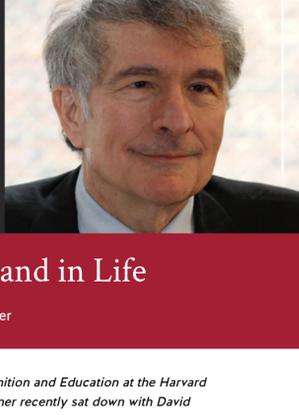


SPEAKER'S CORNER



What Is Good in the Law and in Life

Perspectives from Howard Gardner

Howard Gardner is the John H. and Elisabeth A. Hobbs Professor of Cognition and Education at the Harvard Graduate School of Education and the director of the Good Project. Gardner recently sat down with David B. Wilkins, faculty director of the Center on the Legal Profession, for a one-on-one conversation on professional identity in the professions.

**David B. Wilkins:** Your recent work focuses heavily on conceptions of “the good.” So I’d like to begin with the most basic question that you address in your work: Who is the “good worker,” and what are the profiles of “the good” that you’ve been writing about?

**Howard Gardner:** Let’s start with the good professional—the good worker. At the Good Project, we’ve looked at nine different professions, and we’ve conducted and analyzed close to 1,500 interviews. Over a 10-year period we determined that being a good worker had three components—the Three Es: *Excellence, Engagement, and Ethics*. We produced a visual of the three intertwined Es and somewhat whimsically dubbed it the “Triple Helix” or “ENA.” If you want to be a good worker, you can’t just be excellent, you can’t just be engaged, and you can’t just be ethical. You need to have those intertwined strands of ENA.

Let’s take the law as an example. You could be very well informed and an expert (hence, excellent), but you could be bored or alienated (hence, disengaged). Lawyers report more unhappiness—including depression—than almost any other profession, so clearly many lawyers are not fully engaged. As we well know from the press, lots of lawyers skate on thin ethical ice and test how far they can push limits before falling into a chilly pond! On the other hand, you are also going to have people who are highly ethical but aren’t up-to-date. So the Triple Helix—the achievement of all three Es—is aspirational.

This is exactly where John Bliss’s work (see “[The Professional Identity Formation of Lawyers](#)”) is so illuminating, because you see these strands competing with one another. Nobody would say that corporate lawyers don’t try to achieve excellence, but often engagement is more a role they seek to fill rather than a genuine intrinsic enthusiasm about the work they perform every day. I would add, however, that I don’t think any branch of law has a corner on being ethical or on testing limits.

We would all like the professionals with whom we are involved to be excellent *and* engaged *and* ethical. That’s what we’d like of our doctor, our accountant, the architect of our home. And most of us would like to realize that combination in our own work lives. When you look at the tensions experienced by “drifters” (see “[The Professional Identity Formation of Lawyers](#)”), they prefer to think of themselves in one way—doing God’s work—but feel they’re being pulled in ways that don’t make them happy. That pull risks making them less engaged. They also worry that when they have to look in the “ethical looking glass” or the “moral mirror,” they’re not going to be happy with what they see.

But it’s complicated. You’ve got people who do public interest law who are very unethical. You’ve got people who are doing high-end corporate work and are very ethical. It’s not a necessary correlation or lack of correlation, but it’s probably not random either.

**Wilkins:** How does being a good worker relate to being a good citizen?

**Gardner:** We also became interested in what it meant to be a good citizen and a good person. People are citizens of many entities—from their law firm to the city, state, and country where they live. When you think about it, good citizenship also entails the Three Es of the Triple Helix. A good citizen is somebody who knows the law—Excellent. A good citizen cares. She votes, she marches, she adopts the hashtag that captures her civic values—Engaged. And the good citizen isn’t just out for himself; he tries to do something for broader society—Ethical. It’s not a coincidence but a happy fact that citizenship can be analyzed in terms of the same Three Es as work (even though you could clearly be a good worker and not a very good citizen or vice versa).

Let me introduce another important distinction. If you know and follow the Ten Commandments and you know and follow the Golden Rule, that’s pretty much enough to be a good person. I call this “neighborly morality”—and I have nothing to add to the wisdom of the ages.

In contrast, the roles of good citizens and good workers are recent entries on the agenda of humankind. We haven’t evolved for thousands of years to know what it means to be a good lawyer or a good scientist or a good journalist. Similarly, while everybody belongs to communities, the concept of citizenship is relatively new—the American Revolution, think the French Revolution. And so, with reference to professions and to citizenship, I speak of the “ethics of roles.”

Neighborly morality is how you act with people you know face to face—people who live on the same block or, if you have a small partnership, the people you see in the office every day. You play cards with them and go out and have drinks with them, and you share profits and losses equitably.

The ethics of roles proves far more complex and vexing. Nobody simply knows intuitively how to be a professional lawyer or a professional journalist. And actually nobody knows instinctively how to be a good American citizen or a good global citizen. Those are roles that you have to learn to enact over time—and you never completely master them.

Moreover, the world is constantly changing. What it meant to be an ethical journalist in the Walter Cronkite era isn’t the same in the era of 24/7 news coverage, so being an ethical citizen or an ethical worker entails a constant negotiation.

“ If you know and follow the Ten Commandments and you know and follow the Golden Rule, that’s pretty much enough to be a good person. ”

Short of basic training in the military, the power of the first year of law school is as powerful a treatment as I can imagine. ”

We get exposed to so many people that we often piece role models together based on fragments of different people—a bit of Professor Charles Kingsfield, a bit of Perry Mason, and a bit of Atticus Finch. ”

The more business-like a profession becomes, the more we are likely to encounter the disequilibrium that characterizes drifting. ”

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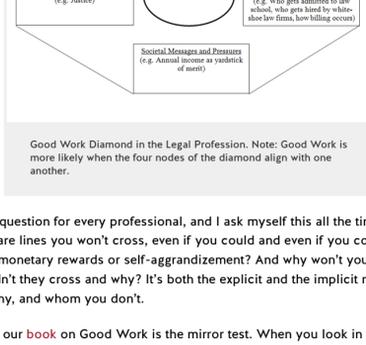
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**Howard Gardner:** We developed a concept called the Good Work Diamond, which consists of four points: the *individual* and his or her values, the values of the *domain*, the pressures from the *field*, and the signals from the wider *society*. It’s much easier to do good work if those four things are aligned. If I’ve got personal values of a certain sort, let’s say honesty and disinterestedness, and the field, namely the people who select who gets to go into desirable positions, is on the same page, then it is easier to get good work done. That is, the more that the four vertices of the diamond are consistent with one another, the easier it is to do good work. But if you have a set of personal values that clash with the longstanding values of the domain or that counter the current intoxications of the field, then it’s hard to do good work.



Good Work Diamond in the Legal Profession. Note: Good Work is more likely when the four nodes of the diamond align with one another.

I think a very important question for every professional, and I ask myself this all the time, is “What won’t it do and why not? What are lines you won’t cross, even if you could and even if you could get away with it and even if it might provide monetary rewards or self-aggrandizement? And why won’t you?” So I’m always asking people what lines wouldn’t they cross and why? It’s both the explicit and the implicit messages of whom you honor and praise and why, and whom you don’t.

The metaphor we use in our *book* on Good Work is the mirror test. When you look in the mirror, what do you see and how do you feel about it? That mirror test needs to be done by individuals *and* it needs to be done by groups—everyone and everything from the American Bar Association to the Federalist Society. Who do we hire and fire? Whom do we honor? When somebody who didn’t have the highest law school grades or didn’t make the law review is retained in a law firm because that person has admirable values, people notice. People also notice when somebody who has immense talent, but cuts every corner, gets dropped. I call these “wake-up calls.”

**Wilkins:** I tell the students in my ethics class that before you take any job, you have to decide your “Johnny Paycheck Moment” when the job isn’t worth what you’re asked to do. What is it going to be? If you don’t decide that in advance, you won’t see it when it happens.

**Gardner:** We all know that the pressures on people are enormous, and that’s why the opportunity to get to know individuals who have withstood those pressures is very important. It’s best if you have them in your own life. But some of the people we admire the most didn’t have them in their own life, but they did have paragons.

Howard Gardner is the John H. and Elisabeth A. Hobbs Professor of Cognition and Education at the Harvard Graduate School of Education. He is also an adjunct professor of psychology at Harvard University and senior director of Harvard’s Project Zero.

David B. Wilkins is the Lester Kissel Professor of Law, vice dean for Global Initiatives on the Legal Profession, and faculty director of the Center on the Legal Profession at Harvard Law School.

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