IN PORTIA'S FOOTSTEPS: WOMEN LAWYERS IN LITERATURE

MARION DIXON*

Literary works with women lawyers as leading characters tend to depict them in very stereotyped ways: they are almost always beautiful, sexy, brilliantly clever - and neurotic This article looks at the stereotypes and attempts to understand both what may be behind them and to what extent they may reflect reality.

In her introduction to *A Woman's Eye*,[1] a collection of stories by women crime writers published in 1992, Sara Paretsky, creator of female detective V I Warshawski, notes that no longer does the woman detective fit the old stereotypes of someone asexual and unthreatening (like Agatha Christie's Jane Marple) or essentially "feminine" or ladylike (like Baroness Orczy's Lady Molly or Dorothy Sayer's Harriet Vane). Today readers not only tolerate, but also look for, detective heroines with characters as diverse as those of real women.

Can the same be said of the fictional woman lawyer? The change in the stereotypical view of the female detective has been accompanied by what Sara Paretsky calls a "great outpouring" of crime fiction depicting women as solvers of crime mysteries. No such deluge of novels about women lawyers has flooded the bookstalls. It's true that we have seen some women lawyers in movies and on television — and a recent issue of the *Yale Journal of Law and Feminism*[2] dissects the outstandingly popular TV series, *L A Law,* to determine what sort of image it presents of its female characters. But as for literary heroines who are lawyers, they are still few and far between.

Those in existence are little known and, perhaps unlike their counterparts

* Senior Lecturer, The University of Western Australia.

1. S Paretsky (ed) *A Woman's Eye* (London: Virago, 1992).
2. D M Glass *Portia in Primetime· Women Lawyers Television and L A Law* (1990) 2 Yale J L & Feminism 371.

in *L A Law*, they are rarely portrayed as intelligent and serious professionals going about the ordinary business of lawyering. On the contrary, sexist stereotypes abound. Moreover, the popular style and thriller genre in which most of the works are written allows little room for depiction of many real-life issues, the glamorous heroines being mostly young, single and childless.

Most of the works featuring women lawyers engaged in legal practice (as opposed to criminal detective work) have been written in the last ten years by men who are or have been lawyers. Notable examples are the novels of American writers William Coughlin,[3] John Grisham[4] and Scott Turow[5] and the Rumpole stories of British writer John Mortimer. The exceptions — in the sense that their authors are female — are Frances Fyfield's *Shadows on the Mirror*,[6] Leslie Hall Pinder's *On Double Tracks*[7] and Jan McKemmish's *Only Lawyers Dancing*.[8] *Whipping Boy*,[9] by Australian Gabrielle Lord, depicts a woman lawyer, but in an unusual context: she has been hired by the government of New South Wales to conduct an inquiry into child pornography. However, the starting point for any discussion of women lawyers in literature is inevitably Shakespeare's *The Merchant of Venice*.

It may surprise the reader who re-examines the play to realize that Portia, whose name has become a synonym for "woman lawyer", is in fact not a lawyer at all. She is a rich and beautiful heiress, looking for a husband. And when she takes on the role of lawyer, it is as judge rather than advocate.

Despite the impression created by her famous and moving speech about mercy, Portia is by no means a simple advocate of compassion — the sort of role traditionalists might consider appropriate to a woman's "softer" nature. Instead Shakespeare depicts her as not only intelligent and capable of interpreting the law in a highly sophisticated manner but also shrewd — even perhaps wily. Certainly as a judge her strict adherence to the letter of the law is no different from what we might have expected from another (male) lawyer, such as the learned Bellario. The only obvious distinction is that, in order to be given the chance to express her view, she has to dress and comport herself like a man. Disguise was, of course, a popular device of Elizabethan drama, but it has a special point in the case of a woman lawyer, for in a

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3. W Coughlin *The Twelve Apostles* (London: Pan, 1984); *Her Honor* (London: Pan, 1988).
4. J Grisham *The Pelican Brief* (London: Arrow, 1992); *The Client* (London: Arrow, 1993).
5. S Turow *Presumed Innocent* (London: Bloomsbury, 1987); *The Burden of Proof* (London: Bloomsbury, 1990); *Pleading Guilty* (London: Viking, 1993).
6. F Fyfield *Shadows on the Mirrow* (London: Heinemann, 1989).
7. L H Pinder *On Double Tracks* (London: Bloomsbury, 1990).
8. J McKemmish *Only Lawyers Dancing* (Pymble: Collins Angus & Robertson, 1992).
9. G Lord *Whipping Boy* (Melbourne: Penguin, 1992).

psychological sense that remains a necessity even today: to be taken seriously as professionals, women lawyers have had to be prepared to adopt the manners, the lifestyle and, to some extent, even the dress of male lawyers.

Outside the courtroom Portia remains a typical Shakespearean woman — full of schemes and subterfuges but devoted to her lord and master. Her sally into the male world of the courtroom is a short-lived adventure to be put aside as soon as may be. In my own imagination, how tempted Portia must have been to do it again, now that she'd shown herself capable of joining in the "real" world of public affairs. But for Shakespeare, as for many twentieth century male (and some female) writers, a woman lawyer's preferred place was, if not in the home, at least in the arms of a man.

After Portia, there don't seem to have been any fictional women lawyers in English literature until the 1980's. This is not entirely surprising, since women were by law largely excluded from legal practice until the early years of the twentieth century, and in a patriarchal society the woman lawyer as fictional heroine was probably unimaginable before she became known in the real world. However, that it took more than half a century after their admission to practice for women lawyers to emerge in English fiction seems odd. Perhaps it is because writing about lawyers at work requires specialized knowledge, and the women who had the necessary experience were few in number and all too busy practising law to write fiction — or they had taken what is now called the "mommy track" and were busy with child-raising. It therefore took men to begin writing about women as lawyers.

Unfortunately, the picture they have presented of the female lawyer is largely demeaning of women in general and of women lawyers in particular. And yet there is something beyond the superficial picture: what may be a psychological truth that deserves examination.

The Twelve Apostles,[10] by United States federal judge and former prosecuting attorney, William Coughlin, is set in a large New York law firm, the senior partners of which have become known as "the twelve apostles". The novel deals with the ambitions of two junior members of the firm to fill the vacancy left by the death of one partner. Among the aspirants is thirty-six year old Christina Giles.

In the opening pages of the book we learn that "she looked more like her fourteen year old son's older sister than his mother"; that "with regular exercise and careful diet she had managed to retain a youthful figure"; and that she pays attention to her appearance because "even the best product

10. Supra n 3.

needed attractive packaging". Knowing that the businessmen she deals with in her field of corporate finance are "usually older and critical of young women carrying such heavy responsibility", she dresses conservatively in grey or navy blue business suits and plain silk blouses. Her hairstyle is "a compromise between a severe businesslike cut and a fuller, softer and more feminine look".

All of this "packaging" is intended to achieve her ambition of ultimate power and status as one of the "twelve apostles". It's a sort of armour she puts on as "a warrior on her way to do battle" as a corporate lawyer. According to the author, she anticipates the struggle for a place among the twelve apostles as "a life or death thing, not unlike the gladiators of old — a struggle where one lived or one died".

As for her private life, it is in tatters. Her husband is quite simply a jerk — a womanizing orthopaedic surgeon whom she plans to divorce as soon as her teenage son is "emotionally strong enough to handle the situation". Meanwhile her maternal feeling is minimal. She can't wait for the "truculent, pouting, growing pillar of pimply flesh" that is Hank Giles Jr to go back to boarding-school, where he will cease to irritate her by loafing around alone at home in front of the TV set or a computer monitor.

As you would expect of a top lawyer, she is extremely intelligent — one of the best in the business — but her competence doesn't conceal her sex appeal, and many powerful men find her desirable. They take time in their top level business negotiations to notice her melodious voice, her beauty and her "delicate but full figure". She herself loses her concentration during her presentation to important clients because of the "magnetic gaze" of one of these powerful, handsome clients. Later she tosses her judgment out of the window and in her loneliness lets this client seduce her.

We discover that her career is a crutch, a cover-up for a "pathological fear of ending up like her mother, a prisoner in a dull retirement village, locked in a loveless marriage with a charming but faithless husband".

There is another woman in the firm, Katherine Thurston, one of the existing twelve apostles. She is a fierce woman, a perfectionist, who has "hammered her way to the top in a male-dominated world" by being top of her law class, Law Review editor and clerk to a Supreme Court justice. Before she was thirty she had "carved out a reputation as a hard-eyed, steel-nerved attorney with a legal mind like a cobra". But we discover that (despite all her talent) it is her two marriages that have been the real key to her success. She married first an influential politician whose public life gave her the necessary exposure and visibility, and an entree to the large New York law firm where

she is now a partner. Her second husband provided her with her legal speciality — entertainment industry law — because he is a tycoon in the entertainment world.

Not content for her to be an "iron lady" of the legal world, the author tells us that she is also "tall and voluptuous" and that she has a voracious sexual appetite which leads her to take numerous lovers, whom she selects carefully from among the young male associates in the firm to ensure their discretion, and with whom she then plays the seductive temptress, performing fellatio on them behind the closed door of her office. All this at the mature age of fifty-two, when most ordinary women find their libido fading. But of course Katherine Thurston looks much younger than her age.

By the end of the book Christina Giles, who earlier wanted the job of one of the twelve apostles in the law firm more than anything else because it meant "power, prestige and status unequalled anywhere else in the legal world", has changed. She has separated from her unfaithful husband and discovered — after a sexual fling with her powerful and handsome Anglo-Japanese client — that despite her competence as a lawyer, as far as her value to the firm is concerned, she remains nothing more than a female captive to be bartered away from the firm when that seems necessary or made a partner if that seems appropriate. In the end she falls into the arms of a lawyer-with-heart, having discovered that the power and prestige of being one of the twelve apostles mean nothing without love. She offers to give it all up for the man of her dreams — to quit the firm, leave the practice of law, do anything he wants her to — as long as she can be with him, married or not. Fortunately for her, he's a gallant fellow — he doesn't want her to give up on her high-profile job if it pleases her, and he promises to marry her all the same.

This is a crass book, and Mr Coughlin has written another in similar vein called *Her Honor*,[11] about an American woman judge.

These books could perhaps be dismissed as irrelevant because of their crude characterisation and sensationalised story-lines. But because they are not alone in the sort of picture they present of women lawyers it may be worth examining them a little more closely. But before that a look at some novels by women writers.

The first is by a British writer, a qualified criminal lawyer who writes under the name of Frances Fyfield. *Shadows on the Mirror*[12] is a thriller in which the heroine, Sarah, is a beautiful redhead who hates her job as a lawyer.

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11. Supra n 3.
12. Supra n 6.

She finds it completely dull. She is a widow whose late husband was an habitual womaniser; in fact he betrayed her with her own sister before he was killed in a car accident. She compensates for the absence of a man in her life and for her dislike of her job by acting as high-class mistress to various men who seem to need comfort. She apparently feels she is being more useful in ministering to their bruised egos and sexual needs than by attending to her profession as a lawyer. Eventually she attracts the unwanted attention of a very disturbed, though attractive and wealthy, client who has psychopathic tendencies, and her life is under threat. She is "saved" (literally) by — guess who? — a criminal-lawyer-with-heart, an outsider in the legal profession, whom she marries. Then they both opt out of the legal profession.

On Double Tracks,[13] by Canadian Leslie Hall Pinder, is a much more serious work, but we find in it some of the same themes. The heroine, Megan Striclan, is involved in litigation on behalf of an Indian tribe to reclaim land taken away from them by the Canadian government forty years earlier. She encounters a rigidly chauvinistic judge who dislikes women lawyers and has no sympathy for the Indians' cause. He typifies the patriarchal world of authority based on logic which will not hear her, a woman, or her clients, who represent the non-rational instinctual world. His own instincts have dried up.

Megan herself, the reader learns, recently suffered a nervous breakdown and this case represents a special turning-point for her. To function as a lawyer she has always believed she has to have recourse to that part of herself which is "clear, precise and almost stone cold, carrying all the rigidity and exclusiveness of stone" — so that during the trial she sleeps apart from Glen, the man in her life, and lives with the terrifying conviction that she must be "perfect and therefore impenetrable, with an unused and safeguarded perfection".

The author takes us back to the childhood experiences which have shaped Megan, which include fear of abandonment by her mother and father, guilt over an incident in which her younger sister almost died and horror at the cruelty of her eye-specialist father's experimental work on rabbits. Finally there is the death of her father from a heart attack, followed by her mother's deep depression and psychological withdrawal, which resulted in Megan's own undefined "illness". A highly sensitive and imaginative, intelligent child, she was unable to communicate her feelings and fears, and was distressed beyond endurance. For survival she resolved afterwards "never to be sick again". As part of this process she separated from her sister

13. Supra n 7.

and mother and went to University away from home, choosing to study law. A high-achieving law student , she later realised the dream of many young women, becoming the only female lawyer in a large law firm, with her name on the door of her office on the twenty-third floor of a tower building full of lawyers.

Eventually Megan became a partner. She worked long hours and became "disciplined and efficient", despising "languor and self-indulgence". She gained the reputation of being ruthless in court and gradually lost any identity other than that of Megan the lawyer. Though she now lives with Glen, she has difficulty sustaining the relationship because she tends to cross-examine him when he talks about memories from his childhood or his dreams. She scoffs at his "lies" — she herself doesn't dream, doesn't remember anything of her childhood. But the voices of the past don't let go of her and finally she has to confront them. It is the contact with the Indian Band and her decision to take up their cause which somehow saves her, helps her to retrieve her own emotional centre. Through pleading their "irrational" cause she fights her own inner battle to save that part of herself which has almost died — her ability to feel.

We see, then, that in these works of fiction depicting women lawyers two broad themes emerge: first, women lawyers' outward struggle with the patriarchy; and secondly, their inner struggle to hold onto or express their true nature *as women* while working in a discipline which emphasizes the "masculine" characteristics of logic, order and hierarchical authority.

As to the first theme, there are two facets: on the one hand the female lawyer heroines of these novels are portrayed as struggling with male resistance to their ambition; and, on the other hand, where male writers are concerned, the women lawyer heroines are in many cases fairly obviously the outward expression of male sexual fantasies and projections about women generally, which prevent men subject to them from relating to women as individuals rather than types.

So in Scott Turow's novel *Presumed Innocent*,[14] while the murder victim, Carolyn Polemis, is both beautiful and a breathtaking sexual partner (the classic male fantasy), she is also an extremely competent and ambitious prosecuting attorney. In typical patriarchal terms that must make her unfeminine. Thus she turns out to be really cold-hearted, indiscriminately sleeping her way to the top and abandoning her young son. The only proper fate for such a woman is apparently to be disposed of (in this case by murder),

14. Supra n 5.

but not before she has infatuated the hero of the novel with a passion that has no joy. He is "shattered, riven, decimated, torn to bits".

Psychologically-speaking, one might say that Carolyn Polemis carries the projection of the hero's own suppressed feminine side, which explains the joyless, tormented and obsessive nature of the relationship. Her fate is also symbolic of the general fate of the unintegrated and rejected feminine element in our contemporary patriarchal society, which denigrates feminine values. If one understands that, then it should come as no surprise that the author chooses to have the murderer in this novel be a woman too. The male hero is apparently an innocent victim caught in a web of female evil. The only woman whom Turow allows to succeed and survive is a paraplegic, in other words a maimed woman.

This is in keeping with the second theme referred to above: the woman lawyer's struggle to hold on to the "feminine" side of her nature and thus to remain "whole". While they are almost without exception beautiful, brilliant and sexually desirable, these women lawyer heroines are also shown to be somehow neurotic — their relationships with husbands, parents or children have failed or been abandoned. They are either sexually promiscuous or frigid. Something has gone wrong with their development, and their emotional side, their feelings, have become frozen. Carolyn Polemis in *Presumed Innocent*[15] is an obvious example; Megan Striclan in *On Double Tracks*[16] is another. The heroine of Gabrielle Lord's *Whipping Boy*,[17] Cass Meredith, is a third. She has a sex-only relationship with no commitment, she suffers accusations from her ex-husband that her ambition destroyed their marriage and her present drivenness is hurting their son, and she is undeniably troubled still by the aftermath of abandonment by her "traitor father who had let everyone down with his duplicity and charm". It becomes apparent that, in taking on the inquiry into child pornography, she is taking on all men, all fathers, avenging her own childhood injuries. Meanwhile she seriously misjudges the men around her and as a result nearly loses her own life and that of her ten year old son.

In many of the novels portraying women lawyers as cold or unfeeling (and therefore neurotic or inadequate as women) the writers have sought to solve the problem by marrying the heroine off to a man of feeling, or by having her opt out of the law. Susan Faludi might describe this phenomenon as part of the "backlash" which attempts to control women and which she

15. Supra n 5.
16. Supra n 7.
17. Supra n 9.

discusses in her book of that name.[18]

To an extent I would agree with her. On the other hand, there is a sense in which the phenomenon goes beyond "backlash" and describes a real problem for women lawyers — their need to give space to their essential femaleness, to avoid becoming over-identified with their role as lawyer.

Toronto-based Jungian analyst Dr Marion Woodman writes of the problem in her book *Addiction to Perfection*.[19] Speaking of a pervasive modern neurosis, she says:

> If we look at the modern Athenas sprung from their father's foreheads, we do not necessarily see liberated women. Many of them have proven beyond question that they are equal to or better than men.... But they are also, in many cases, unhappy women. Often, behind the scenes, they are chained to some addiction: food, alcohol, constant cleaning, perfectionism, etc.[20]

Dr Woodman explains the phenomenon, which affects both men and women, as a product of the patriarchal culture, which emphasises specialisation and perfection. In the modern world, where most women have no female role models, this makes them especially vulnerable to the pressure to assume masculine values.

> Many of our mothers and grandmothers were the daughters of suffragettes.... Some of them longed to be men; some related to their masculine side and dominated the household with masculine values so the atmosphere was geared to order, to goal-oriented ideals, to success in life, success that they themselves felt they had missed. The gall of their disappointment their children drank with their mother's milk.[21]

The children of such mothers grow up geared to efficiency, not daring to allow life simply to happen, says Dr Woodman.

> Driven to do our best at school, on the job, in our relationships — in every corner of our lives — we try to make ourselves into works of art. Working so hard to create our own perfection we forget that we are human beings.[22]

Dr Woodman compares the woman caught in this syndrome to Lady Macbeth, who denied her true nature, "simulating masculine values in a power-play alien to her feminine identity."

Dr Woodman would not accept the shallow solution which most of the novels about women lawyers present — marriage to a man of feeling. For this

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18. S Faludi *Backlash The Undeclared War Against Women* (London: Chatto & Windus, 1992).
19. M Woodman *Addiction to Perfection* (Toronto: Inner City, 1982).
20. Id, 9.
21. Id, 16, 17.
22. Id, 10.

sort of "mushy, self-abnegating relatedness" as a means of gaining validation has its own psychological problems, as Sylvia Brinton Perera points out. As Perera says:

> [S]uch merging is simply a way of avoiding confrontation. It keeps a woman's strength, which she needs to foster her individual integrity, in the underworld.[23]

The woman's assertive energy is not lost but, relegated to the unconscious, it re-surfaces in depression, addiction, mental breakdown and problems with teenage children. The solution lies less in outward changes than in the internal integration of the masculine and feminine elements of a woman's nature.

The need, then, is for the woman to acquire consciousness of the false value system which has contaminated her femininity and to recover her own feminine spirituality and energy. This is no easy task: indeed it may be the whole of life's journey for many. And in assuming this task, we need the help of more fictional women lawyers who confront their own demons for, as American Carolyn Heilburn writes in *Reinventing Womanhood*:[24]

> Literature is both the fruit and the nourishment of the imagination. We must look to it not only for the articulation of female despair and constriction, but also for the proclamation of the possibilities of life. We must ask women writers to give us, finally, female characters who are complex, whole and independent — fully human.

23. S B Perera *Descent to the Goddess* (Toronto: Inner City, 1981) 83.
24. C G Heilburn *Reinventing Womanhood* (New York: Norton & Co, 1979) 34.