



WOMEN AND THE LEGAL WORLD

"Not A Profession For Us," Says One Who Is In It



IN England and America, women share with men the right to sit on juries; in Turkey, Russia and the U.S.A., women judges have long ceased to be anything but an accepted feature of the legal landscape; in most European countries women advocates arouse as little surprise as women stenographers.

Yet in New Zealand, we have no women jurors, no women judges, and very few women barristers and solicitors.

"Why?" I asked one of the few yesterday.

"We certainly should have women on juries," she agreed. "It's an unpleasant task—being on a jury—and I don't see

why we women should not share it with the men. As for women being judges, I don't think we're particularly suited to it. Law is after all a machine, and one that I don't think woman is geared to. Being a judge is largely a matter of seeing that the workings of the machine are correctly applied. I can't help feeling that in giving judgment the average woman would tend to go by her intuition rather than the evidence, and intuition, as yet, has no place in a court of law."

"Not Sufficiently Detached"

"Yet women judges seem to have more than justified themselves in the other countries where they've been appointed."

"Perhaps. But they have been exceptional women. In general I don't think women are sufficiently detached to make good judges. I think, however, that women should preside in the children's court, and should deal with all cases that concern the welfare of children and young women. In welfare cases sympathy

and understanding are usually more important qualities than a strictly impartial dispensing of the law."

"And what about women as barristers and solicitors? You're one yourself, aren't you?"

"Yes, but I don't for that reason think that it's a calling particularly suited to women. I entered the profession because it was more or less in the family and I carried on the tradition. Otherwise I doubt very much whether I'd have been a lawyer. I don't want to imply that I don't like my work—I do. But I suppose it's because I've been more or less brought up to it. Actually I doubt if there's much future in the profession for either men or women, and I certainly shouldn't advise any young woman I know to take it up. You see, as years go on the scope of a lawyer's activity dwindles. The Government of a country tends to take more and more into its own hands. In New Zealand, for example, we have the Crown Law Office, the Land and Deeds Department, the Public Trust, the State Advances Department, which are doing work which was once the prerogative of the family lawyer. So there isn't a great deal of scope even for the ambitious young man unless his brilliance enables him to reach the top of the tree. And there is scarcely any prospect for the ambitious young woman, unless one of her relations has a practice for her to step into. The law is a conservative profession, and it is perhaps difficult for women to get themselves taken seriously in it."

Not Very Romantic

I could not imagine anyone failing to take my informant seriously. Her manner was brisk and competent; a good business woman would have been the unhesitating verdict.

"And another point," she went on. "One always thinks of the Law (capital letter) as being majestic and dignified. The ordinary barrister and solicitor sees the other side of the workings of the law. Her work is concerned to a large extent with petty bickerings, and squabbles, the rather undignified business of helping people get something out of other people or get something back on other people. It sometimes seems rather futile."

"But then there's another way of looking at it," I pointed out, "helping the innocent man to prove his innocence."

"Yes, but that sort of thing doesn't happen very often in a lifetime of practising the law. Only the exceptionally brilliant man gets far enough to be briefed for the defence in sensational murder trials. In spite of his dreams of swaying the jury by his eloquence the average young lawyer spends most of his day in the office doing routine work."

"We Don't Cut Much Ice"

"Have you appeared in court very often?"

"Yes, dozens of times. Mostly in civil actions—divorce and so on. It isn't particularly edifying, though I've had some interesting cases. I'm afraid it wouldn't be in accordance with the ethics of the profession for me to tell you about them."

"Have you ever seen other women barristers at work?"

"Yes, and my general impression was that we don't cut much ice. That's why I wouldn't advise a woman to take up law as a career. Of course, personally I'm glad that I did. There is admittedly a lot of routine work—conveyancing, torts and so on—and you've got to have the type of mind that can stand routine work. But after all I suppose that's no argument against it as so many women go in for jobs that are all routine work, typing, accountancy, clerking. And then of course there's the human interest side, and you get a lot of that."

Comparison With Nursing

"When I first began practising I used to take my clients' affairs terribly to heart. It used to hurt me to think that people could be made so miserable. I suppose it's rather like being a hospital nurse—the first few weeks you feel physically ill at the knowledge that there can be so much pain and suffering, and after that you get used to the idea and see your patients as cases either interesting or uninteresting, instead of as individuals, suffering or not suffering. The same thing happened to me. After the first month or so I saw the recital of my client's woes not in terms of the client's happiness but in the terms of the effect on a judge and jury. I saw the whole story simply as a case, with certain holes that had to be filled in. And I can still remember how surprised I was when I first realised that clients objected to having the holes pointed out. Of course later I came to know that in many cases what a client tells his lawyer is something of a work of art, and any criticism is as likely to be resented by the creator as a painter would resent criticism of a canvas or a poet of his verse. But it took me some time to learn to take everything I heard with a good measure of salt."

"So you see, that's what the practice of law does for a woman—makes her cynical, callous, disillusioned. One might almost say 'unwomanly.' But it's all right for those like me who don't mind being disillusioned. All the same if mothers come along to me with their daughters and say, 'Don't you think it would be nice for Evangeline? She did win the school Oratory Contest and the Debating Prize!' I shall make a point of saying firmly, 'I do feel, Mrs. Jones, that school teaching or perhaps child welfare work is so much more constructive, don't you?'"

—M.I.



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