‘Mothered’ and Othered: (In)visibility of Care Responsibility and Gender in Processes of Excluding Women from Norwegian Law Firms

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I: But is there anything that could be done in a firm that in some way could make it easier to combine work and family?
R: Why would, like, the firm want that?
I: Well, if they want a higher percentage of women
R: Sure, but they don’t want a higher percentage of women at any cost. And that really is the point. They make accommodations and want to promote women, but the women they want to promote have to make the same choice as the guys. (…)
One can’t be bothered to subsidize. That’s kind of how it is.
Male Senior Associate Lawyer

Introduction

In line with a pattern widespread in Western societies, Norwegian professions are characterized by a seemingly paradoxical situation regarding the female proportion: while generally representing the majority in several elite educations and professions, women still constitute a minority in senior and top levels. This gap is particularly conspicuous in increasingly commercialized, prestigious and high commitment segments (Gulbrandsen et al, 2002). In the legal profession, while women currently constitute more than 605 of law school students, and half of the recruits hired by Norwegian corporate law firms, the drop-out from these firms is highly gendered, leaving intact the male dominance (88%) in the most prestigious, powerful and economically rewarding partner positions (Halrynjo, 2008; Lyng, 2008; NSSDS, 2007; Norwegian Bar Association, 2008).

This chapter explores issues of (in)visibility of care responsibility and gender in processes of othering and exclusion of women from careers in
Norwegian corporate law firms. The data consist of 30 in-depth interviews; eight male and 17 female lawyers and five management representatives from the largest and most prestigious corporate law firms in Norway. The interviewees were recruited formally through firms as well as informally through social networks. To prevent the potential biases in such a small sample of subcultures in particular social cliques and work organizations, the interviewees were selected from several firms and different, non-related social networks. Informants were purposively sampled to represent a variety of positions and career trajectories. While all have at some point been on the ‘A-team’ in prestigious law firms, some have transferred to smaller firms or other forms of legal work. Additionally, I ‘job shadowed’ five women (one partner and four lawyers at associate and senior associate levels) one work day each. One of the firms also provided me with an internal manual given to junior employees on ‘how to be a partner in this firm’.

In the first section of this chapter I will outline the normative ‘up-and-go career contract’ of Norwegian corporate law firms, including both explicit and implicit, material, practical and symbolic criteria for constructing oneself and being regarded as an ideal worker on the ‘A-team’, eligible for promotion and career track in these high commitment, ‘up-or-out’ work organizations. I then explore the accounts of male and female lawyers’ experiences both before and after entering parenthood, and investigate the ways in which gender and parenthood are (in)visibilized through practices, strategies and dominant discourses. In existing studies on exclusion of women from the legal profession, care responsibility is studied primarily as one of many binary gendered characteristics rendering female lawyers as deviants from a male norm and code of professionalism. While the findings in this chapter demonstrate how the gendered othering of parents is (re)produced, they give reason to question whether a general masculine professional norm should still be the main focus when studying why women leave corporate law firms in disproportionate numbers. In conclusion, I discuss how the findings suggest that, though often empirically overlapping, there is a need for further research and policy making to separate analytically between barriers related to gender v. care responsibility.

Male and female lawyers on the A-team

For most corporate lawyers, being recruited to one of the prestigious firms represents one step further in a continued experience of being on the ‘A-team’ in allegedly meritocratic settings. They have been among