The Inseparability of Professionalism and Personal Satisfaction,
(or Why the Wrong Values Will Mess Up Your Life)

Lawrence S. Krieger

This paper reproduces a presentation at the Annual Conference of the AALS Section on Legal Education, Vancouver, B.C., May, 17, 2003. It describes a teaching approach which utilizes active learning to address the issues of failing professionalism and flagging career and life satisfaction among lawyers.

I was excited to hear from Minna Kotkin that the planning committee had designated a plenary session to discuss professionalism and career satisfaction. Up to this point, I think that law teachers and leaders in the profession have taken an excessively superficial approach toward improving professionalism, and the choice of this plenary topic suggests that our segment of the academy is seeking a more fundamental understanding which relates the "professionalism problem" to the issues of life and career satisfaction. Indeed, Calvin Pang's introductory remarks have already set that course for us, by suggesting that both professionalism and consistently satisfying work proceed from the coherence between one's deeper self and the sense of purpose which derives from expressing that self in daily practice. I fully agree with Calvin, and today I will describe a teaching approach that remains true to this profoundly personal focus for students, and that also employs scientific research to make the discussion practical and relevant for even skeptical listeners.

The more typical approach to professionalism involves telling law students and lawyers that they should act in certain ways, for generally noble reasons including the high calling of our profession; and that they'd better do so, for more coercive reasons including the potential for bar discipline and the like. Most often, life/career satisfaction is not part of this discussion at all. As I will discuss later, neither of these motives -- the guilt born of an ought nor the fear born of a must -- is likely to be effective in producing the desired result, because actions based on such motivations are themselves unsatisfying. Such motivation certainly will not fulfill the yearning for authenticity and meaning which Calvin quite rightly posits as a relevant basis for teaching professionalism to students.

To create relevant and effective teaching about professionalism, we need to add the recognition, and clear communication to our students, that their life experience will be enhanced on many levels if they model the wise, compassionate lawyer-statesperson generally discussed throughout this conference. This is true for fundamental reasons that relate to human nature itself, and as we proceed I will refer to humanistic theory and empirical research for a concrete understanding of that nature. I will also summarize the results of empirical studies on law students that I have been able to conduct in the past three years; and I will outline for you my teaching approach to these topics -- one that is proving successful beyond my expectations.

Values and Personal Satisfaction as a Perspective for Teaching Professionalism

I want to emphasize that I begin with a strong dose of the truth as a tool with my students. This is something too rarely done at our schools, for reasons I have discussed in detail elsewhere. I tell students the truth about the dismal results of surveys on attorney mental health and career satisfaction, and I tell them

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1 Clinical Professor of Law, Florida State University College of Law
2 Anthony T. Kronman, THE LOST LAWYER (1993) Professor Pang's discussion of the qualities of professionalism share much with the Kronman analysis, as do other definitions of professionalism raised in this conference. We are all going beyond the bare-bones idea of technical competence to embrace the values of law practice as a calling.
the truth about the egregiously low standard of behavior often encountered among attorneys and judges in the real world they are preparing to enter. In case they don’t believe me, I recount stories from my own litigation days, and then I pull out the big guns – journals of their student peers now in clinical litigation programs (and who have given permission to share their observations), describing the manipulative, abusive, egotistical, and often plainly dishonest actions of some members of our profession. Sharing these truths, and particularly those regarding the unhappiness and ill health in the profession, often feels like a bold step, primarily because students are unlikely to encounter this information in their other courses. As you may imagine, students are initially taken aback when they see data summaries showing lawyers to have the highest incidence of depression of any occupation in the United States, or to suffer other forms of emotional distress up to 15 times more frequently than the general population. Nonetheless, the truth is both necessary and helpful, and I encourage you to use it with your students. Experience has shown that you will have their full attention once they are confronted with evidence that their own life satisfaction may soon become (if it is not already) a genuine personal issue.

I transition to the positive side of our topics by focusing on the values and motivations common to most people. This is a particularly helpful focus for related reasons. First, certain common motivators promote professional behavior, while others undermine it. For example, it is no coincidence that there is so much negative attention, from the public as well as from scholars and bar leaders, relating to the perception that values like money, power, and an uncomprising drive to win are displacing values like integrity, decency, and mutuality among many lawyers. The second reason for this focus makes this discussion most relevant to students and lawyers: Those values and motivations that promote or attend professionalism have been empirically shown to correlate with well being and life satisfaction, while those that undermine or discourage professionalism empirically correlate with distress and dissatisfaction.

The distinction between the two sets of values, and their positive or negative correlation with happiness, becomes central to this discussion. Modern psychology classifies human values and motivation as either intrinsic or extrinsic. The former values direct one towards self-understanding, close relationships with others, prosocial/helping outcomes, and community improvement, while the latter embody a more contingent worth, external rewards orientation – toward money, luxuries, influence and appearance. Similarly, one is intrinsically motivated when he chooses an action which he genuinely enjoys or which furthers a fundamental life purpose, while extrinsically motivated choices are directed towards external rewards (i.e. money, grades, honors), avoidance of guilt or fear, or pleasing/impressing others. Empirical research for the past two decades has consistently shown that intrinsic values and motivation, when primary in a person’s value system, produce satisfaction and well-being, whereas when extrinsic values and motivation are primary they produce angst and distress. The final important connection here is that the intrinsic values and motivations by their very nature are likely to produce professional behavior, while the extrinsic values are precisely those which are often associated with the loss of lawyer professionalism. For example, an attorney

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5 Connie J. A. Beck et al., Lawyer Distress: Alcohol Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers, 10 J. L. & HEALTH 1, 2 (1995)
6 The data that I use is summarized in the appendices, in a form that readers may find usable for overhead projections. Please use the material if you find it appropriate; please also advise me, for my information only, if you intend to do so.
who strongly values community betterment and who seeks to improve her relatedness with others will create a much more positive effect in her practice of law than one who is “in it for the money” or who has a primary need to impress others with her case outcomes, appearance, or acquisitions.9

Once these realities and relationships are understood, we recognize professionalism and life/career satisfaction to be essentially inseparable, as inevitable companions within the structure of human nature itself.10 This conclusion is further supported by pointing out that professional behavior produces satisfaction because it fulfills important human needs. Real professionalism engenders a sense of competence, self-respect, and respect for and from others, as well as imbuing one's work with meaning and providing that sense of authenticity (integrity) that we have raised earlier.11 In humanistic terms, professional behavior expresses psychological maturity (actualization) and fulfillment of higher personal needs, and thus predicts greatly enhanced enjoyment of life and work.12 The converse is also true. Lawyers who are greedy, abusive, dishonest, overzealous, or who otherwise fail to integrate conscience, good judgment and community-mindedness in their practices, will not long feel good about themselves, nor will they be respected by their clients or their professional community. Selfish, superficial goals and values strip work of its potential for meaning, leaving an emptiness that can breed a compulsion for more work (and money) or other addictive traits.

I take one further step to bring these points home to my students and to lawyers in CLE programs. I use a practical exercise which appears to help participants identify their deepest values and goals (although I do not divulge this purpose before doing the exercise, to avoid biasing the results). I ask participants to imagine they are away from their current environment, perhaps traveling in a pleasant place, and I ask them to imagine visiting a small, quiet gathering which then turns out to be a preview of their funeral.13 I then ask them to briefly write down the eulogies about themselves that, if they could attend their own funeral, they would like to hear from their life partner or best friend, from a respected lawyer or judge that has known them in practice, and perhaps from a child and/or a member of another community they valued during their life (church, neighborhood, service club, etc.).

The results of this exercise are illuminating, because they invariably show students and lawyers the kinds of things that matter to them in the deepest way. It turns out that the qualities and values typically expressed in these eulogies are the most traditional human values and virtues: patience, decency, humility, courage, caring, integrity, willingness to work hard for worthwhile goals, helpfulness to others (family, friends, clients or community), and so forth. No one thus far in my experience has drafted a eulogy about a luxurious home, high grade point average or exceptionally lucrative law practice. And so participants

9 Abraham Maslow observed that psychologically actualized people (who, in his schema are pursuing needs which would now correlate with intrinsic goals and motivation, are "the most ethical of people". Maslow, infra, note 12, at 168. Given time, it is useful to analyze in some detail the relationships between values, behaviors, satisfaction, and professionalism. This could form the basis of a worthwhile discussion, assignment, or collaborative exercise for a clinic meeting or professional responsibility class.

10 In addition to being much happier than others, self-actualizing people are much less dependent on contingent rewards, esteem of others, and other factors outside themselves. See supra, notes 7-9 and accompanying text. Clinic is an ideal educational setting for students to observe various lawyers and judges, to see if they can discern the relationships between values, motivation, and life satisfaction in practice.


12 Maslow observed that people at lesser stages of maturity pursue "deficiency" or lower needs, such as security and belonging, and experience at best only moments of episodic relief. In contrast, those pursuing higher needs such as personal growth, self-expression, and service to others tend to experience consistent life satisfaction. A. Maslow, MOTIVATION AND PERSONALITY, 51-57 (2d ed., 1970) Recent research on the correlations between well-being and intrinsic/extrinsic values and motivation broadly confirms these observations. See supra., text accompanying notes 7-9.

13 This exercise is adapted from Steven R. Covey, THE SEVEN HABITS OF HIGHLY EFFECTIVE PEOPLE, 96-97 (1989)
discover, just as theory and research predict, that their personal sense of genuine success expresses intrinsic rather than extrinsic goals and values. I recommend regular reference to these eulogies to maintain a healthy perspective on the natural drive for competitive excellence and the rewards that may accompany it. (It is important to emphasize that extrinsic goals -- money, high grades, prestige -- are fully compatible with a healthy, happy life, so long as they do not predominate over intrinsic values, i.e. so long as they are not one's primary purposes for undertaking action.) I also point out that these intrinsic goals and values are noncompetitive by nature -- qualities like wisdom, kindness, patience, caring, strong dedication and effort are all unlimited, so the otherwise constant pressure and stress to compete for success is mitigated. Participants can see that their core desires are attainable regardless of how well they compete in law school and later practice, so long as they maintain focus on the deeper purposes they have just identified. As a final point, the consistently intrinsic nature of these eulogies continues to reinforce the very classification of the values they express -- these values do appear to be part of the nature to which people aspire as we mature. Hence when we favor them we are true to our selves and experience well-being and meaning, and when we ignore them we act outside our nature and begin to suffer.

On the practical level, every life in the active world must express some blending of intrinsic and extrinsic goals, values, and motivation. But individual choice plays a huge role here – each decision about attitude and behavior tilts the balance toward or away from one's deeper nature, and hence toward or away from ideal (i.e. professional) and fulfilling actions. Based on the content of human nature, the message for any professional in training is the same as for any other developing person: If you focus your life on gaining wealth, popularity, prestige, or influence, you are making a mistake (assuming you want to feel satisfied with your life). If you focus your life on growth, integrity, compassion and respectfulness on the levels of your self (which includes honoring your values and heeding your conscience), your personal and professional relationships, and your community interactions -- your life will feel meaningful and satisfying. You will avoid the frustration, isolation, emptiness, compulsions and addictions common to many in our society and our profession. And as a side benefit, you will also undoubtedly grow in comforts beyond your needs, because your right choices will create positive outcomes and good will.

A Final Note: Recent Research on Law Student Values and Well-Being

I promised at the outset to outline the results of research that I have conducted on law students. I have saved that for last, both to provide necessary context for the data on values and motivation, and because the grim results may most effectively encourage you to teach students about the role of intrinsic values in the quest for professionalism and personal satisfaction.

Professor Ken Sheldon and I studied two very diverse law schools from orientation to the end of the first year; we also followed one of the classes through their entire three years of law study. The principal results were:

- In both schools, incoming students were happier, more well-adjusted, and more idealistic/intrinsically oriented than a comparison undergraduate sample, refuting the idea that problems in law schools and the profession may result from self-selection by people with skewed values or who are already unhappy.

14 Recent research is beginning to confirm the humanistic observation that the natural growth process includes progression from "lower" external, contingent needs to internal, autonomous "higher" needs. See note 12, and Kennon M. Sheldon, et.al., In search of the organismic valuing process: The human tendency to move towards beneficial goal choices, J.PERSONALITY (forthcoming, Winter, 2004)

15 Department of Psychology, University of Missouri-Columbia

16 The results are described in detail in Kennon M. Sheldon and Lawrence S. Krieger, Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being (submitted for publication, manuscript on file with the author).
Well-being and life satisfaction fell very significantly during the first year. Perhaps more troubling, the generally intrinsic values and motivations of the students shifted significantly toward more extrinsic orientations. In the sample followed for the final two years of law school, these measures did not rebound. Instead, students experienced a further, broader dulling of their values beginning in the second year.

The findings that students became depressed and unhappy in the first year and remained so throughout law school are consistent with previous studies. Our investigation of values and motivation was the first such study of which I am aware. The data provides empirical support for the concern that I and others have expressed, that the competitive, contingent-worth orientation of law schools has precisely the opposite impact on students from that which we would hope to have – it appears to push students towards values and motives likely to produce both unhappiness and unprofessional behavior in the future. Our data indicate that, despite any efforts at these schools to teach professionalism in the classroom, orientations, workshops, or other typical formats, the overall law school experience is likely to have an undermining effect on professionalism and career/life satisfaction. All indications are that when students graduate and enter the profession they are significantly different people from those who arrived to begin law school: They are more depressed, less service-oriented, and more inclined toward undesirable, superficial goals and values.


18 L.Krieger, What We're Not Telling Law Students, supra note 11, at 9-17, 23-26

19 For example, the director of the Institute for Law School Teaching observes:

"In what now seems like another life, I taught second grade. Most of my second graders walked in the first day with new shoes, fresh crayons, and little backpacks. They were excited about school and eager to learn. . . . My number one goal was for them to leave second grade with those same feelings and expectations. . . . I was able to achieve my primary goal with most of my students.

I now teach law school. My first-year students enter with new books, the latest computers, and big backpacks. Many of them have the same excitement and expectations as my second graders. When I allow myself to think about this, I conclude that my number one goal in my law school classes ought to be the same as for my second graders. But I don’t think about this very often because I have failed so miserably at achieving this goal with law students. The law school experience systematically beats those feelings and expectations out of many of them."  Gerald F. Hess, Heads and Hearts: The Teaching and Learning Environment in Law School, 52 J. LEGAL EDUC. 75, 75 (2002).

Thirty-five years earlier, the dean of the Harvard Law School expressed similar sentiments:

"For some years now I have been concerned about the effect of our legal education on the idealism of our students. I have great faith in our students. They are surely as good, as earnest, as sincere, as their predecessors who have come through the years. They bring to this school a large measure of idealism. Do they leave with less? And if they do, is that something we can view with indifference? If they do, what is the cause? What do we do to them that makes them turn another way?" Ervin N. Griswold, Intellect and Spirit, 81 HARV. L. REV. 292, 300 (1967).

When asked, most of my colleagues readily admit to observing the dispiriting effect of law school on students, virtually from their arrival on campus.

20 This movement toward extrinsic values and motivation is also contrary to the natural, beneficial direction of maturation and actualization. See Kennon M. Sheldon et al., In search of the organismic valuing process: The human tendency to move towards beneficial goal choices, J. PERSONALITY (forthcoming, Winter, 2004)

21 Preliminary analysis did indicate a brighter side to the three-year study, in that students who had live-client clinical experience and explicit training in the relationships between professional attitudes (i.e. service orientation) and well-being showed improved well-being and more intrinsic career choices than the remainder of their class. These apparent effects require further analysis and confirmation; I hope they will form the subject of a forthcoming paper.
There is a bottom-line message for law students and lawyers in all of this: If you have the wrong values, your life will not feel good regardless of how good it looks. And there is a bottom-line message for law teachers as well: We need to do everything possible so that the law school experience preserves and strengthens, rather than dampens, the enthusiasm and idealism of our newly-admitted students. Because intrinsic pursuits are crucial to both professionalism and career/life satisfaction, we need to model and encourage them persistently if we intend to produce happy, thriving, professional lawyers. When we clearly explain to students that, within their own nature the capacity for great fulfillment coexists with the choice to embody the traits and values traditionally associated with professionalism, they are more likely to follow that fortunate path. It is my hope that the work presented here will encourage and assist you in developing your own teaching approach towards these ends.22

APPENDIX

This appendix contains key graphics which summarize my teaching approach to law students and lawyers. Below I briefly describe the content and relevance of each item. Teachers are welcome to reproduce and use (or adapt) this material as you find helpful. Please advise me if you do so, for my information only.

The first graphic is a definition of professionalism which has served well for many years with such groups. It may be used at the beginning of a class or presentation, for background, and then later to have students/participants integrate these qualities with the information on needs and values presented in the subsequent graphics. (For example, to what extent are those human needs, or the intrinsic values/motivations, embodied by these professional qualities? To what extent are the values identified in your eulogy expressed by professional behavior?)

The second graphic shows the very high levels of emotional distress among practicing lawyers. This was a very large study by a team of clinical psychologists. Note that the expected level of clinical distress for each measure is 2.3% of the population, whereas up to 36% of the lawyers are indicating that level of dysfunction. We cannot expect the professional qualities in the

22 There are both a web site and a list serve discussion devoted to this purpose. Information may be found at http://www.law.fsu.edu/academic_programs/humanizing_lawschool.php
previous graphic when people feel this way; attention is necessary. Side notes: (1) the Brief Symptom Inventory used here is a preliminary screening inventory; these results do not represent final diagnoses by practicing psychologists. (2) Interpersonal Sensitivity is the need to compare favorably with other people, and is an indication of insecurity or low self-esteem. The very high level of distress on this scale may relate directly to the emphasis on appearances and comparative worth (relative salaries, class standing, grade point average, etc.) in law schools and the profession.

The third graphic shows the very high levels of clinical depression (Beck Depression Inventory) reported by law students throughout their three years of law school and beyond. They entered law school with statistically normal levels of depression but never recover, as a group, to that level. It is important to remind listeners that these are group data, and do not mean that each of them is experiencing these phenomena. The data show trends only (i.e. don't get depressed over this information, but pay attention! The following information will provide a guide to avoid these problems.)

The fourth graphic shows the results in our (Sheldon-Krieger) study at the end of the first year of law school. These students entered law school with stronger well-being, intrinsic values and motivation than a comparison undergraduate group, but showed very marked, negative changes in well-being, life satisfaction, values and motivation. These changes are consistent with, and may be seen to predict, the problems of distress, dissatisfaction, and lack of professional values observed in lawyers.

The fifth graphic summarizes the human needs, values, and motivation styles, and can be given to students or lawyers as a checklist for guidance in building and maintaining a balanced, satisfying life experience. The extrinsic (maladaptive) values which are common to law school and law firm cultures, and which produce distress and dissatisfaction, are listed at the bottom of the page for contrast. If the 'eulogies' exercise is used in your presentation (see text), it complements this information on healthy values, needs and motivation well: the eulogies almost invariably reflect these needs and values. (Graphics follow.)
THE PROFESSIONAL

♦ BROAD VISION, GOOD JUDGEMENT (WISE)

♦ COMMITTED TO VALUES

♦ GREAT INTEGRITY (INDIVIDUAL)
  ♦ SELF SECURE, UNSELFISH

♦ DEEP REGARD FOR HUMANITY

♦ RESPECTFUL (SELF AND OTHERS)

♦ COMPASSIONATE

♦ SERVICE-ORIENTED

♦ TECHNICAL COMPETENCY
# Lawyer Distress


<table>
<thead>
<tr>
<th>Subscale</th>
<th>Lawyers Above 98th Percentile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obsessive-Compulsive</td>
<td>19.0%</td>
</tr>
<tr>
<td>Interpersonal Sensitive</td>
<td>35.3%</td>
</tr>
<tr>
<td>Depression</td>
<td>23.4%</td>
</tr>
<tr>
<td>Anxiety</td>
<td>30.4%</td>
</tr>
<tr>
<td>Phobic Anxiety</td>
<td>10.3%</td>
</tr>
<tr>
<td>Paranoid Ideation</td>
<td>12.5%</td>
</tr>
<tr>
<td>Social Alienation and Isolation</td>
<td>26.6%</td>
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</table>

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Current Alcohol Abuse                          20.0%
Projected Alcohol Abuse                        68.0%
DEPRESSION
Among Law Students
(Benjamin et. al., 1986 Am. Bar Found. Research, 225)
**TIME 2: CHANGES IN LAW STUDENT WELL-BEING, VALUES, AND MOTIVATION FROM AUGUST 2000 TO MARCH 2001**

*(Sheldon and Krieger)*

<table>
<thead>
<tr>
<th>Variables</th>
<th>August</th>
<th>March</th>
<th>p value (change)</th>
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<tr>
<td><strong>Well-Being</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Aggregate Well-being&lt;&lt;&lt;</td>
<td>4.85</td>
<td>3.88</td>
<td>&lt; .001*</td>
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<tr>
<td>Positive Affect</td>
<td>3.79</td>
<td>3.29</td>
<td>.001*</td>
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<td>Negative Affect</td>
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<td>3.53</td>
<td>3.25</td>
<td>.001*</td>
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<td>Symptoms</td>
<td>1.95</td>
<td>2.21</td>
<td>.001*</td>
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<tr>
<td>Beck Depression</td>
<td>6.12</td>
<td>7.94</td>
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<tr>
<td><strong>Values</strong></td>
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<tr>
<td>Relative Intrinsic Value&lt;&lt;&lt;</td>
<td>5.14</td>
<td>4.75</td>
<td>.004*</td>
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<td><strong>Orientation</strong></td>
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<td>Appealing Appearance (E)</td>
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<td>2.47</td>
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<td>2.31</td>
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<td>Community Contribution (I)</td>
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<td>3.74</td>
<td>.007*</td>
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<td>4.44</td>
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<td>Emotional Intimacy (I)</td>
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<td>4.64</td>
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<td>Relative Self-Determination &lt;&gt;</td>
<td>4.27</td>
<td>3.65</td>
<td>.001*</td>
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<td>External Motivation (E)</td>
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<td>1.76</td>
<td>.001*</td>
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<td>Introjected Motivation (E)</td>
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<td>2.34</td>
<td>.640</td>
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<td>Identified Motivation (I)</td>
<td>4.29</td>
<td>4.17</td>
<td>.120(*)</td>
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<tr>
<td>Intrinsic Motivation (I)</td>
<td>3.93</td>
<td>3.57</td>
<td>.001*</td>
</tr>
</tbody>
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* denotes statistically significant, or (*) marginally significant results. Significance tests compare the differences between the undergraduate sample and the law sample, and the nursing sample and the law sample.
Supporting Well Being and Professionalism:
Adaptive Needs, Values, and Motivation

1) HUMAN NEEDS (experiences produce sense of well-being, thriving):

--**Self-Esteem** (sense of self-respect, having positive qualities, satisfaction with one's self)
--**Relatedness** (feel well-connected to others generally, closeness, intimacy with important others)
--**Authenticity** (choices based on true values/interests, express one's true self)
--**Autonomy** (ability to make choices one prefers, to do things as one wants)
--**Competence** (feel very capable, mastering hard challenges, successful at difficult tasks)
--**Security** (feel safe from threat/uncertainty, have comfortable routines/habits, life predictable)

2) ADAPTIVE MOTIVATION, VALUES, AND GOALS
   (produce sense of well-being, meaning, satisfaction)

--**Internal Motivation** -- (taking action which is satisfying or enjoyable in itself, or which supports an important personal value/goal)
   --**Intrinsic Values/Goals** -- (toward self-acceptance and development, helping others, intimacy, community)

**CONTRAST:**
--**Extrinsic goals, values and motivation**
   (produce tension, irritation, dissatisfaction)
   - money/luxury
   - popularity/influence
   - grades and other competitive/external outcomes