BOOK REVIEW


This is the first title in its Canadian publishers’ *Law and Society* series, which aims to include future works on legal culture, critical social theory, and law in, *inter alia*, environmental, governance, economic, political science, feminist, and critical legal history contexts. As the equivalent British work to date has shown, this is certainly the sort of series in which any further original study of women in the legal profession is most likely to prosper, since it is now well established that while the legal framework to enable women to succeed on equal terms with men is largely in place, nothing much is changing. It seems that the root cause may confidently be traced either to ‘the culture’ in general or, more specifically, to perceptions of the role of women in the family.

As a result, with the exception of the final chapter, this study is largely a backward rather than forward looking book, detailing, as it does, the author’s research into why people (both men and women) are attracted to law in the first place, and matching this with a snapshot of how they find themselves fitting into a legal career (or not); going on to consider their experiences of harassment, discrimination, and other ‘turn offs’ which militate against their job satisfaction, such as the overly adversarial nature of legal practice in general and male lawyers in particular, especially in some specialist areas such as family law which women usually see as calling for a co-operative approach; and returning to the perpetual ‘life-balance’ problem where Brockman establishes (no surprises!) that women’s equality of opportunity in the workplace is not yet matched by an equal sharing of the domestic workload by men in the home. Unfortunately, the only income analysis by gender is in an appendix, and on the basis of figures that are ten years old.

Only the seventeen pages of the final chapter, “Breaking the Mould”, attempt to tread new, or at least less well-trodden, ground in drawing attention to the possible solutions documented by her research. Here Brockman

recognises (as has happened at least in the U.K. in recent years) that women cannot in practice ‘have it all’ without some further social change. She identifies the obvious ‘protectionism’ of the traditional, predominantly male partnership turf in law firms, where able women, even those brought into the long hours culture, are passed over for partnerships, but, paradoxically, given glowing references when they leave. She points to the unfulfilled predictions of the 1960s and 1970s of twenty-two hour working weeks, six month working years, and retirement in the late thirties, and to the fact that, despite this failure, shorter working times are still being predicted for the future. She also signals the fact that, in Canada, an estimated 80 per cent of the population suffers stress from overwork and 20 percent are unemployed, leading to ongoing substance abuse and health problems reflected in costly social programmes. In this context, she flags initiatives in the Netherlands and France to encourage more men to consider shorter working weeks so as to spend more time with their families. Only in the last few pages does she pull all these threads together to argue for the obvious conclusion, namely that a holistic approach is required to both paid and unpaid work by both sexes, so that men ‘fit the mould’ at home before women can also fit the mould at work; that this probably involves less ‘work hogging’ by the workaholics at work and more ‘work sharing’ so as to reduce stress and increase job satisfaction at both ends of the employment/unemployment spectrum.

While this is a book predominantly about the legal profession in Canada, acknowledgements do appear to British scholarship, including Clare McGlynn’s 1998 seminal book The Woman Lawyer as well as Hilary Sommerlad and Peter Sanderson’s 1998 study on Gender, Choice and Commitment: Women Solicitors in England and Wales and The Struggle for Equal Status. Given the acknowledgement that while Canadian labour unions support the idea of a shorter week, right wing ‘think tanks’ consider this to be nonsense, it would seem that further development of the concept of gender realignment of responsibilities and achievement of more equitable work sharing will be necessary to relieve all types of work-related stress; and that this must be supported by strong economic evidence and probably also by a potential for other multi-disciplinary benefits not tied to any particular national context. This is no doubt the opportunity offered by the proposed series, where the initial feminist literature has only opened the debate. As Jean Brockman says: “As with the early pioneer women in the legal profession, outside intervention may be necessary”.