

## *Balancing or juggling our private and public lives?*

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Looking back over the fifteen years since I finished studying law, the first thirteen of which were spent as an academic lawyer, I'm struck by the effect that my personal life has had upon my work life. Naturally it came as no surprise to me that having children would impact upon my career but, until I did so, I didn't fully appreciate the effect upon my working life of the absence of a partner and children for the greater part of it.

During those years I took it for granted that work was the driving force in my life and that I could devote myself to it single-mindedly. Now I realise how important those years of solitary toil were in opening the door to my current situation, in which I enjoy high quality and well-paid part-time work as well as significant amounts of time with my family.

But the irony of the situation has not escaped me. It's as if my reward for years of thinking of no-one but myself, and particularly for not thinking of children, has been the contradictory one of being able to have children in the relatively privileged situation whereby I can strike a happy balance between paid work and family responsibilities.

Because I devoted myself to my academic career for a lengthy and uninterrupted period of years, I proceeded quite rapidly up the university career ladder to a position attained by too few New Zealand women legal academics. Statistics gathered a few years ago<sup>1</sup> reveal that our law faculties are still staffed to a very large extent by men. As well, women tend to be concentrated in the lower echelons of the university career structure as tutors and lecturers rather than finding their way to the ranks of Senior Lecturer, Associate Professor/Reader and Professor.

During my nearly seven years on Victoria University's Law Faculty (1984-1990) and out of a permanent staff of about 25 (ie staff with lectureships or higher positions), for five years there were either two or three women, for one year I was "it", and only during my last year did our numbers swell to the grand total of four. Further, from mid-1985 until I left in 1990 I was, as a Senior Lecturer, the most highly ranked woman faculty member and for two years after I left, there were no women above the rank of Lecturer in the law faculty.

Although I became more and more disillusioned with such things as time went on, I thoroughly enjoyed many things about my nearly 13 years in academic life. (I'd lectured for six years at Sydney University before returning to New Zealand.) For me, the "people content" of the job, provided by the contact with a reasonably diverse student body, was its most compelling aspect. Teaching large classes throughout my career, I

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<sup>1</sup> For example, see AB Smith "Women in University Teaching" (1992) 8 (2) Women's Studies J 101, 107.

was partly responsible for, and directly answerable to, between 300 and 500 students each year and, apart from the drudgery involved in marking such huge numbers of essays and exam papers, I loved the challenge of making the legal education of an intelligent and critical "audience" interesting and relevant. (I'd be the first to admit that I didn't always meet that challenge!) Towards the end, however, I began looking in the *Situations Vacant* columns for inspiration as to new career options.

The reasons for the ending of my honeymoon with law teaching may strike a chord with lawyers in different types of work. A large part of my eventual dissatisfaction arose from the fact that subjects I was assigned to teach early in my career and which I took on willingly and with enthusiasm for several years thereafter, proved impossible to "trade in" later for subjects of greater interest to me. It wasn't so much the repetitiveness of teaching those subjects that got to me. Rather, it was the fact that they were very labour-intensive, largely for being high enrolment subjects with hefty essay and exam marking burdens, so that my continued involvement in them precluded me from taking on the teaching of significant "chunks" of new subjects. Also, the subjects I became "trapped" in did not lend themselves to research and its corollary, publication - which is a prerequisite for promotion in the university system.

With more foresight, wisdom and bargaining power early in my teaching career, or with plain good luck, I may have avoided those pitfalls. As it was, however, in my latter years of law teaching I strove to branch out from the subjects I couldn't divest myself of by picking up bits and pieces of others on offer at the time. In some cases, the teaching areas I picked up were available only because they too weren't popular amongst my colleagues. In other cases, I picked up parts of popular courses but on a one-off basis only, while the regular teachers were on study leave. As a result, for the last few years of my teaching life I taught in no fewer than four and sometimes in five unrelated subject areas, a situation which is not conducive to expertise in any one of them.

For all of that, I poured an enormous amount of time into class preparation, whether I was teaching a course for the first and only or for the sixth time, something which I believe women academics generally tend to do to a greater extent than men. In my case, I devoted as much time as I did to the teaching component of the job out of mixed motives: a firm belief that students deserved the best I could give them; pride in doing that very public side of my job well; determination that, as a woman and a comparative rarity, I would prove that I could do my job at least as well as my colleagues; and lack of confidence in my ability to "wing it" to any extent in front of a class. Of course, so much time spent on teaching left little for research and I came to realise that, unless I tipped the balance back quite a bit, my prospects of making it to the top in academe would be slim. Being ambitious, that factor itself contributed to my growing disillusionment.

In my last three years' teaching I did manage to find a niche that I truly wanted and enjoyed - teaching part of the Jurisprudence course. However, in the circumstances, I felt that I had too little time to devote it, and especially to the burgeoning feminist literature in the area which had captivated my interest (and that of my students) and, for the first time in my career, opened up research possibilities that I was genuinely keen to pursue.

Other factors which contributed to my declining enjoyment of legal academic life seemed to be more directly attributable to the fact that I was female in an overwhelmingly male environment. I'd always had an "open door" policy and spent countless office hours providing academic assistance or informal counselling to the many students who knew me, but becoming Faculty Advisor to Women Students (by default at the start as there was no other woman on the staff that year) inevitably increased that sort of contact and demands upon my time. Being appointed as a member and then Convenor of the university's Committee on Sexual Harassment was, over four years, another time consuming, and fairly depressing, task. As well, the fact that I was female and quite senior in the law faculty seemed to contribute to my election to executive positions on the university teachers' trade union, university committees, the women's staff association and "outside" women's organisations.

While I freely undertook most of those duties, believing in their value and in the value of a woman doing them, their cumulative effect upon me, including the workload they entailed, was to underline the negative aspects of being female in my particular line of work. The old saying about it taking one "last straw" to break the camel's back contains a lot more truth than I'd ever realised. Each of us can no doubt take a greater or fewer number of "knocks" before we say "I've had it " and, at least in my early years of teaching law, when I was impressed by my own position, the comparatively enlightened atmosphere of universities and, moreso than today, the world at large, I was inclined to explain away any "bad moments" that seemed to be tied up with gender to specific causes such as the possibility that a situation had been misinterpreted, or that a particular individual had a hang-up about women. I'd never heard of institutionalised sexism and would have dismissed the idea as paranoid.

But as I carried on and became more involved in the politics of my workplace, and aware of more instances of "rum behaviour" towards women, my spirits went into a decline that became more rapid as the evidence accumulated. Eventually I just reached a point where the negative aspects of the job outweighed the positive. Especially during my last two years at university, I felt increasingly isolated from my male colleagues in the law faculty, insufficiently energetic or convincing to support my female colleagues and, worst of all for me, I began to feel a fraud in front of my students merely by participating in what I regarded as a flawed educational process.

As it transpired, I didn't need to track down alternative employment because, in late 1987, I was asked to chair the Ministerial Committee of Inquiry into Pornography, a position which, together with half-time university work, kept me busier than usual during 1988. Inevitably, in retrospect, my work on the Inquiry speeded up my disillusionment with university life, not so much for giving me a taste of a preferable work environment but by giving me an overdose of sexist imagery and far, far worse examples of man's inhumanity to "man", especially to women and children. On a personal note, that year would have taken a far greater toll on my faith in humanity had it not been for the fact that I had recently met and begun living with the man I later married. His emotional support saw me through some truly horrendous experiences that, had I been returning home alone each night to relive, would have come very close to breaking me.

Having not had time during 1988 to properly weigh up alternative work prospects, I returned to full-time academic life in 1989 and was immediately asked to accept appointments to the Waitangi Tribunal and the newly created Broadcasting Standards Authority. I accepted on condition that I could continue with my university work not, as will be apparent, from any great, enduring love of the job but for economic reasons: the two appointments involved only part-time work and I had no idea whether I'd be able to live off their proceeds.

That was a busy year, too, and I was pregnant for most of it. So I welcomed the chance to take a year's parental leave from university in December 1989 to assess my terrifyingly different "new life" as a mother and part-time paid worker. After a few weeks of amazement at the havoc a baby wreaks in the routines of two previously selfish adult lives, I settled into my new roles and found them so rewarding, and so time consuming, that I resigned from university several months before my parental leave expired.

The only significant change in my circumstances since then came with the birth of our second child late in 1991. (This is not the place to elaborate on the fact that he was born in the car about 100 metres from Wellington hospital's delivery suite). And it was a very significant change. Having one child had been a breeze - once I'd adjusted to losing control of my daily timetable and to fitting in my paid work around her increasingly predictable needs. But, almost from conception, number two promised to be less biddable. To name just a few of the horrors we've survived in his honour, there's morning sickness, infant "colic" lasting for more than eight months, broken nights' sleep for virtually every night of the first 15 months of his life and numerous hospital visits to keep track of a heart defect he has.

To return to my main theme, however; for all that I was losing heart with university life by the time I was supplied with new and appealing work opportunities, it is definitely the case that my position within the legal academic fraternity (and I use the word advisedly) was the major reason for those opportunities presenting themselves. It seems to be the case that when governments need people with specialised legal skills to appoint to institutions of their creation, university law faculties are regarded as very likely places from which to recruit suitable candidates. When, in addition, being female is regarded as an essential or desirable qualification for appointment, women academic lawyers in the position I was in five years ago are very well placed for selection.

In my own case, I know that a woman lawyer was sought to chair the Committee of Inquiry into Pornography and that it was by design that three women were amongst the original appointees to the four member Broadcasting Standards Authority. While I'm unaware of any government policy about the membership of women on the Waitangi Tribunal, it does seem more than coincidental that of the six members appointed in 1989, five were women and that with our appointment women came to comprise half of the Tribunal's permanent part-time membership.

My present work for the Tribunal and the Standards Authority is not only extremely interesting but takes place in contexts amenable to, and very supportive of, my responsibilities to my two young children. Certainly, a large part of the satisfactoriness

of the blend of paid work and parenting that I have attained is due to the fact that my work is part-time and that during the early months of each child's life I wasn't called upon to do unmanageable amounts of paid work. While the Authority work is fairly constant, usually involving two meeting days and three preparation days each month, the variability of Tribunal work (which can be a bit of a nuisance for budgeting and childcare purposes) has worked in perfectly with my changing work abilities over the last few years. At times, I've been able to be involved with only one Tribunal claim; at other times, as now, I can be involved with three or more claims at once.

In addition, colleagues and staff at the Tribunal and Authority have given me a tremendous amount of support for, and practical help with, my parental duties. For example, for the first five months of each of Lani's and Jack's lives, I took them to every full day work meeting I attended and, until very recently, have always taken both children with me for the week-long Tribunal hearings out of Wellington. Encouraged by those experiences, I have at times undertaken other paid work which, because of breastfed dependency, has necessitated a baby's presence in less familiar office situations. And while I have plenty of anecdotes to tell about those times, none reflects badly on the reception I've had as I've turned up to work with briefcase, pram, blankets, a bag of nappies, spare clothes and various potions - and a baby - in tow.

I've certainly been lucky that my children have responded extremely well to their early introductions to paid work environments; even colicky Jack behaved well on meeting days because I was able and willing to do his favourite thing - hold him for hours on end - to keep him quiet. But, as I said at the outset, it strikes me as ironic that the path I trod in academe, and by which I arrived at my current employment situation with its high tolerance of my parental role, was paved with an exceptional degree of self-centredness.

From the experiences of most of my women friends and acquaintances, it is plain that those of us who choose or who happen to lead more self-centred lives than others do attain greater success earlier in our careers. It does not take much wisdom to divine that the employment arena is, by and large, geared to reward those who put in long hours for years on end and that such a system is not compatible with a high degree of employee commitment to other causes. And so I'm confident that in the arena of legal employment, where significant numbers of women do not make it to, or perhaps even near to, the top, very few who have made it there have done so in the company of partners and children.

I'm certainly not one to espouse that having children is an essential part of a woman's experience of the world but it is a momentous experience which has, in my case, lowered the priority that I accord paid work and made me more efficient in it. It has required me to participate in a wider range of societal institutions (eg educational, health and recreational) and made me far more vulnerable to a wider range of social problems (eg child abuse and sexism affecting my children). In short, it has altered my world view and that in turn has influenced my paid work in ways which I believe are beneficial. For example, conclusions I've reached in Broadcasting Standards' decisions have, on occasion, been influenced by the fact that I have a direct concern these days with the influence of the media upon children, a concern which has arisen from being a parent

and, as a result, being more aware than ever before of young children's learning and behavioural patterns.

In other areas of my broadcasting work, and in my Waitangi Tribunal work, the influence of my having children has been more subtle. Overall, I'd say that having children has "brought me down to earth", making me less self-centred and more a part of the community. Partly, that change has been wrought because of the very fact that I can now empathise with parents - and children - in a range of situations which just would not have held much interest for me a few years ago. Partly it's due to such small things as the fact that, in a number of situations these days, I'm "Lani's and Jack's Mum" - and any other aspect to my identity is totally irrelevant. But the end result is that the sheer responsibility and delight of having children seems to have brought a new stability and perspective into my life such that I feel more "connected" to other people and the problems we all face as members of society. All those changes in my attitude must, I believe, influence my paid work and since they're not unworthy influences, I trust they're having a positive effect.

Incidentally, it intrigues me to ponder whether, had I been a parent in 1988 when I was chairing the Inquiry into Pornography, I might have reached any different conclusions. The situation is entirely hypothetical for, had I been a parent that year, I'd not have had time to do the job! But pursuing the hypothesis anyway, since our recommendations were very protective of children, I doubt that my conclusions in that area would have been affected. (One would need to be inhuman rather than childless to fail to comprehend the abuses of children that occur in and in connection with pornography). I'm confident, however, that, had I been a parent or in some other way closely involved with children at the time, I'd have found it even more difficult than I did to cope with the child pornography I saw that year. As far as the other obvious area in which I may have been differently affected is concerned - my reactions to the myriad images of callously performed adult heterosexual sex - I simply cannot guess whether the experiences of conception, pregnancy, birth and parenting might have served to distance me more from those images' gaudiness and lack of humanity or, instead, to increase my "anger" at such grossly limited portrayals of sexuality. I'll never know. There is nothing that could persuade me to repeat the experiences of that Inquiry.

The old saying "biology is destiny" was coined, I have always assumed, to mean that women's nature and capacity to bear children would ensure our destiny lay in full-time care for others rather than in the paid workforce. These days it seems to me that while we are capable of modifying the effects of biology and can (although in my experience of irregular part-time work, none too easily) employ others to help fulfil our responsibilities as caregivers, there is still an awful lot of truth in that saying.

I regard it as a very fortunate coincidence that I was ready to move on from my previous job when my track record there and my personal life combined to provide me with the particular mixture of satisfying paid work and parenting that I now enjoy. But I'm confident that many women lawyers who might aspire to achieve a similar blend of commitments would not find it easy to achieve. For instance, women partners in law firms often seem to face obstacles to their continuing as partners if they want to take time out, or work reduced hours for a while, in order to be with the children they'd like

to have. When the price of a family is not merely a reduced quantity of work but a drop in work status or a reduced quality in the work allocated then, for those women who pay it, my interpretation of the saying "biology is destiny" still holds truth.

I'm not holding my own situation out as being ideal. It's great for the present but it is in the nature of the positions I hold that I may be replaced at the expiry of my terms of office - and both of them run out shortly. Should that happen, or even should I not be re-appointed to one of those bodies, my immediate career prospects will be very uncertain. And I often ponder what I'll do with the remaining 25 years or so of my working life, granted that I can foresee my return to the full-time or, preferably, nearly full-time, workforce in the not too distant future, when the fact that I now have a family to consider limits the options which I might otherwise pursue. For example, I just couldn't sustain 60 hour weeks or a significant amount of travel in connection with my job, together with a family life of the type that I'm positive it's not unreasonable to want.

I'm sure we can all imagine possible steps forward from the situations I've identified and I'm old enough now to believe that the changes in attitudes and work practices that are needed to truly accommodate women in the paid workforce will occur in steps rather than with a purging rush. Some of my own suggestions for changes which would make parental life and paid work easier to blend include:

- employers' acceptance of job sharing - not just of "minor" positions but "influential" ones. (I believe many of the difficulties women face in merging paid work and family commitments stem from a lack of recognition of our career aspirations. The prospect of women "backtracking" in their careers, in order to accommodate children, is not merely demoralising but wasteful of experience and ability);

- welfare and tax reform to allow at-home childcare to be provided under conditions such that there is a realistic chance that the law won't be broken by the arrangement. (Presently it's very difficult to find a suitable person able to mind children in your own or their home who is prepared to do it "above board". Often this is because available candidates, or their partners, are beneficiaries and so can earn only a certain amount per week (\$60 or so) before their benefit reduces. The paperwork involved on their part in accounting for their earnings, especially if their earnings vary week by week, is a further disincentive to compliance with the law);

- tax reform to allow childcare costs to be deducted, at least from the income of lower earners;

- the provision of childcare in workplaces;

- employers' acceptance of employees doing part of their work from home each week, and enabling that by the provision of office equipment at home. (This aspect of my part-time paid work has been invaluable to me);

- employers' institution of shorter working weeks for those who choose them; and

- employers' recognition of parental skills and responsibilities as important and relevant to an employee's or potential employee's past or present experience.

The original version of this paper ended here by asking the question: what are the most effective strategies for ensuring the implementation of such changes? I made no attempt to give an answer because the paper was written for a session on women in law at the recent New Zealand Law Society conference and I hoped the question would provoke discussion. As it happened, after the six panellists at the session each spoke to their papers, there was little time left for discussion. But a women's forum later the same day focused on the particular difficulties faced by women lawyers with children.

One of the things to emerge at the forum is that it is not uncommon for women practitioners to leave "mainstream" employment and set up in sole practice or join a firm comprising only women in order to pursue their careers in conjunction with family responsibilities. While effective for the women involved, those sorts of coping mechanisms do not provide a head-on challenge to the conditions in the law offices which they departed. Certainly, those offices lost the women's services and undoubtedly felt the loss - for a time. But as long as there are competent lawyers to act as replacements and who largely fit the typical mould by being male or, if female, childless, the loss to mainstream firms of women who want different work conditions cannot, I fear, be expected to startle them into reforming their own workplaces.

Indeed, I believe that as long as women opt out of mainstream firms, for whatever reasons, while our numbers as a percentage of the total number of practising lawyers are small, women practitioners become further marginalised. That effect is only reinforced by the fact that "megafirms" and larger established firms typically attract the biggest clients and, as a result, claim the lion's share of whatever kudos is attached these days to being part of the legal profession. The small firms that women may turn to or create are unlikely to threaten that pattern, compounding the perception that they are fringe operations.

One thing that particularly struck me as a result of the conference session in which I participated, and which would seem to be very relevant to the strategies which should be adopted by lobbyists for reform of the conditions of legal employment, was the reaction of several of the more mature male lawyers who attended. Without exception, the men who approached me after the session to make a comment about it reacted favourably to the suggestions I'd made for work conditions more conducive to the career needs of women with children. But several said to me that they'd never actually thought before of what it must be like for a woman "these days" trying to further her legal career in the company of a family. Overall, they seemed enthusiastic about, but amazed that they had never before been exposed to, such apparently sensible ideas.

If their lack of awareness is representative, then, granted that mature male lawyers are typically best placed to make the decisions which will improve women lawyers' career prospects, it would seem that the first step in any reform lobby must be the very basic one of educating our colleagues, especially those in positions of influence.



At the women's forum, it was more or less assumed that the major obstacle to reform was the giant one of rampant commercialism tainted with bigotry. Yet the comments made to me suggest that there may still be such a degree of ignorance about the aspirations of women "these days", at least amongst a significant segment of the legal profession, that it would be wasteful of precious lobbying energy to pitch our efforts too high at the outset by assuming that everyone who will ever be prepared to see them must already be able to see the good sense and the equity in proposals for reform.

I would suggest, therefore, that an education programme, and one which is made as personal as possible to every lawyer exposed to it, is the key to changing the attitudes which, no doubt together with rampant commercialism and other obstacles, keep the status quo alive and well. By making the programme personal I mean that every effort should be made to show how the present situation adversely affects each and every person tied to its inflexible demands. After all, not only women lawyers would benefit from increased flexibility in work conditions. A growing number of men could also be expected to take advantage of the introduction of innovative work practices, to the benefit of their family lives and partners' careers. More mature lawyers whose families are beyond the stage of needing intensive parenting could be targeted via their sense of fair play to the following generation, of which their own daughters and sons are part. (As a parent, I believe it would be an exceptional one who could abide the thought of their own child's prospects being curtailed by conditions within the parent's power to change.)

Such strategies may seem simplistic but I doubt whether many lawyers could imagine, straight off, the benefits of a workplace in which women and men are equally valued without first being exposed to a learning experience which, literally, hits home in highlighting the present or potential effects of current paid work conditions on their own personal lives. We have generations of ingrained habits and thought patterns to turn around and it won't happen overnight. Granted there is so much at stake, it is critical not to lose potential supporters of reform by putting them on the defensive early on, as will surely happen if the arguments pitched at them assume a level of understanding and empathy that they presently lack but which might first have been fostered.

Some may think I'm being too naive or charitable in my suggestions, but whatever ground can be won in the way I'm proposing seems unlikely to be won any other way. And, for all we know, if and when that ground shifts, it could take with it some of the foundations of the other obstacles to reform.

