the firm is that the yelling partner and all the rest of the crew are not mean and tough enough. That is, they're devoting their lives to a slack, lazy ideal of work rather than a meaner, tougher ideal under which they are pushed to do more with their lives than they are doing at the firm. These two lines may be reconcilable, but you should try to figure out which one is what you really believe." Point taken.

A few days after N___ left the firm, I sent a copy of his manuscript to an acquaintance at a publishing house, who a few weeks later sent me a brief letter indicating that the genre and nature of the manuscript made it unpublishable by her firm. I called N___ to inform him of the unwelcome news, but the number he had given me turned out to be disconnected. I then called his wife in Hoboken (he had been married while he was working at the firm) and his parents in the New Jersey suburb where he had grown up. Both indicated that they were unaware of his whereabouts, and stated that the appropriate authorities had been notified. Wishing to respect the family's privacy and to avoid becoming unduly implicated in a delicate situation, I let the matter of N___'s manuscript rest.

So I might well have done forever, but for two circumstances. First, I left the firm when an opportunity arose to teach business law. Driven by the pressure for publications that is to academics what the pressure for billable hours is to lawyers, I used a toned-down version of N___'s descriptions of the firm in a law review article that I wrote a number of

years ago on critical legal thought.² At that time, I attempted to contact N___ to inform him of my plans, but was unsuccessful in my efforts. I hoped that the publication of the article would lead to N___'s getting in touch with me, but it did not. Second, as is well-known to all, the world-wide web has vastly increased opportunities for the publication of works such as N___'s. At last there is a suitable medium for the publication of a manuscript such as N___'s that is too wide-ranging and too personal for the academy and too specialized and idiosyncratic for trade publishers.

In the course of preparing N___'s manuscript for web publication, I made numerous cuts and changes in form, but endeavored to remain true to the spirit of his original. I should note that I have attempted to locate N___ to inform him of my intentions. Although the chances would appear to be slim at this point, I acknowledge a certain hope that through the odd and ethereal medium of the web I will one day at last hear again from N___. Readers with a comment or question on N___'s work or any information about him are invited to contact me at weastman@andromeda.rutgers.edu

2. Wayne Eastman, *Organization Life and Critical Legal Thought*, 19 NYU REV. L & SOC. CHANGE 721 (1992).