

CONFLICT AND CONNECTION AT SYDNEY UNIVERSITY LAW SCHOOL: TWELVE WOMEN SPEAK OF OUR LEGAL EDUCATION

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[This case study presents the experiences and views of a diverse group of twelve women law students, as revealed in interviews in their final year of study. Discussed are law, legal education, the law school community, competition, sexism, careers and feminism. Themes of conflict, alienation and hierarchy — at law school and embedded in legal structures — and a constant striving for connection(s) can be traced in these voices. The results are presented in the context of Australia's predominantly male and extremely sexist legal profession, and accord with feminist critiques of law and legal education in Australia and overseas. Change must occur at law schools before the fundamental sexism of legal institutions can be challenged. The experience of women presented here is rich in suggestions for such change.]

Note:

For me, this project has been both a bonding and a consciousness-raising experience. I thank all the women who participated, and hope that they too felt it worthwhile.

'Women in the law' is a trendy topic. The *Law Society Journal* recently ran a forum called 'Careers and concerns of women in the law'.¹ The 7:30 Report on ABC-TV had a story on women judges on 6 May 1992. At the same time, under the heading 'Legal Success Stories: no cause for complacency', the experience of women lawyers appeared in the *Australian Financial Review*. And more recently, the *Sydney Morning Herald* ran a full page story entitled 'The Invisible Bar: how women lawyers are kept out in the cold'.² If we didn't know before, we all know now that the legal profession is still predominantly male and the higher echelons contain negligible numbers of women. Statistics on the legal profession are damning.³

Women are better represented in legal academia, but only one third of post-graduates at Sydney University Law School ('SULS') are women. Although the faculty is forty per cent female, few women have tenure and most are at tutorship or lectureship level. In 1991, while in my final year as

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1 (1992) 30:2 *Law Society Journal* 47-62.

2 Neales, S., 'Corporate Woman', weekly column, *Australian Financial Review* (Sydney), 31 May 1992, 47; Lawson, V., *Sydney Morning Herald*, 28 November 1992, 43.

3 A small sample from the Australian Bureau of Statistics: the number of women holding legal qualifications was 24.4 per cent of the total number qualified in February 1989, when 8,200 women were employed in the field as opposed to 26,000 men (seven per cent of NSW partners are women, twenty four per cent of solicitors). Of fifty partnership appointments in NSW in the first half of 1991, none were women: McGrath, M., (1991) 63:18 *Honi Soui* 3. There are eight women magistrates out of one hundred in NSW and two women silks (four in Victoria). Thirty Queens Counsel were appointed nationally in 1991, all men.

a student at SULS, I became curious about the experience and views of women studying law at Sydney University. More than half the graduands in my year were women.⁴ This paper contains, together with my own experience, the voices and experience of eleven of those women, who I interviewed about legal education, careers, children, feminism, relationships, and the structure of the law itself.

I sought to discover how our society's male-dominated legal structures affected us as women students, and what effect we are having on them. In 1978 a male academic wrote that 'personally and institutionally painful and exciting changes' would occur as women entered the legal profession.⁵ Judging by the statistics above and the insidious difficulties which women encounter in most areas of the profession, the process is rather more painful than exciting for both women invading and men entrenched.⁶ And both the institutions of the law and the bodies which run it seem particularly resilient to change.

Institutions and hierarchies are difficult to reimagine and reshape even when there is a will to do so. I began my interviews with a perception that on the whole it is women who have reshaped, dieted as we do with food⁷ to fit the male mould. Naffine writes that 'what is now expected of women, if they insist on equality with the man of law, is that they mimic him in as many ways as possible — that they become pseudo-men of law.'⁸

I first briefly outline my methodology for the interviews, then explain something of our background under the heading 'About Us'. I then discuss 'Different Understandings of Law', 'Conflict and Connection with our Communities', 'Sexism' and 'Conflict and Connection with Women'. I draw no conclusions, but point to parallels with other work done in this area.⁹ I believe that most women who are or have been law students at *any* law school will recognize something of themselves in the experiences described and opinions expressed here.

4 There were 126 women, of whom 26 graduated at the end of the first semester.

5 Himmelstein, J., 'Reassessing Law Schooling: An Inquiry into the Application of Humanistic Educational Psychology to the Teaching of Law' (1978) 53 *New York University Law Review* 457, 530.

6 For example, in coordinating children and work, or in gaining access to challenging work and responsibility. This is not to denigrate the positions and satisfaction which many women have achieved — against the odds?

7 It is no accident, I believe, that this is another topical issue: see e.g. Spender, D., 'Why Women Want to be Thin', *Bulletin*, March 1992, 36; *Sydney Morning Herald* (Sydney), 6 May 1992, 1; Woolf, N., *The Beauty Myth* (1991).

8 Naffine, N., *Law and the Sexes* (1990) 23.

9 *Infra* n. 10; for surveys see Robert, E. and Winter, M., 'Sex-role and Success in Law School' (1978) 29 *Journal of Legal Education* 449; Jason, J., Moody, L. and Schverger, J., 'The Woman Law Student: the View from the Front of the Classroom' (1975) 24 *Cleveland State Law Review* 223; and more generally, Rathjen, J., 'The Impact of Legal Education on the Beliefs, Attitudes and Values of Law Students' (1976-7) 44 *Tennessee Law Review* 85, and 'Sex, Fear of Success and the Perception and Performance of Law School Students' (1975) 12 *American Education Research Journal* 284. See also The Symposium on Legal Education (1989) 1 *Macquarie Law Students' Journal* 1.

METHODOLOGY

The questions

When I began researching this study, I had not thought much about women in legal education, even with respect to my own experience. After reading a number of feminist critiques of legal education,¹⁰ I devised a series of questions. I was particularly influenced by Weiss and Melling,¹¹ who interviewed women from the graduating class of Yale Law School in 1987. Taking inspiration from their questions, I worked from six basic themes: understandings of law and reasons for doing it; law students; silence; coursework and lecturers; the law profession; and aims for the future and the effect of law school. I was interested in opinions on all these things for their own sake, and to help focus questions about feminism and sexism which I felt may not be well received if taken out of context.

The most serious flaw I now perceive in my questions is that I omitted questions about sexuality, although I considered sexual preference in my selection of participants. Nor, when women made reference to lesbians, did I follow this up or ask about the perceived connection between, for example, radical feminism and lesbianism. One reason for this was my fear that such questions might cause some women to 'clam up'. With hindsight I do not think this fear was sufficient to justify such absence. Leonard has written about the exclusion of lesbians from feminist legal theory;¹² perhaps this could form the basis for another investigation.

The participants

My aim in selecting who to interview was diversity. I wanted to uncover the experiences of different sorts of women, and especially the experiences of women whom I perceived as different to myself, or having different backgrounds.¹³ For privacy reasons the only external aid I had was a list of names of women graduands. A random survey would not have given me the diversity I hoped for and would have privileged a viewpoint which is already dominant.¹⁴

10 Hill, C., 'Sexual Bias in the Classroom: One Student's Perspective' (1988) 34 *Journal of Legal Education* 603; Boyle, C., 'Teaching Law as if Women Really Mattered, or, What About the Washrooms?' (1986) 2 *Canadian Journal of Women and the Law* 96; Worden, K., 'Over-shooting the Target: a Feminist Deconstruction of Legal Education (1984-5)' 34 *American University Law Review* 1141; Banks, T., 'Gender Bias in the Classroom' (1988) 38 *Journal of Legal Education* 137; Wildman, S., 'The Question of Silence: Techniques to Ensure Full Class Participation' (1988) 38 *Journal of Legal Education* 147; Graycar, R. and Morgan, J., *The Hidden Gender of Law* (1990) especially chs 2, 3.

11 Weiss, C. and Melling, L., 'The Legal Education of Twenty Women' (1988) 40 *Stanford Law Review* 1299.

12 Leonard, L. M., 'A Missing Voice in Feminist Legal Theory: the Heterosexual Presumption' (1990) *Women's Rights Law Reporter* 39.

13 This is different from the approach of Weiss and Melling, who interviewed women who had participated in a women's group all year to cope with their alienation from Yale Law School; Weiss and Melling, *op. cit.* n. 11.

14 Eight of us are white, young, middle-class, heterosexual and childless. There are numerous 'categories' not included, notably a woman studying only commercial and private law subjects, a woman from an Asian background, a young woman with children (of which there were a couple at law school) and so on. There were *no* Aboriginal women in my year at SULS.

I therefore chose to do a case study. My choices about who to interview were based on my own highly imperfect knowledge about each woman¹⁵ and restricted to women who I knew already for practical and methodological reasons.¹⁶ I considered what I knew about the ethnic background, academic achievement, class participation, sexual preference, articulated feminism and political leanings of these women. In doing this, I tried to make explicit what I found I was doing implicitly when I first considered which women I would interview. No woman I asked refused to take part. The interviews were begun in August 1991, took between one and two hours and were tape-recorded and then transcribed.

A large theme in feminist research methodology (as in all feminist theory) is power.¹⁷ Issues of power arise in the relationship between interviewer and interviewee; in the purpose behind the interview; in the setting of the questions and selection of responses and in the imposition of ideology by one on another. In particular the tricky question of women holding power over women has led to some serious self-analysis by women researchers.¹⁸ In this study power differences were not as severe as in other research situations, largely because I was interviewing my peers. Even so, I controlled most of the questions and the basic structure of the interview.¹⁹

To alleviate this and to render the process as participatory as possible, I made the scope broad and asked during the interview for comments or topics from the women who participated. As a result we often went off on tangents, to the enjoyment of both involved. I tried in other ways to equalize the relationship and to avoid 'objectifying my sisters.'²⁰ I didn't interview women who were complete strangers to me (or I to them). I assured women of their anonymity and that of all people they mentioned. I asked their opinion on the interview process. Three women said they were more comfortable being interviewed by someone they knew and that they had been more open because of this: 'if not, I would be worried that you would be judgmental about what I would say.' I explained my project and my viewpoint, and answered questions. This last is often forbidden by traditional interviewing technique in case it affects the response.²¹ This ignores the fact that failure to answer questions could have exactly the same effect, as well as adversely affecting rapport.

My aim was to make the interview valuable to the interviewee as well as

15 I could not do a prior, general survey to select interviewees although this would have been desirable.

16 This reduced the selection base to 45 out of a possible 100.

17 See generally Roberts, H. (ed.), *Doing Feminist Research* (1981); Gelsthorpe, L. and Morris, A. (eds), *Feminist Perspectives in Criminology* (1990); Grosz, E., 'The In(ter)vention of Feminist Research' in Caine, B., Grosz, E. and de Lepervanche, M. (eds), *Crossing Boundaries: Feminism and the Critique of Knowledge* (1988).

18 See, especially, Oakley, A., 'Interviewing Women: A Contradiction in Terms' in Roberts, *op. cit.* n. 17.

19 A much more participative approach has been taken by other feminist researchers: e.g. Phillips, S., *Beyond the Myths: Mother-Daughter Relationships* (1991) especially pp. IX-X (preface).

20 Oakley, *op. cit.* n. 18, 41.

21 E.g. 'when asked what you mean and think, tell them you are here to learn, not to pass any judgment, that the situation is very complex'; Galtung, J., *Theories and Methods of Social Research* (1967). See also Oakley, *op. cit.* n. 18, 35-40.

to myself: in fact all the women interviewed said they found my project interesting and were keen to read the finished paper. Two said it was good that 'women's perspectives are being sought out and actively investigated'; three welcomed a forum to voice their opinions. Some felt that I had an agenda, one that I wanted to show 'the institutional framework is male-biased'. Those that felt this way still *said* they were comfortable in expressing their own views.

There are many views and experiences not included here. There will be women who do not identify with those expressed, and men who do. However, I expressly include my own viewpoint. This is foreign to both standard sociological methodology (where the interviewer is merely a reporter) and to much feminist methodology, which uses 'they' to give the women interviewed their own powerful voice. It would be impossible to excise my own voice from this piece — and I, too, have an experience at SULS to be expressed. I feel that there is much in common between myself and all the women interviewed, that our differences exist within our shared experience as women law students, and that it is important to draw together what is common between us by writing 'we'.

ABOUT US

Most of us are aged between 23 and 25, one is 27 and one is 50. The latter is a single parent who worked as a teacher for many years. The rest of us came straight from school to university, although one worked for two years overseas. Four of us are first generation migrants to Australia or first generation born here, three from non-English-speaking backgrounds including Russian Jewish and Greek/Egyptian. Two others have lived overseas for much of our lives, one in Zimbabwe, and one completing school in Hong Kong. One is openly lesbian; at least one other is challenging her (hetero) sexuality. Three grew up in country towns in New South Wales or Victoria, two in industrial cities outside Sydney. More than half of us went to state schools and at least two to private all-girls schools.

Our politics range from free enterprise based to centre left to radical left, but we generally appear to be suspicious of the major political parties, and often we are concerned with issues rather than party loyalty. One woman stated that although fairly conservative on economic policy, she was more left-wing on social issues; another that she was only just discovering her inconsistencies. Eight of us describe ourselves as 'left-leaning'.

Most of us did a first degree at Sydney University (one at Macquarie University) before commencing law as part of a combined program. We hold degrees in literature, European languages, philosophy, history, anthropology, political economy, econometrics, government and pure mathematics. Four have Honours degrees, one gave up a PhD in political philosophy to study law, one is currently enrolled part-time in a Masters in History.

It seems significant that for seven of us, one or both parents attended university, including at least half of our mothers. Two thirds of our mothers do paid work; apart from one whose mother is a lawyer none of us come

from legal families. Parental influence and support has been important for most of us, although encouragement has been varied. For some it was expected we would go to university:

I once suggested that I go to art college and I met with such a bad reaction from my parents that I never mentioned it again.

I come from a migrant family, I know my parents wanted me to do well and go to University . . . I thought I better do something like medicine or dentistry or law.

For others, the encouragement was somewhat ambivalent:

Mum works at home and has had primary school education, she encouraged me because she always saw it as something that she didn't get . . . that is not to say that she is really open-minded. She still thinks that University is something you do before getting married, which is the ultimate goal.

We did law for different reasons, a lot of us falling into it because we made the cut-off mark. However, we see the usefulness of a professional qualification as a means to economic power, an issue which is vital to us all. For some, our mother's experience was very influential in this regard:

I wanted to make sure I could do something [economics/law] so marketable as a combination . . . where if I was ever in a situation where I had children and there was no other parent there was no problem with supporting myself. When I left school my mother divorced, and took us away, and I had the feeling that she was really struggling.

My mother started studying law by SAB [the Solicitors and Barristers' Programme] when I was six . . . and she was working as a legal secretary . . . it was only in later years that I realized how much effort it actually took, because she was doing it by correspondence, and working, and looking after us.

One of us began law as 'an intellectual challenge'. A third of us — though we may now feel 'what a ridiculous basis that was for choosing' — chose law as a good career and a route to personal power and prestige:

I thought it was really glamorous to be a lawyer — the courtroom dramas — and a status profession . . . a certain power attraction, ordering people around, standing in court.

I wanted to do something decent careerwise; I wanted to do economics and I just got the mark for law and so I thought I would try it . . . at school nobody else had any ambition, I always felt different and I didn't want to end up like that.

However, a third also saw studying law as a route to social power and a tool of social change. This sometimes coexisted with a desire for personal advancement and sometimes stood in its place, notably for those who identified as migrant or lesbian:

I was really young and angry, seventeen and finishing off school and didn't know what else to do, but really wanted to do something passionately that would make a difference, have an effect. I tried to concentrate on something I thought was really powerful, I saw Parliament and law . . . I thought I'd try law first.

I decided during my first degree I wanted to work in human rights . . . I want to do something that will help rather than destroy people.

This apparent split between personal power and power to change society has become more diffuse as we finish our degrees. All of us now recognize the way that law affects people and see our own actions in a social context.

DIFFERENT UNDERSTANDINGS OF LAW

Much is written about women's different way of thinking, 'in a network of connection, a web of relationships that is sustained by a process of

communication.²² In their interviews, Weiss and Melling found shared responses to the content of legal education which centred on two themes:

Legal education was narrow or acontextual; and legal discourse focused on a search, often by methods involving the suspension of personal conviction, for some kind of neutral or objective truth foreign to our understanding.²³

I found that the same complaints run through all of our opinions: disappointment and annoyance at the narrowness of our legal education, and difficulty with the supposed equality, neutrality and objectivity of the law. We all seek a context for our study and a connection with people; in many of our courses we were frustrated. Law is 'stripped, missing too much of what matters',²⁴ on both a practical and intellectual level.

Many of us reject the image of law as equitable and impartial. We consider that law 'tends to favour the powerful and disadvantage the people who lack power.' Subjects such as contracts and real property fail to deal with power relationships and 'assume that parties are on equal terms':

So many people who are at the bottom of the social scale cannot afford [law] and they don't even know their rights. I get the impression that rich people think they can buy law. They are the ones who certainly win out of the law; to other people it is more of a threat.

At least four of us relate this directly to women's subordinated position in society:

Law . . . impinges on people's lives at every level. I think law reflects legislative norms and social ones, and it creates them . . . if you look at how roles are constructed, at what the law does . . . it is constructed entirely by men.

Some also question the objectivity of law:

no lawyer is neutral, everybody brings their own values to whatever they do. Most lawyers are middleclass from usually quite conservative backgrounds and this is what they bring to it; same as judges.

Most feel that you 'have got to have standards', but there is a tension about *whose* standards. One who had lived in the Soviet Union as a child felt that law must be seen to be enforced impartially or else 'you have a social breakdown because people feel they are being treated arbitrarily and you get into an authoritarian system.' Justice must be seen to be done and judges must appear objective, if only for the cynical reason that 'if you came out and were honest about it . . . then what respect will be given?' A few of us had a feeling that other students also suspected this false neutrality, but avoided it. Hostility towards subjects such as legal theory (compulsory at SULS) is thus explained, as here 'people are forced to confront things . . . and look at the basic foundations on which our law operates, things like the autonomous individual. If you sit there and start questioning it, it undermines all those years of beavering away.'²⁵

The narrowness of legal teaching and method disturbed all of us. We found it to be disconnected from both theory and reality, politics and

22 The classic statement in Gilligan, C., *In a Different Voice: Psychological Theory and Women's Development* (1982) 32.

23 Weiss and Melling, *op. cit.* n. 11, 1346-7.

24 *Ibid.* 1347.

25 I should note that three women felt that jurisprudence itself, as taught at SULS, is not closely enough connected to reality.

practice. Because of this, much of our law study was boring. On the whole we found subjects to be ‘not very socially aware or policy inclined.’ We looked to ‘relate law to the outside world which is of itself political and social, as opposed to relating law to a law office’ and searched for ‘the broader perspective’, the ‘different side to law, the social side, a far larger way of going about it every day.’ We were concerned that students can pass through the Law School without ever encountering a social perspective:

Lawyers can have such a completely narrow view of their subject that they genuinely have forgotten that it connects to all sorts of other aspects of life, and are absolutely convinced that if you pare it down you can run it on that basis . . . I think it is essential to try and get people to do [socially-oriented] subjects along the way . . . from a personal point of view it is awful to leave law school and not see that side of things . . . I do think that happens, I almost feel that it was a bit of a revelation to me, so I think it could happen to anyone.

This narrow focus was not seen as conducive to being good legal practitioners:

You do need that sociological side of things to be a good lawyer. That is the problem with a lot of the people here, they are just not people. They won’t be able to communicate with their clients or their problems, or with other lawyers.

It doesn’t make for lawyers that are at all capable of understanding anything but law, you are not taught how to deal with your client, or that this is the way law should be moving . . . you are not even taught the ethics.

Only two subjects [dispute resolution and family law] taught me anything about how to negotiate, which is primarily what lawyers do.

Although all of us felt that a social perspective is necessary for a working lawyer, many of us distinguished here between large commercial law firms; and smaller firms, government and policy areas. It was felt, based on experience,²⁶ that a social awareness may not be useful and could even be a disadvantage in commercial firms, becoming distracting — ‘especially when you have to work per six minutes’ — it ‘could tend to make you cynical . . . you can end up saying, this is ridiculous!’

A [large commercial firm] good lawyer is efficient, enthusiastic, stable, bright but not too bright, a good technician . . . a lot of the bright people at law school who don’t seem to me to have a lot of social and political context would do admirably.

In addition to the lack of social context for law, we deplore the lack of intellectual analysis and imagination in most law subjects. Several of us had thought it ‘would be more theoretical, more political’, ‘more discursive.’ One found ‘the linear rationality of the law, and the lack of creativity’ frustrating. We were relieved to discover options in addition to compulsory subjects on finally coming to full-time law study (after completing our other degrees). We leapt into ‘alternative’ subjects,²⁷ finding in them new ways of looking at our core course of private and public law. For half of us, the intellectual stimulation of these subjects was the best thing about our law degrees — and for three women, the worst part of the degree was the

²⁶ Nine of us have interview and cocktail party experience, eight of us have worked in such firms.

²⁷ Including family law, children and the law, environmental law, intellectual property, social security law, criminology, law and social justice, comparative law, international human rights, dispute resolution, industrial and employment law, law and gender. We all studied at least two of these options.

conservative nature of most of the subjects, the rote learning and inflexibility of the assessment.

Half of us also took some commercial options: tax law, business finance, sale of goods; or did some advanced study in core subjects including advanced contracts, torts and administrative law, and equitable remedies. Most of us accept that a core course of private and public law is reasonable — 'you have to have foundations, you have to change the system from within . . . it is important to know about the basis and then develop that.' Yet we have all taken a mixture of 'law' and 'anti-law' subjects, as one woman described them, in a conscious effort to gain a wider education. And eight of us still criticize aspects of law teaching at SULLS, in particular the separation of theoretical from practical or 'black-letter' strands (for example criminal law from criminology). Four women thought that much more inter-relation is needed as 'there was no attempt to combine disciplines' or to see the 'whole relationship' between the world and law in an interdisciplinary way.

[Children and the Law] was the only subject I did [interdisciplinary material] in. We did social work, welfare, psychology . . . we included evidence law . . . we looked at three different jurisdictions, that was fascinating. It was a really well-taught and appreciated course.

More radical suggestions came from three women: to examine ways of looking at torts, contracts and equity in relation to one another; and to abolish compulsory subjects altogether, to have a 'free-for-all' at the beginning of the degree 'because students don't know whether they want to go into a commercial firm or into another area.' Staff could draw up suggestions for subject combinations if students wanted to go into a particular field.

This may indeed be one way to challenge the 'corporate'/'non-corporate' divide which all of us feel. The distinction we make between 'corporate' and 'non-corporate' discussed above contrasts the top private law firms, bar and bench with all the other possible careers we could make in the law. However, it also has a deeper, symbolic meaning. We use it to describe choice and type of subjects, divisions among students and different ways of thinking.

It is not simply a distinction but a *dichotomy* of which the 'corporate' is the positive term, a marker of power in the legal world: something which we aspire to, desire to change, or hold in contempt. The 'corporate' is seen by all of us as privileged at SULLS. It is placed in opposition to the 'non-corporate', the negative term, which consequently suffers from a lack of time, space and attention. We carve up the legal world this way because that is the way it is presented to us. The dichotomy is epitomized by the career program laid down by SULLS (and the law students' association). This consists of standard summer clerkship and graduate programmes organized at great length and cost (of time, money and energy) with large commercial firms — and a single 'Alternative Careers' seminar for graduating students looking for *other* worlds.

CONNECTION AND CONFLICT

I'd always been told law school is a mean hard place and everyone hates it. (Woman law student)

The interviews revealed that themes of connection and conflict recur throughout our time at law school. A sense of alienation parallels findings by Weiss and Melling in their study.

The Law School Community

Nine of us felt that, in final year, we belonged at SULLS and had found a community. Yet the enjoyment we have got out of studying law seems to have occurred in spite of difficulties we have encountered. A third still feel we would have been better off going to a different law school. Even those of us who were comfortable at SULLS may question this: 'I guess I do belong here but I don't know if that is a good thing or not'; or it may seem shallow: 'I feel comfortable . . . but I don't know a great many people at law school. I don't particularly desire to.' Three of us did *not* find a sense of community: one from a small country town and two from non-English-speaking migrant backgrounds:

I don't feel like I belong, I am disappointed. I have not got a very big circle of friends . . . there is indifference.

I still feel like I am not accepted . . . I didn't think of myself as different before I came here, I just thought of myself as a person, I didn't class myself as class, gender or whatever.

I don't belong in this institution, not the way it is set up now. It is just the whole structure, I try to keep away from it as much as I can . . . some students from non-English-speaking backgrounds, especially ones who are first generation Australian stick together because we have different difficulties.

The problems described by these women were experienced by the rest of us to a lesser extent. We are all affected and concerned by division and indifference, hierarchy and competition. In spite of having completed three or four years at university, half of us felt intimidated when we first arrived at law school:

The worst thing . . . was the first couple of weeks [in the recreation area], because everyone was really scary . . . I was a bit surprised at how inadequate I felt.

I went through the first four weeks without actually speaking to anybody, I would go home and cry, it was horribly alienating.

This intimidation was partly related to the SULLS building, a fourteen story 1960s office block in the heart of the legal sector of Sydney Central Business District.²⁸ Most students find this building 'non-student friendly', 'claustrophobic' and 'hierarchical', the last reinforced by the fact that 'students are on levels 1, 2, 3 and staff on 11, 12, 13' (from which levels 'inflexible edicts come on down'). Yet the problem is much more than just

²⁸ In 1988 a majority of students voted in a referendum to move the law school to the Sydney University main campus; this is to happen sometime in the future . . . we do not know when.

the building. Three quarters of us found it hard to get to know people, both students and staff, especially if we did not know anybody previously or if we felt different:

Initially I found it quite difficult to be accepted because of my age . . . [some people] are a bit suspicious because I really shouldn't be here, I'm a little bit old, I should be doing what their mothers do.

Everyone seems to go their own way in law school, they are individualized not community minded.

It is really intimidating, it is not a good venue for mixing . . . when you come in the door [to the recreation area] and there are people all sitting down . . . this feeling that if you don't find someone to sit down with quickly you're done for.

People aren't open here, they aren't inviting . . . people come and talk to you and you don't know if they are being honest, if you can trust them.

All of us have noticed divisions amongst the student body. Some (including two migrants, one lesbian) noted divisions of race and class or wealth, one seeing 'a certain smugness' which came from having the right background. Another voiced concern at the lack of real diversity:

It made it so clear what law school is about . . . you suddenly realize that all of the faces are white, most of the hair is blonde and you are looking at a screaming proportion of upper-middle-class private school educated people, and it is just frightening.

For most of us, differences appeared to be more ideological and to reflect a lack of communication and interaction rather than a class structure. This no doubt reflects the fact that most of us belong to the privileged majority amongst women at law school and have thus not experienced such subordination.²⁹

There was a perception common to all of us that there are students who 'think they learn law and then just go and get a job' and others who 'see it as more integrated politically, as part of their lifestyle.' Yet we feel that not many of the latter act on their beliefs, and two of us feel law school has made us tougher and more cynical. Although some of us rejected labels, others could categorize the student population, half seriously, into categories which can again be rephrased as 'corporate' versus 'non-corporate':

The try-hard big firm people and the pinko-commie-queers.

Up and coming stars in terms of legal firms . . . then people who are a bit hip, the radical feminists, the college boy set.

We struggled to explain such student divisions, which most of us do not see as inevitable: 'there could be more understanding between groups and more interaction, it would be less marked if people talked to each other more.' Those who detect divisions of race and class are more pessimistic however:

it shouldn't be inevitable but it is like swimming against the tide . . . if the course had been structured differently the few people who did have a different social perspective, working class, lesbian, black, may have stayed. There is a supposedly natural attrition in the first three years which is actually really hostile.

Two of us knew of several women who had dropped out of the SULS law course as a part of this 'natural attrition', apparently because of the courses

²⁹ Those who identify as migrant or lesbian almost always felt more alienated.

and method of teaching on campus in the combined law degrees. These women later completed legal studies through the Solicitors and Barristers' programme, or transferred to another university.

We also felt there were problems interacting with law school staff. All of us felt we had too little contact with faculty members and we also had little or no real contact with non-academic staff. Only a couple knew more than two academic staff members to whom we could go for a reference, or with whom we were on friendly or close terms. One of us felt she had no contact at all. Of the rest, two felt we had some contact with male tutors or lecturers, three with both male and female and half only with female staff. We are generally sad about the lack of communication ('I would like to be able to invite a lecturer out for a coffee') but feel it is not our own fault:

I regret not knowing more staff but that implies that I had an opportunity that I passed up, and I don't feel that I had that opportunity.

The majority [of faculty] don't seem very accessible . . . I don't think it is this building. It is the attitude.

I do wish I had more staff contact. How can you go up to [a visiting Equity lecturer] and be open with him? You can't. It is not just the way you perceive them, it is the way they put themselves across, and they don't come across as wanting to know you as a person. There is definitely a hierarchy.

We had this difficulty even when we liked several of the tutors and lecturers. More seriously, when we needed help from a staff member they were not always there:

After I failed a subject last year I went to see the lecturer and wrote notes for two months but he never replied. The Dean would not see me either in the same case, he just wrote me a horrific letter saying bad luck. The attitude is 'we are here to get our weekly wage and who cares what happens to the students'.

Classrooms

Our desire for communication at law school spilled over into the classroom. We feel that we learn better when there is class participation, but we have noticed that students do not often talk in class. Three women traced this to student expectations of 'spoonfeeding' by lecturers: 'they would prefer a straight lecture, this discussion does not give them enough to get a handle on and they are not trained to think.' Other reasons given include being nervous or scared, 'fearful of saying things and being made to look like a fool', or put off by pressure to say something right. At the other end of the spectrum, half of us see some students — men and women — as being 'exclusionary' and dominating in the way they talk.

Class participation is more than just talking, it also involves listening and responding. Two thirds of us felt that people did not listen when we talked. In large classes 'there is that intimidating feeling that you have to say something interesting enough to catch everyone's attention . . . two thirds of students are talking about their weekend.'

As soon as someone asks a question people start talking to the extent that you can't even hear the answer. As soon as they stop being lectured they feel they can switch off.

Most of us have also been interrupted in class, four finding this so annoying we just withdrew from the discussion. Both women and men interrupt, but it was noticed that women are more aware of when they have interrupted, and will backtrack: 'often women are socialized into stopping talking when a male starts talking, and men aren't even aware they are interrupting a woman.' Four of us felt that having a high (female) voice made talking (and being listened to) more difficult.

Only three of us talked in class when we wanted to, or felt able to talk in large lectures as well as seminars and tutorials, in 'black-letter' law and 'anti-law' subjects, even where we did not like the lecturer. The vocal women deliberately set out to participate: 'I find that I um and ah, that is probably why I keep trying to talk because I want to get it all out without doing that.' Most of us, however, only contributed in limited circumstances, half only in small groups or tutorials. Some were not confident even after having been amongst the more vocal students in previous first degrees:

I was more outspoken when I first came here. I don't know what it was exactly that has made me more insecure about talking in class . . . I think I see it more in terms of race; not being a minority, more having different ideas which are never brought up, for example multiculturalism is never dealt with.

Although law school is supposed to be a learning environment, we did not talk when we felt we could be wrong or were not sure of our position, or we felt less well-informed than others. Nearly half of us held back when we felt our ideas would not be well-received by the class, where we anticipated 'general disapprobation' or feared that we would be labelled radical. For one woman, negative signs from a lecturer were enough to stop her talking:

If I say something in class and it is not taken up . . . if I get a negative reaction, which I often do, I stop. [One lecturer] looks away, or he looks down at his notes, or he says hmmm. I just think, I can't be bothered.

The lecturer or tutor is very important in creating an atmosphere which encourages participation — 'I will not talk unless I feel the lecturer will be very supportive.'³⁰ Often, especially in core subjects, we felt that the teacher was not interested in discussion:

[one tutor] in Legal Institutions was such a monster, he was so cynical and sarcastic it was a nightmare, hardly anyone opened their mouth.

Many of my lectures are not conducive to interaction with students . . . some of the most effective lectures I've been in, the lecturer has been prepared to ask questions and get a discussion going [referring to employment law].

I talk in subjects . . . where they treat you as an adult, as if your opinions matter, and they want comments and opinions. Some don't want any interruptions, it is a very paternal attitude.

When the teacher *was* interested in discussion, when people did listen and respond, we greatly appreciated the classes: for example, 'in International Human Rights everybody talked . . . everyone had something of worth

³⁰ Subjects in which we participated included most 'alternative' options (see the list at *supra* n. 27). We included compulsory subjects Jurisprudence and Evidence because of particular lecturers.

to say, and it was the first time I had ever experienced that other people were interested in what I had to say.'

Competition

The single most criticized aspect of our legal education was the atmosphere of competition. We all feel that academic and job competitiveness pervades SULLS. Although we do compete inside ourselves, setting our own goals and standards ('I feel really nice when I do well and I hate it when I do badly') and we are proud of having gained our law degree or excelled in some subjects, we distinguish this from competing with others which we see as damaging:

Competition with others is destructive, it doesn't set anything for you to achieve unless you do it at the expense of another person.

Half of us felt that we were sometimes, or could be, competitive with others, but even then we saw it as a bad thing: 'a little bit is okay, but I would rather have cooperation than competitiveness.' Again the 'corporate' bias emerges as 'the aim is to get marks and to get out and to make money, anything else is treated as a joke.' A few of us feel that we play a 'law school game' — 'I have to admit that in some ways I've agreed to the ideal of LA Law' — but there was some concern about getting caught up in this race:

I am most worried about learning a male way of thinking, and being competitive — focusing on my logic and cutting off feeling and connection to succeed in that way.

Last year I got into this commercial thing: it bothers me, I cringe and I think, why did I want to do that?

SULLS puts up a 'Merit List' in the main foyer annually which lists by name, in order from top to bottom, the students entering final year. From this, students can discover if they are in line for Honours and who they have to beat to get there. This 'bizarre' and 'ugly' practice epitomized to most of us the competitive atmosphere. Two of us had our names taken off it while others felt it to be an invasion of privacy. Although most of us had looked at it (or heard about it), nobody felt it was valid that students should be publicly ranked by name. There was a consensus that if people wanted to know their rank, they should be able to enquire about it; at the very least, the List should be posted with only student numbers. On top of this, half of us thought that ranking on the basis of marks is 'not a valid way of categorizing people':

People place far more emphasis on it than necessary. There is a perception that you are a brilliant student if you are in the top ten and I don't necessarily agree.

Who wants to know who is top and who is bottom? Who is good at doing exams, who is good at working the system?

We are concerned about the way that people become 'obsessed with getting in front of the others', hiding books and stealing lecture notes: 'I know people who memorized the first twenty people on that list and they are capable of saying, so-and-so came sixteenth last year.' Some staff seem to have the same attitude. One of us was told by a senior male lecturer that

'I don't know why you should worry . . . you're just a pass student and you're not going to practise in law anyway are you?' A third of us perceived faculty attitudes in general as a big part of the problem.

We are also concerned about the effect of competition on our self-esteem and stress in certain levels — 'you know the marking system is a bell curve and you've got to fit on that line somewhere.' Most of us attempt to subvert the system by not buying into the 'competitive ethos'. At least two thirds of us set out actively to share knowledge with our friends, cooperating in research and swapping notes, references and summaries; still, we all feel we suffer academically in such an atmosphere. One woman felt that 'it is hard to learn — I can convince myself out of doing well':

Academically it is not a good thing, because learning is not about marks and winning, it is getting different ideas across; we are not doing that here except in optional subjects.

Our experience of assessment, teaching and attitudes to subjects demonstrates our feeling of disadvantage. We feel that the non-corporate subjects we chose to study were seen by students, staff and employers as 'soft', easier, and hence having less importance and status than 'hard', corporate subjects mainly concerned with black-letter law. Our own perception was generally quite different, a common feeling being that 'the ones that are really easy are the ones that are just legislation based' whereas in non-corporate subjects 'there is a huge amount of thinking involved, and reading; anything with a critical perspective is a lot of work.' At least four of us connected the trivialization of such subjects (for example Family Law) to their being seen as 'girly', about women and for women. We felt that subjects such as Real Property and Equity were difficult to get good marks in, but that this did not always equate with real difficulty. One woman analysed it thus:

The people who say that [such subjects are hard] have power at law school, that is why they can say 'it is not because we are out to fail you, it is because our subject is hard' . . . It is in their areas that you have the high failure rates. It is not reasonable, it has no bearing on reality.

Our difficulties with what is valued at law school and what is not, what is 'hard' and what is 'easy', are carried over into methods of assessment. We feel that assessment in compulsory courses did not give us scope to do our best work. In particular we criticized closed-book exams. We find them in general intimidating, nerve-wracking (though two women felt we need to learn to cope with stress) and not necessarily representative: '[staff and students] see law students who can do exams as the ones who know the work but that is not necessarily true.'

Although administratively we recognize them as necessary, even open-book exams fail to test who will be a good lawyer. We see them as merely rewarding a certain kind of 'straight up and down', logical, 'mathematical' thought, 'a particular type of efficiency'. This allows those who have the right technique to succeed at the expense of those who think 'more broadly and laterally': one of us found it 'really strange that you can reduce something like law to a two-hour exam.' Although we recognize some value

in a linear way of thinking, and we generally approve of the use of problems to test legal knowledge (because they seem to have some connection with reality) we all see law exam technique as inadequate to solve these problems in real life.

Eight of us also question the use of class participation marks as a means of assessment, which occurred in one International Law group and an International Human Rights course. This is despite the fact that we all approve of class participation. We felt that marking class participation led to a competition in class which 'brings out the worst in people.' Some questioned how it could be assessed, fearing that 'although they say it is quality not quantity, it seems to end up in sheer quantity.' People start to dominate the class and discussion is distorted. Some of those who had experienced this felt it was a gender issue and expressed concern that the only people who failed the participation component in one course were women, and that women suffer in an 'insidious way':

If I am not loud and to an extent aggressive in the way I address the class people don't listen . . . as in Human Rights, when you start off talking about something relevant and basically boys scream something irrelevant over you and you shut up, and then what you were about to say gets said by someone else ten minutes later.

We were all angry at the enforced conflict at law school. Studies have been done which show that such an atmosphere does not actually affect women's marks.³¹ It is clear, however, that we simply survive it. We may do this by withdrawing from public arenas, or by becoming more like men who, the story goes, are supposed to *like* this life (although many men appear greatly depressed by pressure to perform).³² The strongest feeling which comes through about conflict at law school is that it is unnecessary.

SEXISM

At Law School

Seven of us feel that there is not much overt or direct sexism at SULS, when this is defined as different and degrading treatment of us individually by men because we are women. This includes not being listened to, being treated as an airhead, being ogled at, having assumptions made about us, and men thinking they are better than us. SULS was even seen as a reprieve: 'I've experienced no overt whistling . . . it is a relief to be at law school and not have that.' Two reasons given for the absence of overt sexism were rather depressing, however. One woman felt that it was a result of indifference, that 'people here don't say what they really think.' Another said that male law students 'don't have to bother . . . women aren't a threat to [them],

³¹ Robert, E. and Winter, M., 'Sex-role and Success in Law School' (1978) 29 *Journal of Legal Education* 449.

³² Robert and Winter found that 'a moderately masculine self-concept is required of both men and women; masculinity indeed seems to facilitate women's achievement more than it does men's': *ibid.* 457.

they are at law school, they are where they want to be, they are not really in competition with women students.'

Half of us would define sexism more broadly than such direct treatment, as a more diffuse effect; for example, where 'there is a group of boys and girls, the boys will always dominate the conversation.' An extension of this is 'know-it-all' behaviour:

There is a huge proportion of male law students who believe it is their God-given right to give an opinion on everything, who think they know everything . . . women . . . will actually listen, and so you get lectured at by men your own age or younger about a great many things you probably already know about, which is degrading.

At least two thirds of us feel that using gender-specific language and trivializing gender-neutral language is sexist behaviour. Most approve of the gender-neutral language policy at law school although one woman feels that it is 'no big deal: it is easier to say "him" or "her" than "him or her"'. Of those who approve of the policy most had noticed opposition to it amongst students — 'people think it is a waste of time, not necessary, or clumsy' — and staff — 'some blatantly ignore it.' We feel the policy is important and will lead to change, but four warn that it is not enough, and one points out that:

it can also be a real mask for the reality of the situation: when people say 'the rapist, he or she' it makes me really mad . . . it is important to recognize genderedness.

One positive, though double-edged, observation was made: compared with medical school where 'gender-neutral language is like some innovation by complete extremists . . . men [at law school] make big efforts to appear nonsexist and be nonsexist . . . and a genuine effort to use gender-neutral language'.

However, most of us have experienced what we would describe as sexist incidents at SULLS. Two felt very strongly that the 1991 Law Revue, like previous revues, was sexist: 'the men were the centre of attention in the whole thing and the jokes were male-oriented. There were more women in the cast than men but they played a very backstage role.' This occurred in spite of the fact that several of the men involved in 1991 were aware of the problem.

Others perceive sexist attitudes to women judges in both teachers and students. One was very concerned when a male teacher she admired sent up (she felt) a woman judge and a Malaysian woman client who worked as a prostitute, in a case about child custody. Three of us have also noticed the backlash feminist teachers have received. In a family law course the lecturer 'spent an hour in one class under attack from five men, trying to justify a feminist perspective on Family Law. Some of the women in the class defended her position including me . . . but the men weren't interested in us, they were interested in her because she had power.'

In the Legal Profession

We are unanimous in our feeling that the legal profession is sexist. Our perceptions of sexism come from observation and experiences in jobs and

job interviews; three quarters of us have worked with or been interviewed by lawyers. They surface in particular in fears about having children, and feelings about being a 'woman lawyer'.

The only one of us who has had children has always structured her career around them and believes that to reconcile the two in law would be a big problem. All of us who hope to have children anticipate difficulties in carrying a career and kids. All feel that if a woman takes time out to bear or look after children 'to some extent you are going to lose out . . . your career goes on hold.' Some remain optimistic:

I will hire someone to do the family's housework, if I get married I will make that person my equal. I think you can frame your life in that respect.

Others are very angry and pessimistic about the ability and desire of those in the legal profession to change. Three feel we have to make a choice between a successful career and children. One was astounded at the lack of childcare:

I can't understand why it isn't like Chinese factories where you bring your children to work, see them at lunchtime and take them home again at the end . . . I don't see why it can't be done, it's just an attitude problem. It is unheard of to accommodate women to that extent.

Women lawyers are stereotyped, and the career path in many law firms, which relies on long hours and steady years of work, is seen as discriminatory.³³

The whole reward comes at a later time, as senior associate or partner . . . It is set up so that women don't succeed. Unless women are prepared to give up other things we are basically scab labour: underpaid and then we leave . . . I am shockingly annoyed at this.

It is impossible for a woman in the law to have the same opportunities in the fields she chooses as men . . . [women barristers] have to do family law, they have to do personal injuries because if you are a barrister the work you get referred is that . . . [and] if women do family law then it shouldn't be seen as the junior partner in the legal family.

All of us who have worked in law firms or had interviews with them have experienced some sexism, ranging from having to relearn 'smiling and simpering and hanging on this man's words, when I thought he was stupid and I was cleverer than him already', to explicit and outrageous treatment, including being asked if we had a boyfriend. The power relationship in one interview was made quite clear:

I was sort of flustered and I started to answer, and he stopped me and said 'Oh no, you don't have to answer, I was just teasing.' That was even worse, I felt really embarrassed.

There was pressure to dress 'correctly': 'some of the guys I had interviews with were such slimebuckets that if you walked in without makeup on or something I don't think they would listen to what you were saying.' A solicitor in one woman's country town, on hearing that she planned to study law, rang her father to tell him that 'women in law are nothing but trouble, don't let your daughter do law.' One partner in a big city firm 'used to talk about women's cleavages,' and the partners at student cocktail parties 'all want to talk to the pretty young [female] law students.' Male attitudes were

33 This is borne out by the experience of many women working in such firms: see the articles referred to in the first paragraph of this paper.

often seen as patronizing, and it was felt that women have to perform better and work harder: 'you have to almost forget your difference and try to compete in a male world with what you see to be the traits of a good lawyer, being aggressive and hard.'

In my summer clerkship I was pulled aside by a partner and told that I giggled too much and that if I didn't tone it down clients would think I didn't take their case seriously. He said that he knew men could have a joke, but since I was a woman I had to prove myself more thoroughly than a man and I had to be serious.

Whether the men going through law school now 'are enlightened enough to take responsibility for their own offspring . . . remains to be seen.' Whether they will change sexist structures is also uncertain, although it seems probable that some improvement in attitudes will occur. But one of us felt that structural changes would come too late, and it is these which we see as really problematic.³⁴

CONFLICT AND CONNECTION WITH WOMEN

*Women who say they are not feminists and act like individuals with basic human rights have just got their terminology wrong. (Kaz Cooke, alias Hermoine.)*³⁵

To discover how we relate as women to women was a primary reason for doing this study. I was concerned that there was a post-feminist mood at law school, that what may be happening 'is not as crass as the preparation of women for a subordinate role, but it could be the preparation of women to deny the present subordination of women . . . [we] may be receiving the message that [getting into the legal profession] is enough, and that there is no need to fight any longer: in fact, feminist struggle may do more harm than good.'³⁶

My concern with a mood of 'post-feminism' is shared by some other students in Australian universities. One woman at Sydney University writes: 'feminism seems to have acquired for itself a rather distorted, negative image during the complacent eighties, and this is most damaging when those mistaken are people who otherwise would be an asset to the cause.'³⁷ The example she uses is a law student. Another, who wrote about the (negative) experience of women at a different New South Wales law school, found women divided and herself 'patronized and told that I had been such a nice girl and how could I now begin to say such outrageous things?'³⁸

I therefore set out to find which of us call ourselves feminist, what we mean by it, and how we relate to each other. I found that all twelve of us

34 Interestingly, an article in the *Business Review Weekly* also criticized the 'rigid work regimes and boredom' of the large private law firm. Written by a man, although featuring women, this was not presented as a 'gender issue': Forman, D., 'Lawyers Turn to In-house Comfort', *Business Review Weekly*, June 5 1992, 56-7.

35 Cooke, K., *The Modern Girl's Guide to Everything* (1986).

36 Boyle, C., 'Teaching Law as if Women Really Mattered, or, What about the Washrooms?' (1986) 2 *Canadian Journal of Women and the Law* 96.

37 McGrath, M., *op. cit.* n. 3.

38 Clark, M., (1990) 15 *Legal Service Bulletin* 38, 39.

consider ourselves feminist,³⁹ and all of us feel that the term has been degraded, usually 'by men' — 'its been given a capital F and dressed in overalls and that is a Feminist ratbag.' Three women felt it was equated with hairy legs, or ugliness, two with man-hating, two with lesbianism.

If a guy calls you a feminist it means you are obsessive about this thing, you give it more importance than it deserves, you are neurotic about it . . . pushing your point and boring everyone to tears.

Being a feminist is given so much stigma . . . saying you are a feminist is a huge step and a really powerful step.

Most of us would not proclaim to the world that we are feminist. Some of us would not tell anybody, although we argue about issues which concern us; others would stop at close friends who understood our point of view. One woman felt that she may not tell an interviewer for a job she needed, another thought that only about half her friends would call themselves feminist. Those of us who do tell others we are feminist have noted the responses:

with people who don't talk about it much they immediately say things like 'are you a "rad fem"', or are you just a feminist?'

One woman noted wryly that 'feminism does not help to impress in a flattering context.' Another answered affirmatively to the question 'are you a feminist?' in a job interview, only to hear the response 'we don't have much call for that around here.'

These responses to and feelings about the label show not only our feeling about how other people perceive feminism, but also our own differences and complexities in defining it. Our differences can be seen in our varied experiences at law school, and emerge in our definitions. There are an infinite number of 'feminisms' which often seem to be reduced to classic types: liberal feminism, marxist feminism, radical feminism, separatist feminism. I do not here attempt to classify viewpoints, and feel that such boundaries are often crossed.

One woman felt she did not really know enough to call herself a feminist, seeing it as a philosophy. However, all of us seem to agree that it involves advancing women's rights to quality of life, overcoming male prejudice and sexism, dealing with 'women's issues . . . anything that tends to concern women more than men.' More controversial views involve recognizing that women are discriminated against 'not just on the surface but in the whole structure of society' and 'drawing attention to the fact that women are in such a subjugated position in society . . . that it isn't tangible and is something that we voluntarily conform to as well, and almost can't help ourselves.' For half of us, it also involves a way of being, of dealing with the world and women in it:

39 This may be partly because of a bias in my selection of interviewees, and partly in response to my own image, which is probably 'radical feminist'. One woman thought that 'despite the view of law school as a big conservative bastion, I would say there is probably some social pressure to be seen as a feminist, however you would define it, if you are a woman at law school.'

It is a whole way of looking at power structures and the way in which you relate to other people . . . interrelationship rather than a linear logicity . . . a much more complex way of looking at things.

Someone who is personally politicized . . . who is really woman-centred, your whole experience of what you see, how you live, what you read . . . all of these things are done with an inward eye focussing on women's lives, women's experiences.

Women who give a shit about women, meaning women who think of women as a group . . . who conceptualize that, feel themselves to be a part of it, and care, and act.

For all of us, it involves action in our own lives. About two thirds of us emphasize wider action:

It is not enough for me to go off and get power and make money as an individual . . . I think the real task of feminism is to bring it to the suburbs and to the women who don't have the opportunity to go to Uni and become a lawyer . . . those are the women to whom feminism means very little.

We are aware of the way we change our views; one woman felt that

A couple of years ago I would have said that I thought a feminist was someone who made a lot of fuss about women's issues where I couldn't really see there was a necessity for it — but I've read a lot since then.

Another is discovering that 'issues that I once thought had to do with race, I'm now finding have to do with sex.' Three of us feel that although feminism seemed to hit a 'low' a couple of years ago, it is regaining momentum and credence as a movement.

We are also aware of the differences between us, and all of us perceive divisions between women students which follow the 'corporate'/'non-corporate' split and also involve 'degrees of radicalization'. We are all aware that people generally — including ourselves — jump to conclusions from appearances. We get mad at each other about interpretations of feminism:

I get really frustrated with people who just associate it with rights and that is it.

I get really angry with women who say, I am a feminist but I am not a lesbian, I am one thing that is downgraded but certainly not another. It reinforces the view that lesbianism is bad and they are good and not a part of it.

Some of us, particularly those who considered themselves less vocal or openly radical, felt threatened by others:

There are women in law school who are prepared to come out and say what they believe and there are others like me who are more acquiescent and keep their opinions to themselves . . . really strongly opinionated women I would say perceive me as weak.

Girls who are here who don't overtly go out and say 'I am a feminist' feel threatened by those who do, because they feel as if the people who do are saying to them, 'you are slack, you don't do anything'. It's not necessarily true.

This can lead to splits even amongst women who feel we hold basically similar ideals:

I guess my personal politics would be closer to . . . the faintly more feminist or radical end. It is the end to which I naturally gravitate and that end . . . has been harshest in drawing lines.

I have a strong perception that some women see me as a cop-out . . . by women who I don't know so well but I quite like their approach, I feel perceived as someone who is not committed enough.

Those who feel this way would like more connection among women, crossing different appearances, approaches and positions: 'in law particu-

larly if women can't rely on each other nobody else is going to help them.' Those who do not speak out are often 'still very supportive of the more strident people who do. There are so many conflicts involved in being a woman in a male world, it is very difficult to resolve.'

We do bond with each other. For more than a third of us, the friendships with women we have made are among the most important and exciting things which we have done at law school. Half of us associated mostly with women at law school and the few connections that we have with female staff are valued. And all of us are concerned about finding common ground from a purely political perspective, 'a coalition sense . . . being connected to other women despite difference.' Being at law school, which many of us perceived as sexist, about to enter a profession which we all perceive as sexist, seems to have brought this need to the surface. Two of us found law school a positive experience in this respect, but often it seemed to exaggerate our differences and divide us. Both students and staff, we feel, could do more to create community amongst women at law school. We need to learn to 'stop being jealous of one another', to feel an automatic connection with women, to give each other support.

CONCLUSION

There was a time when I naively thought that if we just had enough women lawmakers, the world would become a better place. Now I think we need a revolution. (Lynne Spender)⁴⁰

Where do we go from here? Three of us go to jobs with large city law firms, one to a federal government department, one as an associate for a High Court judge, one for a Federal Court judge. Six do not have immediate jobs to go to. One has disappeared indefinitely overseas. Three are concerned about not having a job, although one is 'excited about exploring other avenues besides law.'

In the long term, four of us may go to the bar, one into academia, one would like to get into publishing. At least three of us would like to do further study in law. Most of us aim to work as solicitors for some part of our working life but many are looking towards government policy and law reform.⁴¹ More than half of us want to have children, and more than half feel we will probably marry.

We have all experienced — in differing degrees and from different perspectives — alienation and powerlessness while studying law and working with lawyers. What are the possibilities for change in the legal profession? According to one writer, this depends in large part on the structures created at law school. For law schools are 'intensely political places, in spite of the fact that the modern law school seems intellectually unpretentious,

⁴⁰ 'The Law, stripped naked, is both male and an ass', review of Naffine, N., *Law and the Sexes*, *Sydney Morning Herald* (Sydney), 18 August 1990, 73.

⁴¹ Women are over-represented in such areas compared with private practice: research cited in Gamble, H., 'The Changing Role of Women in Legal Practice' (1992) 30:2 *Law Society Journal* 48; also in Horin, A., 'Women, Law and Kids' (1992) 30:2 *Law Society Journal* 51.

barren of theoretical ambition or practical vision of what social life might be.⁴² The 'possibilities of life as a lawyer that students pick up from legal education' are 'nonsense with a tilt . . . what it says is that it is natural, efficient and fair for law firms, the bar as a whole, and the society the bar services to be organized in their actual patterns of hierarchy and domination.'⁴³

Women in law, as in the wider community, will not attain a real voice without breaking down those patterns of hierarchy. At present, in the legal profession and in legal academia, there are alternatives to acting in accordance with established rules. These are *other*, 'non-corporate', 'soft' and under-resourced. Further reforms are likely in the law and the legal profession⁴⁴ but, even in this atmosphere, attempts to make our different voices heard remain painful and difficult. We are still combating a society 'permeated by gender bias, a society in which women's role, women's work, and women's contribution are not given their full value, and which has failed to protect women from male violence and oppression'; and a legal system which 'incorporates this bias and helps to perpetuate it.'⁴⁵

We present no specific recommendations for change in society or the legal profession. However, numerous exciting possibilities for change in legal education are suggested by our experiences of assessment, classroom technique, subject choice and content, staff and student attitudes to each other and to women. The way law is taught is emphatically not immutable.

This study reveals some of our shared experience as women in legal education and our insights into the law, and attempts to both describe and contribute to the continuing struggle against a dominant voice, in which we all participate:

Believing in the value and significance of women's experience, traditions, perceptions. Thinking of ourselves seriously, not as one of the boys, not as neuters, or androgynes, but *as women*.⁴⁶

42 Kennedy, D., 'Legal Education and the Reproduction of Hierarchy' (1982) 32 *Journal of Legal Education* 591.

43 *Ibid.*

44 It will be, for example, the subject of a Trade Practices investigation. We have, it is thought, too many lawyers who are too narrow, too expensive, and too lofty. This was also the subject of a speech by Mr Justice Wilcox, Federal Court at my graduation in law on 2 May 1992 at Sydney University.

45 Justice Elizabeth Evatt, Foreword, Graycar, R. and Morgan, J., *The Hidden Gender of Law* (1990) v.

46 Adrienne Rich, quoted in Weiss and Melling, *op. cit.* n. 11, 1359 (emphasis in original).