The background of the cover features a detailed, golden-brown classical column capital, likely a Corinthian or Composite style, set against a dark, textured background. The capital is centered and occupies most of the vertical space. The text is overlaid on this background.

# THE SCALES *of* SUCCESS

**CONSTRUCTIONS OF  
LIFE-CAREER SUCCESS  
OF EMINENT  
MEN AND WOMEN  
LAWYERS**

SHEELAGH  
O'DONOVAN-POLTEN

## THE SCALES OF SUCCESS

### Constructions of Life-Career Success of Eminent Men and Women Lawyers

Sheelagh O'Donovan-Polten

What constitutes a successful life? How do middle-aged men and women who are at the pinnacle of their profession conceptualize success? Do such men and women differ markedly in their conceptions of what constitutes success?

Sheelagh O'Donovan-Polten provides an unprecedented window into the most private thinking about success of four male and four female middle-aged lawyers, each of whom is widely recognised to be at the apex of the legal profession in Canada. Using a phenomenological mode of inquiry, she compiles a comprehensive profile of each lawyer's unique construction of success and, through inductive analysis, arrives at a composite rendition of life-career success during middle adulthood. Extending the lines of inquiry of Robert Kegan and Carol Gilligan and incorporating insights of several other adult development and career development theorists, she arrays fourteen core attributes of life-career success within the framework of a metaphorical set of scales.

This sophisticated model of life-career success enables O'Donovan-Polten to explore the relationship between the evolution of the self during middle adulthood and middle-aged persons' conceptualizations of what constitutes success. Having developed a detailed context within which the gender factor is isolated for close scrutiny, she provides evidence of continued institutionalized discrimination inherent in the very language and processes of law. Rather than ending up with attributes identified predominantly with one gender or the other, she manages to illustrate the complexities of gender identity in relation to significant values and constructions of the self and of success. Ultimately, success is shown to be a context-dependent, multifaceted, paradoxical, and ever-evolving concept.

*The Scales of Success* will appeal to professionals working in the areas of developmental psychology, vocational psychology, career development, human resource development, adult education, and related areas.

**SHEELAGH O'DONOVAN-POLTEN** is an independent scholar in Toronto. She holds a doctorate in education from the University of Toronto and has been involved in studies related to education and human development for over twenty-five years.

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# The Scales of Success

Constructions of Life-Career  
Success of Eminent Men and  
Women Lawyers

SHEELAGH O'DONOVAN-POLTEN



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Part One

# **The Inquiry: Its Purpose and Process**



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## Chapter 1

# Introduction

Among the most ardently sought personal aspirations of Canadians, underlying their deepest motivations and implicated in their most vexatious insecurities as they embark on the twenty-first century, is the attainment of 'success.' In popular ideology, success is typically defined in terms of acquiring wealth, power, and prestige, while, in contemporary Western culture generally, the enterprises identified as work command a central role in determining our subjective and social identities. In light of these observations, it might reasonably be assumed that middle-aged persons who have achieved a relatively high level of financial security, and who command widespread recognition and influence as a result of professional status and accomplishments, would enjoy a robust sense of subjective and social identification with the ascription 'successful.' But how do those to whom this ascription is given themselves define success? Is acquisition of the trappings of 'success' synonymous with authentic success?

The research literature pertaining to the career development of professionals suggests that middle-aged persons in the professions and in business tend consciously to reassess their life-career objectives and accomplishments regardless of their levels of career achievement (e.g., Jung, 1965; Neugarten, 1968; Levinson, Darrow, Klein, Levinson, and McKee, 1978; Richardson, 1981; O'Connor, 1985; Blume, 1986; Hollis, 1993; Brehony, 1996; Levinson and Levinson, 1996; Willis and Reid, 1999). The research indicates that the appraisals undertaken are frequently associated with significant intrapsychic phenomena involving radical reformulation of personal paradigms. They entail revision of the unique underlying pattern of assumptions, beliefs, expectations, values, and motivations which guide the individual person's behaviour and

determine his or her life structure (e.g., Loevinger, 1976; Levinson et al., 1978; Cross, 1981; Kegan, 1982, 1994; Troll, 1982; O'Connor, 1985; Sherman, 1987; Brehony, 1996; Levinson and Levinson, 1996; Willis and Reid, 1999). Professionally successful middle-aged persons, engaged in this process of assessing their personal paradigms, may be assumed to examine their constructions of life-career success and to question their tenability in light of their new and emerging formulations.

The ultimate aim of this inquiry is to articulate an integrated, theoretically grounded paradigm of life-career success during middle adulthood. More specifically investigated is the relationship between the evolution of the self during middle adulthood and middle-aged persons' conceptualizations of what constitutes life-career success. To these ends, the inquiry seeks to make explicit what constitutes life-career success for such persons who are themselves commonly considered to have attained a high level of professional success. The constructions of life-career success to which a select group of middle-aged individuals subscribe are described in detail, and then explored from the vantage point of several major theoretical perspectives. The members of this group are all eminent Canadian lawyers, in private practice in the general Toronto area and senior partners in their respective law firms. Their constructions afford collectively a plenitude of rich micro-data, in which is grounded the ensuing descriptive and interpretive exposition on the inherently multifaceted, contextually dependent, paradoxical, and ever-evolving nature of life-career success.

My focus on the constructions of life-career success of this specific population, rather than middle-aged members of some other profession or combination of professions, reflects the influence of Maslow's (1968, 1970, 1971) approach to investigating the motivations and gratifications of self-actualizing persons. More particularly, it is an expression of my deep interest in exploring what constitutes optimal psychological functioning during middle adulthood from the perspectives of middle-aged persons who have attained professional eminence, as well as relatively high levels of professional autonomy and financial security, and who are evidently not constrained by complications or impediments related to such attributes as minority racial heritage, sexual orientation, or physical or psychological disability. My intention is that of systematically investigating what constitutes optimal psychological functioning during middle age for individuals who are advantageously placed to operate under highly favourable conditions within the context of Canadian society at this point in its social-political evolution. For me as a researcher,

and as a professional educator and counsellor, vitally interested in the developmental impulses, needs, and sensibilities of middle-aged men and women in the professions, this inquiry has amounted to a veritable epistemological odyssey which has induced sweeping revision and expansion of my own understanding of the developmental challenges to be encountered in middle age.

A second major factor underlying my selection of eminent, middle-aged lawyers stems from my assumption that this specific group of professionals exercises significant influence within Canadian society. By virtue of their status within their respective professional and personal communities, the members of this population act as norm-bearers and decision-makers within our social structure (Neugarten, 1968) and as judges of evil and transmitters of ideal values (Erikson, 1982). In addition, by virtue of their professional status as eminent lawyers located in the general area of Toronto, where approximately one-quarter of Canada's lawyers are concentrated (Hagan, Huxter, and Parker, 1988), they exert considerable influence on the processes through which norms and ideal values are articulated on behalf of the Canadian citizenry and on the decision-making procedures through which these norms and values are legitimated and ushered into official sanction. Through the enactment of the Canadian Charter of Rights and Freedoms of 1982, which occasioned a major shift of law-making power from the legislative to the judicial process, the influence of the legal profession as a whole and, commensurately, that of its most eminent members was enhanced substantially.

A report of the Canadian Bar Association refers to private practice as 'the paradigm for the profession' and points out that 'the most powerful positions in legal practice are in the largest firms.' The report notes further that the largest firms 'interconnect with the boards and directorships of major corporations,' that the largest firms 'significantly influence the ruling bodies of the legal profession itself,' and that 'the majority of judicial appointments are drawn from lawyers practicing in this sector' (1993: 81). It is significant that, of the eight lawyers whose constructions of life-career success I present in this inquiry, one woman and two men have since assumed powerful judicial offices within prestigious courts and, of the five remaining, one of the women and one of the men continue to be nominated routinely in the mass media and within the legal milieu as leading potential candidates for appointments to the Supreme Court of Canada.

Although lawyers exert far-reaching influence vastly disproportionate

to that of other sectors of the population, psychologically based research on the values and motivations of practising Canadian lawyers remains extremely sparse. Through my focus on the constructions of life-career success of eminent, middle-aged Canadian lawyers, I therefore endeavour not only to cast light on what constitutes optimal psychological functioning during middle age, but also to illuminate the values espoused by influential members of a profession which is itself central in shaping the norms and values upheld in contemporary Canadian society.

A third reason for focusing on lawyers relates to the possible existence of gender-linked differences in men's and women's experiences. A number of researchers on the subject of gender-linked variations in values, most notably Gilligan (1982a; 1982b; 1986; 1993), contrast the individualism of males with the social embeddedness of females. Gilligan asserts that society facilitates and reinforces the development of different forms of self-definition and different images of relationship in males and females and that these differences resonate in the tendency of men to subscribe to an ethic of justice based on rights and rules, and of women to espouse one based on care and responsibility.

Gilligan's assertions have particularly serious implications for members of the legal profession. The Canadian justice system rests on an ethical underpinning which may be characterized, albeit oversimplistically, as subscription to the rule of law. In the light of Gilligan's perspective, it is reasonable to speculate that the ethos of the legal profession may be more compatible with and hospitable to the values of men than those of women. A number of studies (e.g., Epstein, 1981; Chester, 1985; Liefland, 1986; Hagan et al., 1988; Law Society of Upper Canada, 1991; Canadian Bar Association, 1993; Hagan and Kay, 1995) have indicated that the milieu in which the legal profession operates is gender-biased. Nevertheless, there has been a rapid influx of women into the profession during the past two decades and when this is taken into account, indications are that, in Toronto at least, they may be reaching the upper and more influential levels of the profession in increasing numbers (Hagan et al., 1988; Hagan, 1993).

By confining the parameters of this inquiry to the constructions of life-career success of private practitioners at the upper echelons of the legal profession, I endeavour to make explicit similarities and differences in the values and motivations underlying the striving of women and men who occupy comparable positions within the hierarchy of the legal profession and who already enjoy a relatively high degree of auton-

omy in determining their own priorities. I assert that the members of this group are in a position to translate, to an unusual degree, their personally determined values and motivations into actual practice in everyday life. They have a relatively high degree of emancipation from the typical encumbrances which accrue to striving for such goals as financial security, professional acceptance and recognition, and personal autonomy. Thus, I assumed that they would be highly articulate informants on the topic of life-career success and on their own perceptions of how their particular personal and professional experiences related to their constructions. I assumed furthermore that, if the constructions of success of this decidedly advantaged group of men and women differed fundamentally along gender-linked lines, this would become apparent in the course of my interviews.

The exclusion from this inquiry of other non-dominant groups in the legal profession – namely, those from racial minorities, those who are characterized by their sexual orientation or their culture, and those who are disabled or disadvantaged by economic class – is not intended to imply my uncritical adoption of the prevailing view that gender is the crucial marker around which alternative constructions of career success are organized. In circumscribing the boundaries of my inquiry, I seek to elucidate the values of a rarefied but influential echelon of a powerful sector of Canadian society. I presume the members of this elite group to be disproportionately implicated in prescribing and maintaining norms, practices, and processes by which members of disadvantaged groups – including those identified above – are frequently marginalized within the broader Canadian social structure and are hindered from attaining ‘success’ in dominant terms within the legal profession itself, as well as within other occupational contexts.

### **Clarification of Terms**

The general orientation to career development I espouse is consistent with that of Super’s ‘life-span, life-space’ formulation (1980, 1984, 1986, 1990; Super, Savickas, and Super, 1996), in which career development is highlighted as intrinsic to overall human development. Super’s life-career approach, which is elaborated schematically in his *Life-Career Rainbow*, endeavours to accommodate the dynamic, multivariate dimensions of the process as it extends throughout the life cycle. Super asserts that ‘most men and women play a combination’ of six major life-career roles – child, student, leisurite, citizen, worker, and homemaker/parent –

and that the career has three key dimensions – time, which refers to ‘its length, span, or life cycle’; breadth or scope, which refers to ‘the amount of potential life space it uses’; and depth, which refers to ‘the degree of involvement’ of the person in question in each of the roles played (Super, 1986: 95–7). Accordingly, I conceive the process of life-career development as the changing constellation of sequential decisions made, positions held, and roles played, often simultaneously and with varying degrees of involvement and commitment, over the course of a lifetime.

Deliberating on what might be taken as constituting success, Super points out that ‘success is not only a *social* or *objective* matter, but also a *personal* or *subjective* matter’ (1951: 7; italics in original). Therefore, success may be considered at a social or objective, extrapsychic level in such terms as position on a financial or organizational hierarchy, or at a personal or subjective, intrapsychic level in terms of a self-assessment of the degree to which one conforms to subjectively selected criteria. Although I look at the conventional, socially derived indicators of success, my focus throughout this inquiry is on subjectively delineated criteria for determining life-career success. While the term ‘life-career success,’ as I use it throughout this text, serves to reiterate and underscore my subscription to Super’s broadly based approach to career development, I employ the terms ‘success,’ ‘career success,’ and ‘life-career success’ interchangeably except where I indicate otherwise.

Settling on a concise delineation of the parameters of middle age proves more problematic. While the term obviously implies somewhere between youth and old age, between early and late adulthood, its precise boundaries remain nebulous. Jung (1933, 1953), for example, emphasizes the importance of differentiating between what he identifies as the four stages of life – childhood, youth, middle age, and old age. The first half of life he likens to morning, when the sun rises above the horizon and ascends gradually to the meridian, the second half to the afternoon, when the sun descends gradually toward the horizon, sets, and disappears. The meridian Jung locates at around the age of forty. The onset of the afternoon of life is marked by a heightened thrust toward what Jung terms individuation, which persists throughout the remaining years. Individuation is central, Jung avers, to the process of growth toward integration, or fully realized wholeness. Individuation involves a complex, multifaceted process of confrontation with the unconscious. During this protracted process, the ‘shadow,’ or full repertoire of neglected or forsaken aspects of the self, is recovered and

refashioned into a harmonious synthesis with the 'persona,' or those facets of the self which hitherto have been presented more or less consciously to the world and by which a relationship to the environment has been forged.

Jung's demarcation of middle age as a turning point is consistent with the propositions of Neugarten who, on the basis of a broad collection of studies, asserts that ample evidence exists to show that middle age is perceived as a period in the life cycle which is qualitatively different from other periods. Having asserted that chronological age has no meaning in and of itself, but that it may be used as a convenient index for representing events that occur with the passage of time, Neugarten refers to the middle years as 'probably the decade of the fifties for most persons' (1968: 140). Avoiding chronological specification, she goes on to suggest that middle-aged people look to their relative locations within different life contexts, such as career, family, and physiological status, rather than chronological age, for their primary points of reference in clocking themselves. Because many individuals' locations within their particular life contexts are patently not synchronous, Neugarten focuses on socially dictated age norms and age expectations and their psychological correlates. Three of the psychologically most salient correlates of middle age which she identifies are increased introspection and self-evaluation, inversion of temporal perspective in terms of time-left-to-live rather than time-since-birth, and a sense of maximum capacity to handle a highly complex environment and a highly differentiated self.

A similar theme of self-expansion and self-renewal pervades Erikson's (1963, 1982) depiction of middle age as the stage when generativity versus stagnation emerges as the central psychosocial challenge. Although somewhat elusive about the associations between chronological age and psychosocial stage in adulthood, in *Gandhi's Truth* (1969), his major biography dealing with middle adulthood, Erikson identifies generativity versus stagnation as the crucial issue to be resolved during the forties and fifties. Generativity refers to the capacity of adults to expand their self-interests to embrace the establishment and guidance of the next generation. Thus, it comprises expanding and reaffirming the self in conjunction with contributing to cultural continuity.

While they acknowledge that much work remains to be done before firm generalizations concerning connections between chronological age and adult developmental stage can be made, Levinson et al. (1978), Levinson (1986), and Levinson and Levinson (1996) provisionally pro-



pose specific linkages between age and developmental periods in early and middle adulthood for both men and women. Espousing a Jungian orientation, they contrast life-structuring with life-restructuring periods and explicitly depict middle adulthood as commencing at forty and culminating at sixty (see figure 1.1). Despite their divergent theoretical bases, this delineation by Levinson and Levinson (1996) is consistent with the general boundaries for middle age indicated by Neugarten (1968) and Erikson (1969). It is also consonant with the broad parameters for mid-life and middle age suggested by Jaques (1965), Gould (1978), Troll (1982), Sherman (1987), Karp (1988), Hollis (1993), Brehony (1996), and Willis and Reid (1999). Thus, there appears to be a broadly based, growing consensus regarding the general chronological parameters according to which middle age may be demarcated in this society, at this stage of human evolution and history.

Against the foregoing backdrop, I therefore delineated middle age for the purposes of this inquiry as a twenty-year span between the ages of forty and sixty. I use the terms middle age and middle adulthood interchangeably.

In harmony with Kegan's (1982) constructive-developmental approach to the study of human development, which I espoused as an initial frame of reference from which to launch my research, I employ the term 'construction' to refer to a person's epistemology, or unique way of synthesising his or her experience in order to make sense of the world and to defend against anxiety and conflict.

### **Specific Questions Explored**

The central question I pose is: How does a professionally successful, middle-aged Canadian lawyer construct life-career success? And related to that is the degree to which such constructions differ by gender. If, as Gilligan asserts, men subscribe to an ethic of individual rights and women to an ethic of interpersonal care and responsibility, questions may be raised as to how the construction of life-career success espoused by the professionally eminent, middle-aged female lawyer differs from that of her male counterpart, and vice versa. Therefore, I explore a number of key supplementary questions: Does the construction of life-career success to which the professionally successful female lawyer subscribes differ markedly from that of her male counterpart, and if so, how? Does the middle-aged male or female lawyer subscribe to a construction of life-career success which indicates an epistemology favour-

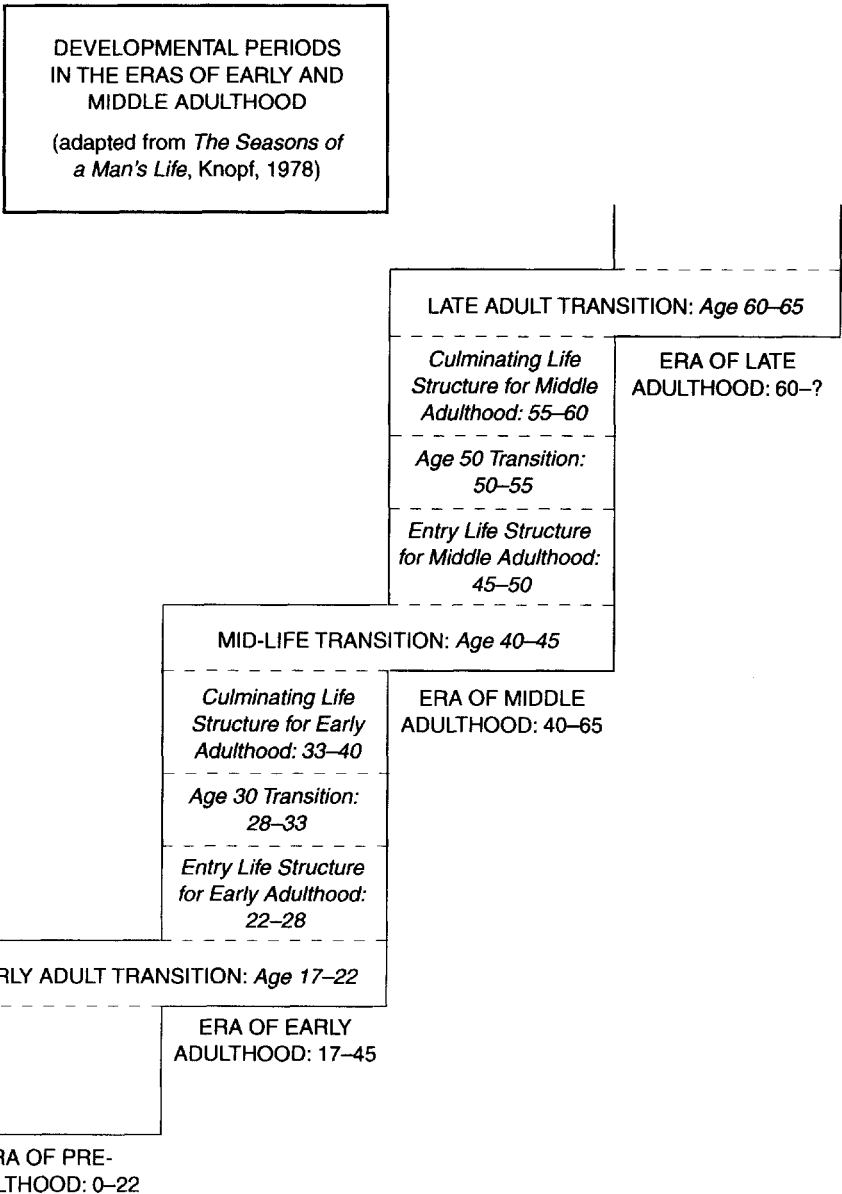


Figure 1.1: Levinson’s Developmental Periods. Source: Levinson and Levinson, 1996: 18.

ing independence or social separation, or favouring interdependence or social connectedness?

In investigating these questions, I systematically elaborate a model of life-career success to which I assign the form of a metaphoric 'scales of success.' Potentially applicable to broader populations of mid-life professionals, the model I advance encompasses the tensions perceived to exist between social independence and interdependence and, while integrating my own findings into a coherent framework, incorporates major insights offered by transition, adult development, and career development researchers and theorists. Although the paradigm of life-career success I propose is primarily the legacy of the present inquiry, I introduce it here to provide a point of departure from which to track the course of the inquiry procedure as outlined in chapter 2. The case profiles, documented in chapters 3 and 4, lead logically to the themes described and discussed in detail in chapters 5 and 6, and, ultimately, to the concluding propositions and implications, presented in chapter 7.

## Chapter 2

# The Inquiry Process

The concept of transition has assumed particular prominence as a theoretical construct in adult and career development research during the past two decades, and a considerable body of evidence which suggests that middle-aged persons do engage in a process of critically examining and restructuring their personal paradigms has been amassed (e.g., Brim, 1976; Hopson and Adams, 1977; Vaillant, 1977; Gould, 1978; Levinson et al., 1978; Bridges, 1980; Schlossberg, 1981, 1984, 1989; Kegan, 1982, 1994; Levinson, 1986; Brehony, 1996; Levinson and Levinson, 1996; Willis and Reid, 1999). Schlossberg (1981, 1984, 1989) has presented a detailed model explicitly designed to conceptualize adult transitions. She defines a transition as 'an event or nonevent that results in a change in assumptions about oneself and the world and thus requires a corresponding change in one's behavior and relationships' (Schlossberg, 1981: 5). Echoing Schlossberg's definition of a transition, O'Neill and Fishman (1986) offer a tentative definition of career transitions 'as events or nonevents in the career development process that cause changes in the status or meaning of the career' (1986: 135). Levinson et al. (1978), Levinson (1986), and Levinson and Levinson (1996), by comparison, employ the concept of life structure to refer to the underlying pattern or design of a person's life at any given time. They emphasize the significance of structure-building and structure-changing periods throughout the adult life cycle and indicate that for the great majority of men and women mid-life evokes struggles within the self and with the external world which frequently involve profound appraisal of personal paradigms and dramatic modification of the character of the life structure. These assertions are consistent with Erikson's observation concerning the ineluctability of the human struggle for a

meaningful existence: 'The personality is engaged with the hazards of existence continuously, even as the body's metabolism copes with decay. As we come to diagnose a state of relative strength and the symptoms of an impaired one, we face only more clearly the paradoxes and tragic potentials of human life' (Erikson, 1963: 274).

Life-career transitions are evidently ubiquitous and inescapable and are likely to become a recurring feature of life-career development. To substantially advance our understanding of the processes which occur during middle adulthood, a careful synthesis of the interrelated contributions of transition, adult development, and career development theorists is required. Yet no genuinely integrated comprehensive model has been more than crudely conceptualized. Accordingly, then, for the purpose of providing a backdrop against which the more specific questions concerning life-career success during middle adulthood may be positioned in a larger research context, I present a brief overview of currently controversial issues in the literature on mid-life transition, adult development, and career development.

### **Visions of Adult Life-Career Development: Controversial Issues**

The diverse array of approaches to the study of adult life-career development may be categorized into two main streams: (a) structural stage theories (e.g., Erikson, 1963; Kohlberg, 1973; Loewinger, 1976; Super, 1980; Kegan, 1982, 1994); and (b) non-structural, time- or age-linked theories (e.g., Gould, 1978; Neugarten, 1968, 1976; Levinson et al., 1978; Chickering and Havighurst, 1981; Cross, 1981; Levinson, 1986; Levinson and Levinson, 1996). Structural stage theorists tend to emphasize patterns, rather than single variables, and to view adult life-career development as consisting of a series of qualitatively different stages, rather than continuous quantitative change. Non-structural theorists, by contrast, tend to accentuate time- or age-linked changes in specific variables and to portray development as a continuous incremental process. The two approaches are not mutually exclusive but are rarely held concurrently (Levinson, 1986). Progress toward a more balanced and integrated view of the relative merits of competing theories constitutes a central concern in the research literature and, appropriately, remains one of my central concerns throughout this inquiry.

Although a considerable degree of consensus concerning the major issues is discernible, the presence or absence of innate age-linked developmental impulses during adulthood constitutes another highly contro-

versial topic in the research literature. In essence, the debate revolves around the extent to which the issues that present themselves for resolution during mid-life are primarily attributable to experience or to innate impulses associated with chronological age.

General human development researchers (e.g., Held, 1986; Kohli and Meyer, 1986; Handel, 1987) argue that social roles and careers evolve in accordance with institutionally defined timetables, which vary widely among institutions and cultures. They cite abundant evidence that social structure, culture, personality, major life events, and biology exert powerful effects on the character of the individual life structure at any given time and, therefore, on its evolution throughout adulthood. Others (e.g., Levinson, 1986; Levinson and Levinson, 1996) acknowledge the vast impact of those forces but assert that there exists an underlying order in the human life course, that the basic nature and timing of the adult life cycle are pre-determined at this time in human evolution and history. Nevertheless, there is evidence of a growing international acknowledgment of the necessity to create a comprehensive, cross-disciplinary theoretical perspective which integrates *intra*individual phenomena with social forces and which draws equally from biology, psychology, sociology, and the humanities generally (e.g., Levinson, 1986, in the United States; Kohli and Meyer, 1986, in West Germany and the United States; Viney, 1987, in Australia; Willis and Reid, 1999, in the United States).

A third vigorous debate pertains to the applicability of mainstream theories of adult life-career development to women. Long-esteemed theorists (e.g., Jung, 1933, 1958; Erikson, 1963, 1982; Maslow, 1968, 1970, 1971; Super, 1980, 1984, 1986) proceed as if the life-career development of women does not differ essentially from that of men. Other accomplished researchers, most prominently Gilligan (1982a, 1982b, 1986, 1993), but also Fitzgerald and Crites (1980), Fitzgerald and Betz (1983), Belenky, Clinchy, Goldberger and Tarule (1986), Miller (1986), Betz and Fitzgerald (1987), Gilligan, Ward, and Taylor (1988), and Fitzgerald, Fassinger, and Betz (1995) cogently challenge the assumptions underlying those earlier theorists' work.

One major example frequently cited by critics of mainstream adult development theories indicates that women subscribe to two life-career aspirations, one relational and the other occupational, while men unreservedly accord precedence to their occupational aspirations (e.g., Ellicott, 1985; Reinke, Ellicott, Harris and Hancock, 1985; Forest and Mikolaitis, 1986). That women face multiple career-related predic-

ments and barriers is well documented. In essence, these are reducible to value conflicts involving the integration of marriage and motherhood with a profession, and the effects of sex-role socialization and stereotyping (e.g., Dowling, 1981; Gilligan, 1982a, 1982b, 1993; Gilligan et al., 1988; Held, 1986; Liefland, 1986; Betz and Fitzgerald, 1987; Fitzgerald, Fassinger, and Betz, 1995).

The rewards and costs experienced by women in traditionally male-dominated professions such as law are investigated by a number of researchers. The findings cumulatively suggest that, while their income, status, and achievement rewards are higher, women in such professions experience greater role conflict, as well as more severe forms of stress, and pay a greater price in terms of emotional health than do women in traditionally female professions (e.g., Milwid, 1982; Goozee, 1985; Jack and Jack, 1988). Several researchers advocate the redefinition and reorganization of professional practices generally in order to accommodate to the life cycle of women and to allow for an equitable distribution of family-related responsibilities between men and women (e.g., Fitzgerald and Betz, 1983; Martin, 1986; Betz and Fitzgerald, 1987; Fitzgerald, Fassinger, and Betz, 1995). Not surprisingly, then, a very critical need for the incorporation of the relational component into future models of adult development is evident throughout the literature which specifically addresses women's life-career development.

### **Keegan's Model as a Theoretical Frame of Reference**

Because it manages to incorporate or accommodate a number of the contentious issues encountered in the research literature, I have espoused Robert Kegan's (1979, 1982) constructive-developmental model of human development as a theoretical frame of reference to initially orient and inspire, but not constrain, my inquiry process. In his original theoretical book, *The Evolving Self*, Kegan (1982) presents a comprehensive, philosophically anchored theory of the psychological evolution of meaning-making. He envisages the activity of constructing or making meaning – that is, of making sense of experience – as the quintessence of the developmental process. As he himself points out, the lineage of his perspective is traceable to venerable antecedents, most notably, the work of James Mark Baldwin (1906), George Herbert Mead (1934), John Dewey (1938), and particularly that of Jean Piaget (1948, 1952, and 1954).

Kegan depicts meaning-making as the primary, most fundamental

motion in the evolution of the person. Having adopted this basic assumption, he goes on to build on the genetic epistemology of Piaget. Complementing his own central assumption and maintaining consistency with the Piagetian notion of equilibration, Kegan adopts as a second core assumption the idea that persons, like other organic systems, evolve through qualitatively different eras according to regular principles of stability and change. Again reflecting his Piagetian heritage, he embraces as a third key assumption the notion that the self evolves through dynamic interactions between the person and the environment, rather than through the internally induced processes of maturation alone. By extending and elaborating on these three assumptions, Kegan creates the foundations of a comprehensive, interdisciplinary perspective which integrates intrapersonal phenomena with interpersonal and social forces. His perspective enables him to encapsulate biological, psychological, and philosophical dimensions of the developmental process in an elegantly constructed developmental framework.

Kegan epitomizes individual development as 'the evolving self' and schematically depicts it as a helix punctuated with alternating periods of evolutionary truce and transition (see figure 2.1). He identifies five hierarchically organized evolutionary truces: (0) the incorporative, (1) the impulsive, (2) the imperial, (3) the interpersonal, (4) the institutional, and (5) the interindividual. Truces represent interludes of dynamic developmental balance during which assimilation of and accommodation to new experiences proceed in the context of a relationship which has been established between the person and the environment. They constitute periods of relative stability in the lifelong, inexorable process of evolution.

Yet each evolutionary balance is fragile and precarious, in that it contains an inherent vulnerability to losing its equilibrium. Each balance achieved is slightly *imbalanced* and is, therefore, susceptible to being tipped over in favour of one or the other of what Kegan regards as the two greatest yearnings in human experience – the yearning for social inclusion, or integration and connection, and the yearning for individual independence, or differentiation and distinctness. Each evolutionary truce is but a temporary solution to the lifelong dialectical struggle between these two great yearnings, and each succeeding balance resolves this basic tension in an unprecedented, more complex, more inclusive, and more objectively truthful way. Thus, the life course may be conceived as an incessantly more inclusive movement to and fro



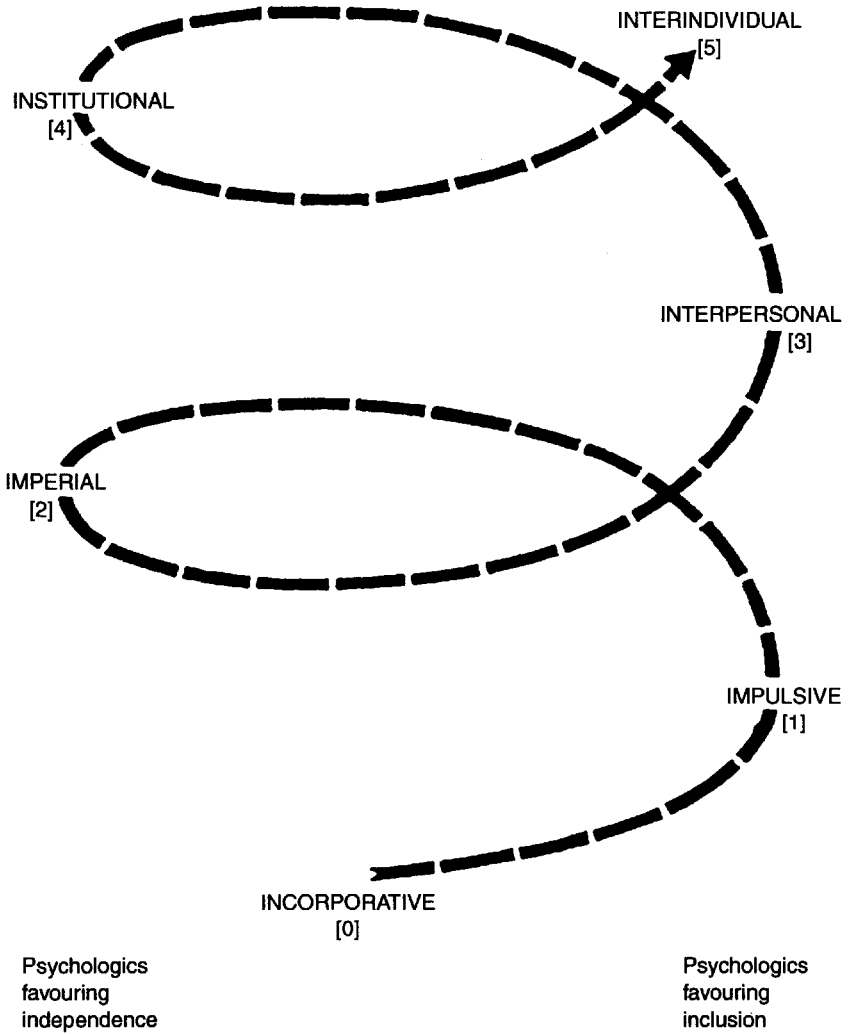


Figure 2.1: Kegan's Helix of Evolutionary Truces. Source: Kegan, 1982: 109.

between resolving the tension slightly in favour of inclusion, at one stage, and independence, at the next. In Kegan's own words, 'our experience of this fundamental ambivalence may be our experience of the unitary, restless, creative motion of life itself' (1982: 107).

Kegan conceives transitions as natural emergencies of the self, which entail differentiation from the present psychosocial surround, or emergence from the current culture of embeddedness. For a transition to be negotiated from one evolutionary truce to another, the culture of embeddedness needs to facilitate three processes which Kegan designates 'confirmation' or holding on, 'contradiction' or letting go, and 'continuity' or staying put for reintegration. To be optimally conducive to growth and adaptation, the culture of embeddedness must perform a corresponding trilogy of functions. It must effectively serve the dual functions of holding on and letting go and, thereby, enable the part of the self that is subject to become object. But it must also reliably serve the function of staying put during the period of transformation and re-equilibration, so that the part of the self that was subject and has become object can be successfully reintegrated into the newly constructed evolutionary balance, or truce. Therefore, the functionality of the holding environment is of critical importance in fostering evolution of the self.

By according equal dignity to each of the two great human yearnings, Kegan seeks to subsume the male-oriented value system, which endorses independence and autonomy as the highest expression of adult development, and the female-oriented value system, which upholds inclusion and relationship, and to integrate both into a unified framework. Thereby, he claims to offer a corrective to pre-existing models of human development which define growth in terms of increasing independence, separation, and differentiation and which fail to recognize that adaptation is equally about inclusion, attachment, and embeddedness (pp. 108–9). By reconciling the interplay between the polarities of inclusion and independence with the functionality of holding environments and cultures of embeddedness in the evolution of meaning-making, Kegan strives to assimilate the biological, psychological, and philosophical dimensions of the developmental process into a coherent whole.

### **Collecting the Data**

In harmony with Kegan's constructive-developmental framework and its focus on the subjective meaning of human experience, I adopted a phe-

nomenologically based research method. The phenomenological mode of inquiry is typified by an open, reflexive, dialogical attitude which requires the researcher's suspension of her preconceptions and biases, through a preparatory process of self-reflection, and her subsequent immersion of herself as an indweller in the co-participant's reported experience (Colaizzi, 1978; Darroch and Silvers, 1982; Taylor and Bogdan, 1984; Giorgi, 1985; Lincoln and Guba, 1985; Tsoi Hoshmand, 1989). Accordingly, the dominant strategy of data collection I employed for this inquiry was comprised of minimally structured, in-depth, open-ended interviewing, which was aimed at uncovering and comprehending each individual lawyer's unique perspective on what constitutes life-career success.

As the researcher, my role with respect to each lawyer I interviewed was that of dialogical participant-learner; the role of each lawyer with respect to me I conceived as that of collaborative co-participant-teacher. In further concordance with the principles undergirding the phenomenological research paradigm, I designed the processes of data collection and analysis to be dialectically intertwined with and responsive to one another. Thereby, a theoretically sensitive and dynamic research process, which allowed me as the researcher to interact dialogically with the data presented by each succeeding lawyer I interviewed, was allowed to unfold.

I followed a purposive sampling procedure, directed toward the acquisition of as much contrasting data as possible. Thus, I selected the research co-participants from a pool of nationally eminent Canadian lawyers, who represented a variety of areas of law and of demographic characteristics and who were in private practice in the general Toronto area. Each was a senior-level partner in their respective law firms and between 40 and 60 years old.

In choosing my co-participants I consulted with eight local experts on the legal profession, including one male and one female professor of law, two male and two female lawyers in private practice, an author who has written extensively about members of the Canadian legal profession, and a journalist who specializes in legal issues. This process generated a master list of twenty-two female and twenty-eight male potential research co-participants. To determine the eligibility of each nominee on the master list for inclusion in the final pool, I consulted a national directory of eminent Canadians (Simpson, 1993), which is updated annually and presents detailed biographical data on Canadians who have achieved distinction in their respective fields of endeavour, and a

directory of Canadian lawyers (Antoniadis, 1997), which is revised annually and identifies the position of every lawyer within the hierarchy of his or her law firm. With a view to ensuring balanced representation of both genders and retaining maximum diversity with respect to legal specialty, age, ethnicity, and culture, I retained a final pool of six male and six female nominees on the master list.

Having thus identified all nominees who conformed to my stipulated criteria, I wrote to one male and one female from this group to invite them to participate in the inquiry. Consent was granted by both, I interviewed each, tape-recorded our discussions, transcribed them, and analysed them inductively. I employed the same criteria as the basis upon which I selected the next two co-participants from the ten remaining nominees. All subsequent co-participants were selected on a similar basis.

I terminated the further recruitment of co-participants and collection of data after eight case studies as I had achieved: *thick description*, the stage at which each succeeding co-participant reported that his or her construction of life-career success had been exhaustively explored and fully expressed in his or her profile; and *informational redundancy*, the point at which frequently recurring themes were evident in the accumulated data and very little new information was forthcoming.

## The Interviews

### *The Kegan-style Interview*

I used an in-depth, minimally structured, open-ended personal interview as my dominant strategy of data collection (see appendices A and B). Three major considerations influenced the design of the interview procedure and schedule. One related to the topics that might serve to capture or reflect the co-participant's construction of life-career success. The second was a concern to create an atmosphere comfortable for both co-participant and researcher, and conducive to the co-participant's unfettered discussion of what from his or her perspective constituted life-career success. The third pertained to the issue of the trustworthiness of the research findings.

The interview procedure adhered closely to the format for administering the Subject-Object Interview presented in *A Guide to the Subject-Object Interview: Its Administration and Interpretation* (Lahey, Souvaine, Kegan, Goodman, and Felix, 1989). The co-participant was told that I,

as the researcher, was interested in understanding generally how he or she made sense of his or her own experience and particularly how he or she thought about success in relation to various domains of his or her professional and personal life (see appendices A and B).

The interview consisted of three discrete parts. Part 1 focused on generating content related to life-career success which was currently salient to the co-participant. Part 2, which comprised the main portion of the interview, concentrated on exploring the co-participant's meaning-making concerning his or her unique conception of life-career success. Part 3 focused on closing the interview and checking the trustworthiness of the data obtained.

It was vitally important that the co-participant should trust me and feel at liberty to express frankly the meaning of his or her experiences. Therefore, all questions and probes were open-ended, in accordance with a desire to avoid predicting or restricting the expression of ideas and experiences that were meaningful to the co-participant. The interview format was designed throughout to encourage the co-participant in teaching me, as the researcher, about his or her conceptualization of what constitutes life-career success and, as far as possible, about his or her unselfconscious epistemology, or 'principle of meaning-coherence' (Lahey et al., 1989: 427), and its social context. Part of the intent of the Kegan-style interview design was to provide a consistent basis and an anchor for each co-participant's articulation of and reflection on his or her construction of life-career success.

Testing for trustworthiness in this inquiry began during the Kegan-style interview and continued throughout the subsequent phases of data collection and processing. As employed by Lincoln and Guba, the term 'trustworthiness' embraces four criteria which may be invoked by the researcher who espouses a qualitative mode of inquiry to persuade an audience that his or her findings deserve serious consideration. These criteria are analogous to the conventional ones of internal and external validity, reliability, and objectivity and are termed 'credibility,' 'transferability,' 'dependability,' and 'confirmability,' respectively (Lincoln and Guba, 1985: 189).

Except for advising the co-participant of my particular interest in his or her thinking about life-career success and introducing 'success' as the first topic to be explored, part 1 of my interview procedure was virtually identical to that prescribed for the Subject-Object Interview in Lahey et al. While part 2 of my interview was modelled on the Subject-Object Interview, it did not focus exclusively on acquiring epistemologi-

cally explicit data for the sole purpose of assessing the interviewee's developmental level. Rather, in accordance with the purposes of my inquiry, this part of the interview enabled engagement in an open-ended, minimally structured exploration of the whole configuration of dimensions of success as uniquely conceived by the co-participant. In addition, by encouraging exploration of the rationale supporting some of his or her key value statements, it allowed for the uncovering of his or her underlying epistemology. This modified version of the Subject-Object Interview enabled the accumulation of extensive data on the co-participant's conceptualization of what constitutes life-career success and yielded additional data intimating his or her level of development, or evolutionary truce, as conceived by Kegan's constructive-developmental model.

In order to test the credibility of the Kegan-style interview as a vehicle for capturing the co-participant's construction of life-career success, I presented toward the end of the interview a number of supplementary probing questions, offered a summary of my interpretation of key elements of the co-participant's construction of life-career success, and followed this with an invitation for further comments, reflections, and/or clarifications. This was intended to serve as a means of checking my reconstruction of the co-participant's meaning-making, while simultaneously inducing the co-participant to add any supplementary information he or she might recollect upon hearing my summary. In addition, I included in my research design an extensive review process, aimed at checking and enhancing further the trustworthiness of the proposed profile of each co-participant's construction of life-career success.

### *The Profile Review Interview*

Bearing in mind that it was the co-participant's construction of reality that I wished to make explicit, rather than my own interpretations, I conducted a profile review interview with each co-participant. The intervals between the interviews, which ranged from six to twenty-four months, gave a longitudinal dimension to my research, while also allowing for the intervening analysis of raw data and the compilation of each successive preliminary profile. The primary intent of this second interview was to refine and check the preliminary profile and, if necessary, expand its content (see appendices C and D). This involved a process by which I, as the researcher, collaborated with the co-participant in verifying or refuting, correcting or elaborating on particular aspects of the

preliminary profile, while providing an atmosphere conducive to the co-participant's clarification of ambiguities or resolution of ambivalences surrounding his or her current construction of life-career success. I specifically asked the co-participant whether his or her thinking about life-career success had changed since the first interview had been conducted and, if so, how it had changed (see appendices C and D). To ensure that confidentiality would not be compromised, I also specifically checked with each co-participant whether confidentiality had been scrupulously maintained within the preliminary profile.

Lastly, I delivered to each co-participant a copy of his or her final profile, in the form in which it appears in chapter 3 or 4, and checked its acceptability by telephone. I intended this as a courtesy, as a final credibility and confidentiality check, and as a means of debriefing the co-participant and ending our co-participant–researcher collaboration (see appendix E).

### **Processing the Data**

As indicated earlier, the procedures of data collection and data processing, or analysis, were continually intertwined in a serial, dialectical-dialogical process of construction, deconstruction, and reconstruction. I implemented three distinct phases of data processing (see table 2.1).

Phase 1 entailed an inductive analysis of the complete content of each Kegan-style interview transcript, its purpose being that of enabling the compilation of a preliminary profile of each co-participant's construction of life-career success. The analytic procedure required repeated scrutiny of the interview transcript to acquire close familiarity with its content; delineation of information-revealing units, or discrete segments of raw data, which could be readily identified for subsequent organization into categories and subcategories; and the sorting of the units thus identified into the categories and subcategories used in compiling the preliminary profile.

Phase 2 involved review and revision of each preliminary profile and was aimed at composing a final profile which each co-participant would fully endorse as an accurate rendition of his or her construction of life-career success. The data assembled through the profile review interview I integrated logically with the data acquired through the Kegan-style interview and, accordingly, assigned to the appropriate category and/or subcategory. This served to facilitate refinement of the profile, as in the course of further processing the integrated data I verified, clarified,

TABLE 2.1  
Sequence of data collection and processing

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|          |  |
|----------|--|
| Phase 1: | <ul style="list-style-type: none"> <li>• Conducting Kegan-style interview.</li> <li>• Categorizing Kegan-style interview data.</li> <li>• Compiling preliminary profile.</li> </ul>  |
| Phase 2: | <ul style="list-style-type: none"> <li>• Conducting profile review interview, i.e., checking profile credibility and confidentiality.</li> <li>• Compiling final profile.</li> <li>• Re-checking profile credibility and closing collaborative process.</li> </ul> |
| Phase 3: | <ul style="list-style-type: none"> <li>• Collating all eight final profiles.</li> <li>• Integrating categories within collated profiles.</li> <li>• Constructing metacategories.</li> <li>• Identifying recurring themes.</li> </ul>                               |

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elaborated, and/or reformulated the units, categories, and subcategories I had generated through my analysis of the Kegan-style interview. Throughout the process of profile compilation, I recorded emerging hunches, insights, and tentative hypotheses in my personal file and employed them whenever feasible, in conjunction with the criterion of maximum diversity, as a rationale for selecting succeeding co-participants.

Phase 3 of my data-processing strategy entailed the collation and synthesis of all the final profiles and a subsequent comparative, inductive analysis of the collated and synthesized data. Its objectives were those of initially relating each of the eight individual final profiles to one another, then integrating recurring, corresponding, or otherwise overlapping categories and subcategories of data, as presented in chapters 3 and 4, and ultimately discerning the major themes found in the total collectivity of the eight final profile texts, as presented and discussed in chapters 5 and 6. The inductive analytic procedure involved: identification and integration of the recurring categories and subcategories within the final profile texts; formulation of metacategories which subsumed the recurring categories and subcategories and which, as advocated by Lincoln and Guba (1985: 349), were 'internally as homogenous as possible and externally as heterogenous as possible'; construction of cartwheel matrices, which enabled the assembly of each metacategory and its respective categories and subcategories into a coherent framework; and enunciation of fourteen distinct themes. For instance, the category labelled 'Emotional control' and its subcategories which I



labelled “‘Sticking to knitting’” and ‘Women: “Toeing a Line,”’ derived from Gillian’s profile (see chapter 4), featured as important entries in the subsections of the matrix from which theme 12 – ultimately expressed as ‘Conforming to established norms, expectations, and conventions of the legal profession’ – was developed (see chapter 6).

The outcomes of phases 1 and 2 of the data collection and processing procedure are documented in chapters 3 and 4 in the form of minimally edited and unabridged profiles, or detailed case descriptions, of the male and female lawyers’ respective constructions of what constitutes life-career success. The outcomes of phase 3 are presented in chapters 5 and 6, within the framework of the metaphoric scales of success, through systematic description and discussion of each of the fourteen themes that had ultimately emerged from the data. The three key concluding propositions formulated at the culmination of the inductive analytic process are tendered and amplified in chapter 7.

As Lincoln and Guba point out with respect to naturalistic research methodology, responsibility for judgments concerning the transferability of concluding propositions to other research contexts resides, not with the researcher who has conducted the original inquiry, but with ‘potential appliers’ of those propositions (1985: 316). It is the responsibility of the original researcher to provide ‘the thick description’ or sufficiently detailed ‘data base’ necessary to enable potential appliers to make fully informed transferability-related judgments. The present chapter, in conjunction with chapters 3, 4, 5, and 6 are designed to fulfil that responsibility.

Part Two

## **The Case Profiles**

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## Chapter 3

# Case Descriptions of the Male Lawyers

The eight detailed, strictly discrete case descriptions presented in this chapter and the next are intended to convey as fully as possible the unique configuration of elements intrinsic to each lawyer's construction of life-career success. In each profile, the label assigned to each category of descriptive data reflects my desire to remain true to the characteristic voice, including the idiosyncratic vocabulary, of each of my research co-participants. Correspondingly, the manner in which each profile is arranged reflects my wish to refrain from imposing my own interpretation on the co-participant's constructions and, when practicable, from superimposing my own terminology on his or her unique mode of expression.

In consonance with the recommendations of Lincoln and Guba (1985) concerning case reporting in naturalistic research, I intentionally erred on the side of over-inclusion in compiling the preliminary profiles. As described in chapter 2, I checked the credibility and comprehensiveness of each profile in collaboration with the co-participant during the profile review interview. What is presented in the case descriptions in this chapter and the next is the version of the final profile proffered to the lawyer in question for his or her scrutiny and final approval. In every instance, the final profile had been edited slightly in light of the profile review interview and in light of cumulative refinements on my part concerning the relevance and significance of some minor segments of raw data, as they had come to be considered within the overall context of the total inquiry. But each final profile has received the personal endorsement of the lawyer to whom it applies.

The sequence I follow in presenting the profiles of the male lawyers in this chapter and those of the female lawyers in chapter 4, though

deviating from the alternating male/female succession in which I first interviewed the eight co-participants and compiled their respective profiles, is designed to render male versus female comparisons all the more explicit and stark. Included among the legal specialties practised by the four male co-participants are corporate and commercial law, criminal law, entertainment law, estates and real estate law, family law, and litigation. Pseudonyms have been used to preserve my co-participants' anonymity and safeguard the confidentiality of all interview data collected from them.

## **DONALD: ADVOCATE TO IMPORTANT CLIENTS**

My feeling of success comes from being consulted on important problems and being asked to solve them. That's what I consider success. That would probably have been what drove me! And, wanting to do big cases and wanting to deal with important matters!

Of Anglo-Saxon background, Donald is the most senior executive of a leading Canadian law firm. He is in his early fifties, is married and has three children, all of whom are young adults. He appears unflappable in an elegantly self-possessed way, and approaches the exercise of articulating his personal conceptualization of what constitutes life-career success with a reassuring aura of concentration and candour. His enjoyment in conveying the nuances of a story is evident in the engaging form of retrospective narrative he employs to recollect several highlights of his own experiences as a legal practitioner, along with some anecdotes from his role as a son and a father.

### **Construction of Success**

#### *Social Approval*

For Donald, success is composed essentially of acting for 'important clients' and on 'important issues.' From his perspective, being consulted by, acting for, and having his advice trusted and valued by important clients constitutes a key indicator of career success. By important clients, he means 'people who are generally considered to be important.' For example, he has been retained to provide counsel to or act for ministers of the federal government, provincial premiers, other well-known politi-

cians, prominent business people, distinguished judges, and celebrated artists. His clients have also sought his advice, with increasing frequency over the years, on non-legal dimensions of their business or personal affairs. He enjoys being asked for his opinion on such matters, and considers the fact that people cherish his judgment in domains for which he is not formally trained a further dimension of success.

One of the most intimidating tasks Donald is obliged to perform in his present position is that of delivering a speech on a topic such as banking, accounting, pollution-related insurance, or some other subject in which his audience members are specialists and about which they may, therefore, possess more knowledge than he could possibly have mastered in the course of preparing his address. He explains that, under such circumstances, he fears sustaining the humiliation of 'looking foolish or not knowing enough.' Elaborating, he adds that his worst fear would be 'That I would be perceived as not knowing what I was talking about and that it be shown that that was true.' As he ponders the reason why he finds such a prospect so unpalatable, he conjectures:

Well, as an advisor to people, I'm expected to give good advice and to know what I'm talking about. If it's shown that I don't, I would find that quite humiliating. So, I'm always concerned about that.

Donald reverts for a moment to a more sweeping reconsideration of the primary motivation underlying his career-related striving and proclaims: 'Probably, it was fear that drove me. (Laughs). Fear of making a mistake and not knowing what I was talking about!' (Laughs).

### *Professional Ideals*

A desire to be retained as counsel on important cases involving bigger issues has also functioned as a key source of motivation during Donald's legal career. He states:

My feeling of success comes from being consulted on important problems and being asked to solve them. That's what I consider success. That would probably have been what drove me! And, wanting to do big cases and wanting to deal with important matters!

Rather than embrace a restrictive definition of what constitutes an important issue, Donald prefers to assess, more or less intuitively, the

significance of each case presented him on its own inherent attributes as they relate to our legal system and the larger context of democratic ideals and principles. In a later section of the interview, in which he discusses a case involving an obscure client but a legally significant issue, he adds: 'So, if I'm not struck by their story, if there's a bigger issue I think is important, then, I'll get motivated that way.'

Violation of the principles of fairness and truth repels him, and this in turn motivates him: 'If I feel a sense of injustice, it upsets me and I want to do something about it.' Since, from Donald's perspective, fairness and truth are concepts which signify dynamic processes rather than absolutes, they are not readily amenable to precise definition and translating them into actuality is heavily dependent on the context within which it is undertaken. As he reflects on the problem of what constitutes justice or fairness, he declares:

What is unfair? I don't know how to analyse that. I guess, it's just how the particular situation strikes me. I just don't know how to define it. It changes. It changes a lot.

Referring to the possible existence of absolute truth, he observes:

I don't think there's an absolute truth. No, you usually find that in many situations you don't know all the facts. And, therefore, you don't know the whole truth, and so you always have to be a little wary that you don't go too far out on a limb, listening to somebody, and simply accepting a hundred per cent what they say. They may not be deliberately not telling you the truth, but what they're telling you will be coloured by their emotions and they may view the situation differently from what it really is. So you have to be careful. So, is there an absolute truth? It's very hard to say there is. I doubt it.

Although much of his work has consisted of representing prominent and powerful individuals and institutions, dealing with such generally acknowledged important issues as the abuse of power by governments and governmental agencies, the right of citizens to freely choose candidates for political office, and the regulation of the banking system, evidently it is not necessarily such clients who present what he deems important problems. He abhors abuse of power and duplicity in any form, particularly when their practice is obfuscated by a veil of official sanction. Thus, when politicians or bureaucrats, for example, make

arbitrary decisions or pronouncements, or operate on the basis of a hidden agenda, or in some way transgress principles of fair play, or exceed the boundaries of their authority, jurisdiction or mandate, he regards their actions as very important issues for a democratic society. He will unhesitatingly represent the victims of such practices, whether or not they are well-known or influential, and even if the financial rewards are negligible.

### *Personal Evolution*

As he reflects on the course of his career, Donald is stricken by the observation that, despite the fact that he did not aspire to such a position, he has attained 'the outward trappings' of success, as evidenced by his status as a top executive of one of Canada's leading law firms. He notes that it has never been his practice to set specific career goals. Referring to his present position, he emphasizes this fact: 'As I say, it was not a goal that I sought.' Rather, throughout his working years, he assessed each task as he encountered it in terms of such factors as the level of interest or challenge it would afford him, his abiding sense of obligation to perform very well on each undertaking, or the next problem which was awaiting solution on his compressed agenda. Accordingly, a retrospective view of his career prompts him to wonder about the possibility that the non-specific prospect of simply acquiring or achieving 'something more' may function as a source of motivation for success. He speculates:

Maybe part of succeeding is continuously wanting something more than you've got; that sort of keeps you going. Because what I've found through the years is that I've set very low goals for myself always, looking back on it.

Continuing in a retrospective vein, he surveys the evolution of his thinking concerning worthwhile career aspirations and observes that, rather than assess the success or failure of his past endeavours, he has attended to the immediately succeeding phase with a persistent sense of obligation to do something more. In his terms:

I can remember thinking early on, 'If I could ever become a partner in a good Toronto law firm, I would have achieved the heights.' Well, of course, many years ago, I'd learned that was a totally unsatisfactory goal in and of itself. I used to think to become a judge would be the pinnacle. I no longer



think that and I've had to change my thinking as a result. So I sort of look at the next step and think there's always something more that I should be doing, as opposed to what I've done and whether it's been successful or not.

In essence, Donald continues to seek challenging cases because they serve to indicate to his own satisfaction his continuing capability of 'doing the big things,' and he anticipates that he will follow this pattern until he feels ready to retire.

Having paused to ponder further the motivating stimulus underlying his impulse to do something more, Donald adds that he is keenly aware of 'many, many other people who have accomplished much more' than he has, and he then conjectures that the example they have set tends to make him want to do more. He enjoys reading the biographies of successful people and is an enormous admirer of Winston Churchill, the illustrious British leader during the Second World War, and of J.J. Robinette, the eminent Canadian lawyer. Whether encountered through biography, as in the case of Churchill, or through face-to-face collegial contact, as in the case of Robinette, such highly accomplished individuals serve as a source of inspiration which impels Donald to seek new horizons and undertake further challenges.

Changing the focus of his work from one of preoccupation with detail to one of making judgments based on an integrated apprehension of the whole problem at hand constitutes another key element of success, in Donald's experience. He insists that to be successful as a lawyer one has to liberate oneself from being immersed in detail to receiving the already amassed relevant facts and making judgments based on a holistic assimilation of the information presented. Stressing the importance of this shift in focus, he declares:

I've changed over the years from being someone assembling all the details to someone hearing the details and making a judgment, and I think that's part of success. You've got to get yourself out of all the detail, you can get mired in it completely, so that you can't make a decision or a judgment. You've got to get a picture of the whole problem, as opposed to part of it.

In Donald's view, the complementary capacities of trust and reciprocity, on the part of the senior lawyer, are of paramount importance in this process, as he depends on his subordinates for scrupulously assembled data and, accordingly, incurs an obligation to ensure that those who dil-

igently present what he needs are suitably recompensed. Donald enjoys the 'feeling of trusting' his junior colleagues and is pleased to ensure that those who perform well are recognized and rewarded.

### *Challenges*

Performing a very demanding task well constitutes a further significant dimension of career success from Donald's perspective. This is exemplified in a diverse array of extremely complex and arduous cases on which he has managed to set ground-breaking legal precedents, while achieving positive results on behalf of his clients. Typically, preparation for one of these cases requires him to acquire extensive expertise rapidly in a discipline or area of human endeavour to which he has previously had minimal exposure, to oversee the assembly and strategic organization of an unprecedented presentation, demonstration, or exhibit, and to mobilize all the ingenuity and stamina he could possibly marshal in order to defend his client. Referring to the triumphant conclusion of one such case, he declares:

It was one of the most difficult cases I've ever had in my life. But, I won the case and —'s reputation was held intact and that was very important to him. A very difficult case for me. And I consider that a great success. But, to me, that was a case where the individual was paramount. I became so convinced that it was unjust for — to be treated in this way that I would have gone to any lengths to prove it. That I considered a success.

### *Independence*

Personal independence, in the sense of making one's own choices and decisions, constitutes another key element of Donald's construction of success. Cognizant of the seeming inconsistency between this and his earlier allusions to his dependence on junior colleagues, he explains that in the current context he is referring to his livelihood in a general sense, or his ability to 'get along in the world.' More specifically, what he seeks is the autonomy to act in accordance with his own best judgment without the encumbrance of being concerned with ingratiating himself with others. He elaborates:

I want to be able to do what I think is right and not worry about currying favour with someone, in order to maintain the kind of life I want to have.

To put it in concrete terms, I wouldn't want one client that I had to please at all costs. To put it in another context, I guess, therefore, I wouldn't enjoy all that much working for one employer.

As a private practitioner in the highest echelon of one of Canada's leading law firms, Donald enjoys a very high level of personal autonomy. From his perspective, one of the appealing aspects of practising law is that, in effect, the lawyer has multiple employers in the form of his clients and is not therefore detrimentally affected if his services are terminated by a particular client or group of clients. In Donald's words:

That's one of the nice things about practising law, you have hundreds of employers in the sense that you know all kinds of clients. So, if some don't like me, if one doesn't like me, well, they can fire me. But that's not going to devastate me.

### *Subjectivity of 'Success'*

Donald readily acknowledges the subjectivity of his conceptualization of what constitutes life-career success. He is saddened when he observes his children not achieving at levels of which he thinks they are capable. But for the most part, he consciously refrains from scolding them about their lack of worldly ambition because, he explains, 'although I may not like what they're doing, maybe, some other judge somewhere is going to think it's all right.'

His own relationship with his parents has sensitized him to the existence of intergenerational and individual differences in constructions of success. His mother earnestly wished that he become a clergyman, while his father advocated that he become a doctor and, even to the present, neither parent has ever offered any positive feedback regarding his career choice or achievements. Since he believes steadfastly in the success he has achieved, naturally he thinks his parents' judgments are wrong. In light of this, he recognizes his own fallibility in judging his own children's career choices and concludes that he should not interfere.

Donald postulates that his pronounced desire for independence may be a defensive response to his parents' disapproval of his career choice, in the sense that he is sceptical of any single individual's assessment of him and that he has elected to act in accordance with his own wishes and to judge for himself the value of his endeavours. As he puts it:

So it may well be that the defence to that is a feeling of 'Well, to hell with it. I'm going to do what I want to do and I'm going to be the judge myself as to whether it was of any value. And they're not going to be the judges.' Which may be the feeling of independence that I have, that I'm not willing to trust any one person's judgment as to whether I'm any good or not. I'll be the judge of it.

He adds, ironically, that his parents' attitude has helped him 'in a perverse sort of way' to appreciate his children's need to freely chart their own respective destinies.

## **FRANK: PATHFINDER-OPTIMIST**

Success is the ability to get up in the morning and look forward to going to work, or look forward to going to the cottage and look forward to looking your mate in the face and the eyes and telling her that you love her and knowing that it comes from the heart, and coming to work and having a congenial and collegial attitude toward and relationship with all of your partners and the people you work with. I mean, why wouldn't someone want that? That's happiness!

Frank holds a key administrative position as a member of the executive committee of a major Toronto law firm, which he characterizes as 'aggressive, well established, and very reputable.' He is Canadian-born, of central European extraction, and from a Protestant background. He has three children, all of whom are young adults. The pseudonym Lisa is used to refer to his second wife. Frank is an entertainment lawyer who looks the part. Upon first meeting him, one is immediately struck by his tastefully congenial style of self-presentation, which in the course of conversation is balanced by an air of polished professionalism and easily summoned energy and enthusiasm.

### **Construction of Success**

#### *Achievement*

From Frank's perspective, his skilful performance as an administrator in initiating and orchestrating a radical overhaul of the compensation system within his firm constitutes a crucial indicator of success. Keenly

aware of the sensitivity of issues related to remuneration, he outlines the politically complex challenge of grappling with and reconciling the frequently disparate priorities, values, and sensibilities of various individuals and groups within the organization:

It calls for diplomacy. It calls for conciliation skills. It calls for a degree of sensitivity plus a degree of, I guess, strength and at appropriate times insensitivity in order to pilot through points of view that are unpopular, and this is all to be done in a context where you do not allow things to become individualistic, so that people don't feel targeted.

The significance to the firm of this contribution was reflected in his subsequent elevation to a term of office as the firm's top administrator.

In conjunction with his very demanding law practice and administrative duties, for sixteen years Frank has conducted a virtual parallel career, initially as a volunteer member of the executive committee and subsequently as the chief executive officer of a major organization devoted to the promotion of artistic development and the recognition of high artistic achievement by Canadians. It is in this role that he locates what he deems to be probably his 'number one ... sustained career success or accomplishment.' He cites the fact that, since his induction as its head almost ten years ago, the importance and stature of the organization among the general public and among the agencies and corporations with which it routinely deals have grown immeasurably and that a number of its recent major productions have been designated world class. Placing this achievement within a larger frame of reference, he characterizes it as a definite milestone. But he immediately adds that, in his experience, achievement involves a process which, though punctuated with milestones, is ongoing, in the sense that increasingly expansive challenges always beckon.

Just prior to the profile review interview, the timely allure of a new and very exciting challenge coincided with Frank's growing conviction that, after almost a decade as chief executive of the Canadian artists' support organization discussed above, it was time for him to pass the baton of this coveted position to someone else and to 'turn a new page' in his volunteering career.

As he reflects on the reasons underlying his choice of entertainment law as his specialty, Frank identifies the challenge of formulating law in a legally uncharted area of social life as a central attraction. In addition to the sheer challenge afforded him by this area of law, he has found its

'socially constructive' and psychologically 'uplifting' characteristics consistently appealing and its novelty, complexity, and scope positively magnetic. His abiding enthusiasm for his chosen specialty is evident in his animated depiction of it as 'very complicated and challenging, and an area that was a totally new area, an area where the legal profession hadn't focused its attention, hadn't specialized.' He goes on: 'And so, it was pathfinding, it was a new opportunity. It had all the wonderful challenges that lawyers dream of ... And it is tremendous!'

### *Motivations*

The prospect of achieving a significant goal is a key motivator for Frank and its realization is accompanied by a palpable sense of satisfaction. He states this explicitly while discussing his commitment to devising a dynamic, productivity-centred system of allocating compensation on behalf of his firm. In his words: 'It's a goal and I'm motivated by goals. I'm oriented towards goals and when I achieve goals, I have a feeling of internal satisfaction.'

While the anticipation of achieving worthwhile goals serves as a basic motivator for Frank, the expectation of gaining the recognition and appreciation of his peers enhances his sense of satisfaction. In the context of discussing the culmination of a major project, he expresses his experience of peer approval as follows: 'And the icing on the cake is if others recognize it and they happen to be people whose views I respect and who are in a position to acknowledge it.' Pausing to ponder more deeply the role of peer recognition as a significant source of motivation, he muses:

The bottom line, I suppose, is the recognition by others that you have worked hard and achieved a result that is positive, beneficial to others, and others acknowledge, recognize that and express their appreciation to you for having done that on their behalf. You have worked for a result that has benefited others, you have achieved the result, and you have been recognized for it.

From yet another angle of his conceptual prism, Frank frames peer recognition simply as 'a nice reward to receive,' albeit 'not the only reward.'

Because he perceives himself as a less accomplished public speaker than some other individuals whom he has encountered in his practice, who have 'absolutely stunned' him with their 'insights' and their

'uncanny ability,' Frank finds the prospect of addressing an assembly of his professional peers daunting. His greatest fear is that of 'drawing a mental block,' losing his place in his notes, and fumbling in front of an august audience. When asked what would be at stake in such a situation, he responds by attributing his anxiety to a degree of insecurity, or fear of failure in trying to present himself as a knowledgeable, effective and eloquent specialist in his field. As a result, he fears he may risk losing some respect among his peers. Upon further reflection, he frames the risk as follows:

Well, I guess, a lowering of esteem. That people would tend to view you negatively. 'This guy isn't so hot, for God's sake! He can't find his way around his notes. Did we pay two hundred dollars for this?'

Frank maintains that lawyers are competitive by nature and reports accordingly that 'a competitive streak' permeates much of his own striving. Such factors as 'work generation' and the ability to attract and hold clients and steal new clients, because one is 'perceived to be better than they are,' all constitute 'part of the whole practice of law.' Characteristically striving for excellence, he remains keenly conscious of the highly competitive environment within which he practises. While focusing on his own strengths and talents, he contrasts a certain degree of modesty with a definite sense of intrepidity. As he states it:

So you strive for excellence in the work that you do, knowing damn well that there are other professionals that you've met who can think circles around you or who can outperform you and recognizing that and deriving a degree of humility from that but, at the same time, not allowing it to intimidate you, because you all compete.

While such prospects as attaining goals, receiving peer recognition, and competing with fellow lawyers give impetus to Frank's striving, his basic antipathy to dissension and negativism and his attraction to that which he finds psychologically edifying conspired very early in his career to impel him to repudiate all those areas of law which he terms 'human misery law' and to embrace as his specialty an area which focuses on what he considers positive dimensions of the human condition. He presents the process as follows:

I knew very early on that I didn't want to have anything to do with criminal

law, with matrimonial law, with bankruptcy law, with insolvency, with litigation, because these areas of the law deal with conflict, they deal with negativity ... You come to work in the morning and file after file after file contains an overwhelming amount of information on personal grief, on personal injury, on quantification of that injury, on fighting through a very cumbersome and costly process over compensation for that injury, businesses suffering and going down, and people becoming unemployed ... And you can add poverty law to that. You can add all the dimensions of social conflict and social problems that impact on the law or on which the law impacts and you've got an area of human endeavour that I made up my mind very early on that I would avoid like a plague.

Specialization within the general domain of the culture and entertainment industry in Canada has afforded Frank an inviting forum within which he could integrate his deep love of music and the arts associated with it, as well as his interest in corporate and commercial law, with several of his most cherished values. Included among those values are achieving challenging, edifying, and socially constructive goals, earning professional distinction and the esteem of peers, *and* procuring a substantial income. His immense enthusiasm for his area of practice is evident:

I was attracted to the specialty and I enjoyed the subject matter. And it just drew me in. It was an area of law where you were dealing with people that are expressing themselves and expressing the joys and the personal emotions that come from their extremely talented and gifted, and skilled pizzazz ... It gives pleasure to people. It's uplifting. It has an outcome, a result that makes people happy, that they can enjoy. And, hey, I want to be part of that! I just want to be part of that! That's very attractive!

### *Metamorphosis*

By outlining his life history from young adulthood to the present, Frank provides insights into his current conceptualization of his psychological evolution. Although he can now characterize himself as 'a very, very happy and content and satisfied human being,' this has not always been so. He explains:

I have a somewhat complicated past life. I've gone through certain swings and changes. And I wasn't always the way I am now. I'm somewhat of a Renaissance person in that sense. I've metamorphosed.



Protracted, and in many respects painful, Frank's metamorphosis involved a tortuous psychological pilgrimage which began at about the age of thirty and culminated during his early forties. Having married at twenty-one and become the father of three children by the time he was called to the bar, Frank spent his twenties completing his education and launching his legal career with the same firm where he is currently a senior partner and administrator. During that period, he lived what he calls 'a very traditional' family life, within which he assumed the role of bread-winner and his wife that of home-maker. By his mid-thirties, Frank had started a relationship with a woman whom he found more compatible than his wife. Despite what he now recognizes as his 'deep-seated discontent' with his marriage, he 'hung on for a number of years,' partially denying or suppressing his unhappiness, because of his deep sense of obligation to his wife and his 'great love for and deep desire to protect' his children. It simply wasn't in his character to leave a family that was young and vulnerable.

By his early forties, however, Frank had arrived at what he identifies as a classic point reached in many marriages, at which the situation had become so patently untenable that he realized he had to 'make some fundamental changes.' Feeling that his children were then old enough to handle a change, he left his wife and children and went to live with the other woman, who for close to a decade had lovingly waited and supported him.

The changes in Frank's personal life coincided precisely with a decision to implement radical changes in his professional life. Having concluded that his firm was 'heading in the wrong direction culturally in terms of the way it was planning strategically for the eighties and the nineties,' he negotiated amicably with his partners to purchase his practice and take a few lawyers with him. Within a few years, he had established his own successful 'boutique-style' law firm which focused exclusively on his legal specialty.

By the mid-1980s, Frank's former law firm had reoriented its organizational philosophy and planning strategies in the directions he had advocated years earlier. They advanced 'very, very strong overtures' to him, according to which he could return as a member of the senior executive but retain and expand his practice as a distinguished specialist. The firm's ultimate offer proved 'just too attractive to let go,' and Frank did return. He is now immensely gratified to report that, because of its revised philosophy, his firm is 'on the cutting edge of many law firms.'

In a keenly meditative moment, Frank encapsulates the sweeping scope of his personal and professional transfiguration. He ruminates: 'So, how have I changed over the past few years? Radically! I mean, through that period, absolutely radically!' He adds: 'Basically, it was a clean slate. I dealt with a lot of conflict all at once ...' He goes on to represent his subsequent relationship with Lisa, the 'very, very supportive and loving woman' who had helped him through it all, and his consolidation of his own legal practice as a veritable watershed that heralded 'the start of a new life.' He proclaims: 'I feel that I really started to live.'

### *Happiness*

For Frank, happiness and contentment are the underlying cornerstones of success. In his private life, happiness is intimately intertwined with the deeply loving relationships he enjoys with his second wife and with his children who, to his great pleasure, 'have all turned out exceptionally well.' He classifies the mutually loving relationship and experiences that he and Lisa share as the source of his greatest pleasure in life. In his words, 'Happiness is in my own personal life very much tied up with love, with the human being that I share my life with, my wife.'

I have no difficulty in putting Lisa and my love, and the cottage, and walking on the beach, and talking, and, you know, sharing intimacies, as being the things that I enjoy most of all in my life.

Frank revels in his sense of good fortune at enjoying such relationships and at not having 'a care in the world.' He wishes only that there were 'forty-eight hours in the day' so that he could 'double the pleasure' of his life. He reiterates his perception that a symbiotic relationship exists between the personal and the professional domains of life: 'And, I tell you, it feeds the way you are as a practitioner. And, to me, that's success.'

### *Achieving Constructive Goals*

In the professional realm, Frank also finds much pleasure in his multifaceted endeavours as an administrator, a lawyer, and a volunteer director of the cultural organization discussed earlier. He readily points out that by according priority to his relationship with his wife he does not intend to diminish the enjoyment he derives from 'resolving issues that come up in the day-to-day practice.' Revisiting his concept of happiness,

he relates it to contentment and the attainment of socially constructive goals:

Happiness is, I think, tied up to a large extent with contentment, with being able to achieve goals which are constructive, which tend to, I guess, spread a degree of happiness or goodwill that other people can participate in.

## **ALAN: MAN OF INTEGRITY**

If one can successfully maintain a high degree of integrity in whatever profession one is involved, I consider that in itself to be a success.

So declares Alan, who in his early fifties is a senior partner with a large and very reputable Toronto law firm and the chief executive officer of a major professional legal organization. Of Anglo-Saxon background, he is married and has two adult children. His approach to the interview process might be characterized as calmly deliberative, restrained, and unhurried. His choice of language in articulating his construction of success was direct, literal, matter-of-fact, and unembellished.

### **Construction of Success**

#### *Integrity*

From Alan's vantage point, life-career success may be defined quintessentially as acting consistently in accordance with 'the highest level of integrity.' His own concept of integrity involves a complex of values and activities which, although more extensive than the practice of honesty and fairness, encompasses both. Within the context of everyday legal practice, integrity as a value is translated into action by practising as fully as possible 'complete honesty' and maximum forthrightness and fairness in one's dealings not only with colleagues and clients, but with all those with whom one interacts. Within the context of a trial, for example, the practice of fairness in relation to the opposing lawyer and his or her client can take the form of not 'trying to throw stones' in their path 'at every step along the way' to a resolution.

Integrity constitutes one of Alan's highest values because, from his perspective, the sustainment of a high level of integrity and 'sound val-

ues' at a collective as well as an individual level is essential for the maintenance of human society. He explains:

The bottom line, the reason I feel that is important is because I think that to do otherwise, or to be otherwise, ... if we don't all strive to have a good level of integrity, then the world is just going to eventually fall apart.

From Alan's perspective, the practice of integrity at the individual professional level leads, 'in many cases, to the kinds of things that other people might consider to be indicia of success.' The consistent practice of integrity facilitates, for example, the acquisition of a good reputation which, in turn, leads to such gratifications as recognition from colleagues and, eventually, to rewards that are 'more than simply personal,' such as, monetary benefits.

### *Social Approval*

While the maintenance of a high level of integrity is central to Alan's construction of success, receiving peer recognition represents a second key feature of his conceptualization of what constitutes success. Alan regards the bestowal of recognition by others, especially by colleagues in the legal profession and those acquainted with it, as an identifiable, more objective indicator of career success. In this vein, he cites his elevation to a position as an executive of the professional legal organization as his 'most challenging' achievement and interprets it as evidence that he is recognized by his 'peers and colleagues in the legal profession as having the highest level of integrity.' Since he views success as the consistent maintenance of a high level of integrity, his elevation through a peer review process to this position has served to confirm for him his actual achievement of this ideal. In Alan's own terms, 'Having the respect of one's colleagues equals the short statement of professional success.'

### *Social Responsibility*

Social responsibility, in the form of a sense of obligation to others and involvement in the concerns of the community, represents another factor in Alan's construction of life-career success. This is exemplified in his portrayal of community work as a worthwhile activity and in his desire to make significant contributions to the community as one of his

motivations for becoming a lawyer. Reflecting on a probing question concerning the reasons why he includes community involvement as a significant factor in success, he muses:

Well, I guess, because I consider it to be worthwhile to help other members of the community. If I can do it in the professional context, that's great. And, you know, when I think about it, I guess that's one of the reasons I wanted to be a lawyer.

Alan's sense of social obligation is also manifested in his assertion that the preservation of strong relationships with the members of his immediate and extended family is important to him. As to what the sustenance of family relationships means to him personally, he surmises:

I guess, the maintenance of strong family ties, having a great deal of contact with my children, my wife, and my extended family on both sides. In other words, spending a lot of time with my family is one thing. Another thing would be the general welfare of my family, in the sense of their wellbeing, and security, and good health.

Despite the heavy demands on his time occasioned by his position within the professional organization and his ongoing legal practice, Alan devotes a great deal of time to his family by starting his work earlier in the morning and reserving as many evenings as possible for his family.

Alan's construction of success also incorporates the perception that he has 'a professional obligation to maintain competence' and 'to strive to perform' proficiently the various tasks presented him. In the context of a trial, for example, the calibre of legal service which he provides in actually preparing for and conducting the defence of his client is as important to him as the eventual outcome. It is at least as important to Alan that the fight be fought well – that is, with a high level of legal competence and professionalism – as it is that the judge or jury ultimately render a decision in favour of his client.

### *Challenges*

A further constituent of career success from Alan's perspective is that of meeting major challenges with a high degree of professional competence, sound judgment, and skill. He refers to the challenge of reaching the position of senior executive of the professional organization and the

task of 'managing' that role once he had attained it, as well as the acute stress endured while functioning as counsel in a very difficult recent trial, as illustrations of situations in which his capacities to summon keen judgment and to exercise highly developed professional skills have been robustly challenged. Because the outcome of the trial was 'very much in doubt,' it required in advance and from day to day an extraordinary amount of 'very careful preparation and skilful handling.' Otherwise, Alan finds that, as a senior member of his firm and an experienced practitioner in his specific area of law, 'every day is a challenge.'

### *Personal Satisfaction*

Personal satisfaction is quite clearly aligned, from Alan's perspective, with the knowledge that he has expended his efforts to the fullest on behalf of his client. He states this directly:

I think that when you come away from a piece of professional work, and you know that ... you have done the best possible job for the client, and that everything that could have been done was done, and that it was done well, then I think that there's a great deal of satisfaction, personal satisfaction. Rather obvious!

Alan observes, however, that he does not experience 'the same sense of achievement' when the result of his best efforts is different from that for which he has striven, and he maintains that the reasons for this are 'very hard to explain.' In other words, the degree to which he experiences a sense of 'joy or pleasure' at the conclusion of a trial is diminished markedly when the verdict is contrary to the type of judgment for which he and his client have been hoping. This does *not* involve a feeling of professional disappointment or of having let the client 'down.' Rather, he asserts, it is a natural human reaction which encompasses some elements of self-evaluation and questioning as to whether 'anything else could have been done.'

## **HOWARD: PURSUER OF WORTHWHILE GOALS**

I'm successful when I feel that I have done the things that I wanted to do, when I've met goals, have achieved goals, and feel that those goals were worthwhile. It may be an indication of very low expectations or goals. But I

think, if the goals and expectations are fairly reasonably high and there's no sense of something missing, then, I think one is successful.

Howard is of Jewish heritage, in his mid-forties, and the founding and senior partner in a small, well-established, reputable Toronto law firm. He is married and has three school-aged children. Howard exudes an aura of ease and effortlessness, coupled with remarkable powers of observation, expression, and discernment, as he systematically relates and elaborates on the core features of his conceptualization of what constitutes life-career success.

### **Construction of Success**

#### *Goals*

Central to Howard's conceptualization of success is a sense of freedom or personal autonomy which he aligns with the perception of possessing 'the ability to have a lot of control' over one's own life. More specifically, he views the achievement of personally selected, creditable goals as a key indicator of success.

The attainment of success, as Howard sees it, involves the twofold process of selecting a set of goals, which if accomplished would amount to success, and then actually achieving those goals. Surveying the prism of success from another facet, he postulates that 'the absence of a deep-down yearning for something else' may be an 'indirect indication of success.'

Goals may be considered worthwhile, Howard avers, if they command the individual's interest and afford a sufficient sense of satisfaction or contentment to preclude him or her from being 'out causing trouble in the world.' Looked at from another perspective, he classifies as worthwhile goals that allow the individual to be 'relatively humane, and tolerant, and knowledgeable,' and the like, so that, on some objective standard, he or she is a good, contributing, and happy person. To further elucidate his conceptualization of what constitutes a worthy goal, he points out that, for him, 'making a lot of money is not a goal'; rather, it is just a method and it certainly does not prevent one from being 'an utterly miserable human being to everybody around.' The type of goal that Howard has in mind is that of raising a family, establishing a career, achieving a certain level of success in a profession, or 'mastering a certain body of knowledge.' In other words, the goal would be such that the person pursuing it would believe that its achievement would have the effect of making him or her a 'happy, well-adjusted organism.'

In Howard's own case, he decided that the practice of criminal law was the type of career that he wished to pursue. His decision was based on the belief that if he were to achieve that goal, he 'would be a happy organism.' The correctness of his judgment has been confirmed by the fact that, having amply achieved that objective, he is a very happy, content human being. Accordingly, he views his accomplishment as success: 'If I had achieved it and I turned out to be miserable, then I would have achieved the goal but it wouldn't be success. It would be the achievement of a goal that doesn't lead to success.'

Having realized a sense of personal freedom, to the extent that he has implemented his plan to try and create the kind of life which he now enjoys and that he is not encumbered by any deep-seated longing, Howard finds it impossible, from his present perspective, to assess 'whether that was an easy achievement or not,' or how close he may have come to failure. In other words, he finds it impossible to delineate more precisely the parameters of success and failure in his particular case. Wholly delighted that all of his most cherished aspirations to date have come to fruition, he simply pauses regularly to count his blessings.

Howard's most cherished future goal is that of raising 'some really great children.' Because many of his clients are 'the offspring of financially successful parents,' he has had occasion to observe that, due to their lack of survival skills, the members of that generation have the odds against them. In the light of this observation, and of other values which will be discussed later, he plans to 'use up most of the resources' that prove to be surplus in his family's estate and to foster in his children the predilection and capacity to formulate and achieve their own life-career goals. He is very confident that each of his children will indeed have the calibre of character even to exceed his own achievements. Highlighting his sense of the desirability of enabling his children to be the authors of their own achievements, he declares:

I don't want my kids to grow up on the street, and I don't want them to have to worry about certain things, but beyond that, I want them to achieve their own goals, because there's nothing sweeter than what you achieve on your own. Absolutely!

### *Values*

The pursuit of truth is Howard's highest value. He states this explicitly:

Truth, scientific truth, if I can put it that way, is *the* most important value.



Why? Because it's the only objective criterion we have for discerning truth from nonsense. And the repulsion of nonsense is a very, very important thing to me.

As a subscriber to the thesis that 'there is an objective reality out there,' and, concordantly, a believer in the validity of the 'scientific method,' Howard views the pursuit of truth as synonymous with 'the acceptance of reality' and the willingness 'to not deny the true facts' of human existence. It is his perception that, lamentably, the genesis of most human wretchedness is attributable to people's unfounded beliefs and that no credo is too foolish to command a considerable number of subscribers: 'Most human misery is caused because of the silly things that people believe. And there is nothing too silly to attract a substantial following. Absolutely nothing!'

Issues pertaining to truth, logic, and science occur constantly in Howard's legal work and, within this context, he makes what he terms 'whatever small contribution' he can toward the advancement of increasingly 'accurate descriptions of reality.' His efforts are exemplified in an extensive and assorted catalogue of arguments which have resulted in landmark judgments, in several unrelated, precedent-setting cases which he argued during a relatively short period. The types of issue with which he dealt in those cases are of profound significance to all Canadian citizens and the arguments he advanced called into question several widely accepted positions based on deficient reasoning and seriously flawed so-called scientific research.

Howard experienced a particularly gratifying victory when, by exposing the illogicalities and inconsistencies inherent in earlier judgments concerning challenges to a longstanding piece of legislation, he succeeded in having his arguments accepted in a significant judgment which genuinely honoured the principles of good legal reasoning. He conveys his sense of the significance and scope of that achievement in the following terms:

That case involved all of the things that are important to me, bad thinking, sloppy thinking, foolish beliefs. And to win the case was like a triumph for truth over nonsense, because that was the right result according to the values of a democratic society. And what was especially satisfying was that — [i.e., a court in another jurisdiction] had gone the other way. They had rejected the argument in a classic example of abysmal legal reasoning. So, for our courts to get it right was really important and satisfying.

In Howard's experience, glaring examples of illogical, irrational thinking, coupled with an absence of awareness of underlying assumptions, are virtually ubiquitous. They range from the innumerable issues currently under debate in his area of law to ideologies camouflaged as facts in court submissions of expert witnesses, to value-laden statements portrayed as facts in television commercials. In conducting his own cases, Howard finds frequently that 'the mind boggles' at the ridiculous things people are willing to say. While, on the one hand, he gets 'discouraged about human nature' in the face of such blatant disregard for truthfulness, on the other, he derives pleasure from knowing that he has 'contributed to a little bit of the truth coming out.' It is his perception that a qualitative discrepancy exists between his level of facility and that of many others at discerning truth from untruth, reality from myth, and fact from ideology. For those not so endowed, he simply harbours a sense of compassion: 'It's like the difference between being colour-blind and not. Once you can see in colours, you just feel sorry for the people who don't see the colours that you see.' That world is sufficiently engaging for Howard 'to struggle with on a daily basis,' and he doesn't 'look beyond that.'

Tolerance, meaning that he consciously refrains from imposing his views on other people and expects them to behave in a similar fashion, is another important value for Howard. It is his observation that the louder an individual proclaims his or her views, the more ill-founded they usually are and that 'the silliest views seem to be expressed the loudest.'

Actions and achievements have to be in accordance with humanist values for Howard to apply the term 'success' to them. Fighting, aggression, and violence have 'absolutely no part' in his reality and do not indicate success 'in any way, shape, or form.' Nor, for example, does he consider the directors and executives of the large motor companies successful, 'even if they make money,' because they are not making our world a better place. The values represented by the entire automotive enterprise have nothing to do with success, as he conceives it.

Because Howard wishes to be the best person that he possibly can for his family, he devotes time to the process of getting his own house in order before turning his attention to his family. In mentioning his family later than such values as truth and tolerance, he does not intend to imply a descending order of priorities. Rather, his construct involves movement from 'internal to external' considerations, that is, from the subjective or personal to the intersubjective or interpersonal. The con-

figuration of his values is such that his family is very, very important to him, but he believes that, if he were not truthful, tolerant, and humane, the fact that he loves his family would not be 'all that impressive,' since they would not be 'loved by an objectively good person.'

Delineating further the parameters of his construction of success, Howard insists that an accomplishment does not constitute success if its execution has involved any form of cheating, duplicity, or failure to play by the rules. A very significant component of his 'sense of enormous satisfaction and sense of success' derives from the fact that he has accomplished what he has 'strictly by the rules.' To observe faithfully the rules of honesty and fairness has always been an abiding canon of personal conduct for him. The depth of his commitment to this principle is revealed in the following exposition:

It has always been an enormous point of principle to me that I have never done anything that I wouldn't have done on the main street in front of an audience. It has always been a point of principle to me that I can win, I can achieve success within the rules, so that, therefore, it's so much sweeter. I don't have to take steroids to win the race, I guess, is what I'm saying.

In his position, Howard routinely receives privileged information on many 'ostensibly successful' and apparently upright people, who have acquired the semblance of success by 'breaking one or other rule.' In his estimation, such people have in effect stolen success and 'are living a giant lie,' and it 'never ceases to amaze' him how different the public perception can be from the private reality. As to the accomplishments of such people, he is not even interested, because he perceives them as having been 'polluted beyond redemption.'

What interests Howard is the 'league of successful people who aren't cheating,' because all members of that category are operating from 'a level playing field' and can be 'measured by the same yardstick.' Such criteria as talent, brains, and ability to work hard can be employed to evaluate performance in that league and the underlying principle of fairness can operate in the overall calibration. There are no categories of cheating, Howard points out. Once someone has cheated, it is impossible to establish whether someone else could not have cheated to greater advantage and the contest then becomes reduced to a matter of 'what dishonest devices' the participants are prepared to resort to. In other words, 'a bigger thief or liar' is always available and, in such a sce-

nario, the application of a consistent and fair set of evaluative criteria becomes impracticable and meaningless.

Nevertheless, it is not Howard's practice to spend much time bothering about other peoples' opinions. In this respect, he reiterates and expands upon a position stated earlier: 'I learned early in life that the easiest way to make yourself unhappy is to spend too much time looking over the fence.' He considers himself extremely fortunate to have achieved what he has and, in so doing, to have satisfied his particular concepts of the elements intrinsic to a successful life-career. Thus, he simply spends his days gratefully counting his blessings.

Howard acknowledges freely that some degree of subjectivity and historical relativism is involved in his conceptualization of what constitutes life-career success in his case. One of his values is to be 'extremely law abiding,' but he thinks that, while one 'can just arbitrarily limit' one's assessment of what is worthwhile to 'lawful, constructive activities,' one does not necessarily have to do so. On this theme, he states, 'It's a value judgment.' Later he adds, 'You know, it's arbitrary. What we consider constructive today may not be for the next generation or whatever, or wasn't for previous generations.'

### *Change*

By the time he was launching his legal career, Howard had adopted a 'life plan,' which included achieving success in the legal profession and having a family. It was his judgment that the attainment of professional success would entail a tremendous amount of work. The following description affords a compact portrayal of his life during that period:

I did have a plan. To me, to be successful required an enormous lot of work and I worked very hard. I built my career very fast. The reason I did that was that while other people slept, I kept working and my first x years of practice were essentially one long day interrupted by breaks to sleep. There was nothing I was interested in, so that I did in one day what other people would take two or three days to do, because they would have other parts to their lives. I was completely one-dimensional. But my theory was this, that I didn't want to have a family that I would then never see because I had to work at the office every night.

In Howard's experience, the challenge of 'doing justice to a family' in

conjunction with the rigours of conducting a successful career in law entailed a sequential process. It consisted of very deliberately implementing his life plan, which entailed devoting seven years exclusively to career-building and then, having consolidated his professional platform, so arranging his support staff and technology as to enable him to spend his evenings and weekends with his wife and children. Happily, the life plans to which Howard and his wife subscribed were highly compatible, so his wife fully 'understood the logic' of his strategy. Thus, it was with the full support of his 'extremely understanding' wife, both pre- and post-maritally, that he realized his plan.

Projecting his construction of success to the future, Howard reiterates his desire to 'raise some really great children.' As he pauses momentarily to survey possibilities other than that, he echoes a dimension of his construction of success to which he alluded at the opening of the interview. He then goes on to characterize as thoroughly acceptable the prospect of simply continuing to maintain his current very agreeable lifestyle. As he declares heartily:

There's nothing unfulfilled. There's nothing I want to buy. There's nothing I want to own. I would just be happy if someone came along and guaranteed this for the next twenty-five years. I'd take that in a minute. That's really it.

While Howard renounces emphatically the prospect of creating a lasting monument or building a very large law firm, he expresses pride at the highly individualized practice that has been developed at his firm. He then promptly proceeds to present graphically his sense of its significance in a more cosmic context:

I'm not interested in building a legacy, or in building a huge firm, or anything like that. Absolutely not! In the work that we do, it's extremely individualistic. But I'm proud of what has been built here. It's just, you know, one little thing at one time and place. It's nothing eternal, it's not a pyramid, or the Hanging Gardens of Babylon, or whatever.

No sooner has Howard expressed his desire to continue his present lifestyle than he acknowledges the inexorability of change. To symbolize his concept of the course of his life, he employs the metaphor of a curve. While he locates his present stage of life at the peak of the arc, he sees a new version of himself approaching. In his words:

Now, again, you see, I know that my life is a kind of curve. I mean, you know, there's a new one of me coming along somewhere and I want to enjoy these kind of peak years. What I say is, 'I want to turn the peak into a plateau. I want the plateau to be as long as possible.' Sooner or later, with regard to a number of variables, I know I'm going to be on a descending slope. I mean, that's a fact of life.

When he reviews his life, Howard is astonished at the degree to which he now understands many events and developments which he did not comprehend at the time. He feels that he is now a lot more mature than he was earlier, that he has 'changed very much for the better,' and that he is 'appropriately wise' for his age. Although he is unclear as to the precise catalysts of or underlying reasons for this enhanced level of maturity, apart from its coincidence with middle age and experience, he does identify the birth of his children as a determining event.

Two of the ways in which the experience of raising children has contributed to Howard's maturation are those of expanding his capacity to 'keep things in perspective' and deepening his appreciation of the fact that 'having different perspectives is a natural part of life':

With children, you look back through a tunnel through which you once looked forward and this teaches you a lesson that in life there are lots of tunnels. You're just looking in one side; someone else is looking in the other side. So don't think that life's tunnels are all one-sided. There's no such thing as a one-sided tunnel.

In effect these insights have made Howard increasingly tolerant and accepting of opposing views.

Having pronounced his present lifestyle thoroughly satisfactory and expressed his desire for its prolongation as long as possible, Howard pauses for a moment to examine the accuracy of his current construction of the reality of his situation. In a self-challenging summary remark, he conveys a strong sense of the dynamic and evolving nature of his thinking, as well as the possibility that it might even be illusory: 'But that's today! I mean, two years from now, who knows? This may all be a big illusion! I don't know!'

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## Chapter 4

# Case Descriptions of the Female Lawyers

In her seminal work on psychological theory and women's development, *In a Different Voice*, Gilligan invokes the ancient Greek myth of Demeter and Persephone to remind the reader that the human life cycle itself 'arises from an alternation between the world of women and that of men' (1982a: 23). She goes on to illustrate how observing women's moral judgments within the context of their self-definitions of their experience and motivations yields an alternative conception of human development, which duly recognizes the abiding importance of attachment in the human life cycle. In exposing the cultural mechanisms which, by excluding women's authentic voices, lead to mainstream developmental theories that amount to virtual incantations of separation, autonomy, individuation, and natural rights, Gilligan argues for equal attention to the experience of both genders: 'Only when life cycle theorists divide their attention and begin to live with women as they have lived with men will their vision encompass the experience of both sexes and their theories become correspondingly more fertile' (ibid.).

The profiles of life-career success are the result of my quest throughout the research process to capture the voices of my female and male co-participants with equal levels of reverence for authenticity and of attentiveness to accuracy. Included among the legal specialties practised by the four female co-participants are corporate and commercial law, municipal law, constitutional law, estates and real estate law, and family law. Each co-participant has been assigned a pseudonym to preserve her anonymity and safeguard the confidentiality of all interview data collected from her.



## **BARBARA: APPRECIATOR OF FREEDOM**

A general working definition of success for me is just the freedom to choose, to choose to do what I want, when I want, for whom I want. I, as a career matter, can say 'No' to clients, 'No, I'm sorry, I don't feel like taking your case, I don't need to take your case, I don't want to take your case,' or 'I will take your case, but here are the rules.' And that's nice. It's really nice.

Barbara is a senior partner with a prominent Toronto law firm, and a former executive officer of a powerful statutory commission in Metropolitan Toronto. In her early forties, she is married and has three school-aged children. Barbara is vivacious in her conversation, which might be characterized as animatedly analytic, very fluent, and briskly paced. The language and style of delivery she adopts to express her construction of reality might be portrayed as dramatic, in that she frequently employs metaphors, aphorisms, and spirited vocal inflection to elaborate on or underscore her major points.

### **Construction of Success**

#### *Freedom*

From Barbara's perspective, life-career success may be defined most concisely as freedom to choose how to expend one's personal resources in accordance with one's preferences and one's most deeply held values. This freedom of choice extends into her personal life and brings monetary rewards, which although 'not extraordinary' are 'good.' It manifests itself in the form of liberty to do all sorts of things, including, for example, 'the freedom to be able to even consider' sending her children to private schools. It also enables her to exercise her judgment and act in accordance with her own beliefs and ethics, regardless of the opinions of others: 'It's also being able to say, "I'm going to do what I think is right and I don't give a damn about what other people think."'

Over the past decade, but especially over the past couple of years, Barbara has experienced a growing sense of autonomy and integration: 'I feel, if I had to summarize it at all, it's just that I feel more comfortable in my own skin. I'm not as easily rattled by things or by people.' This enhanced sense of comfort has coincided with greater ease, confidence, patience, and effectiveness in dealing with people and has been associated with empowerment in both intra- and interpersonal contexts. In

the intrapersonal domain, it has revealed itself in the form of decreased compulsiveness and greater control over her own life generally. In the interpersonal context, it has allowed her to confront with greater ease and enjoyment the challenges which are inherent in her assumption, as a senior legal practitioner, of ever wider strategy-planning, decision-making, and advice-dispensing roles.

In both professional and private settings, she feels more self-assertive and less compelled to believe that she has to 'dance to everybody else's tune all the time.' Whereas formerly she was constantly catering to other people's needs, she now feels justified in, and actually enjoys, reserving some of her time and energy resources for herself. As she puts it:

I feel I can ask people for that space now, whereas before, I was just giving, giving, always chasing, trying to serve. I was serving my secretary and meeting her needs, or serving a client, or the kids, or whatever. I was always just giving, all the time, irrespective of the 'power relationship' – put that in quotes! And I just don't react quite the same way. I can call some. And I can call 'time out.'

Ironically, Barbara's increased sense of internal harmony and composure has simultaneously been allied with both less combativeness and more combativeness: 'I just feel more comfortable and easier. More confident. And, as a result, I've become both less combative and more combative. Less combative because I don't feel as easily bullied. More combative in just being more willing to take risks.'

In professional settings, Barbara's diminished combativeness is manifested, for example, in greater restraint during cross-examinations. Rather than striving compulsively to 'decimate a witness' during a formal hearing, she now typically concentrates on scoring 'two or three good points' and ultimately assembling effective arguments. Whereas, formerly, she would 'just go punch, punch, punch' in such situations, she can 'just sit back now' and feel confident in the knowledge that, in many instances, the opposing side will 'hang themselves.' In any event, she now possesses the legal adroitness to 'put it together in arguments.'

Barbara's increased combativeness, on the other hand, is exemplified by a heightened sense of confidence in her own ability and willingness to take risks for the sake of upholding values to which she is committed. In her role as counsel to major business enterprises, for example, she now routinely challenges and cajoles her clients to introduce socially and environmentally responsible features into their busi-

ness policies and marketing strategies. As recently as five years ago, she 'never would have dared to push,' and certainly would not have reproved her clients in such a manner. She attributes her more recent willingness to speak out to a symbiotic relationship between her greater sense of confidence and ease with herself and her gradual assumption of both a 'broader perspective' and a propensity to 'get more outraged more easily' for the sake of upholding justice or protecting 'people, or things, or ideas.'

For Barbara, the willingness to take risks constitutes the 'freedom to make a choice that comes with success' and this freedom, in turn, enables her to fight more resolutely for her highest values. Underscoring the dynamic nature of these processes, she declares: 'I think that success has allowed me that greater sense of ease personally. And it just feeds on it. It's very symbiotic, that by feeling more comfortable – given the kind of work I'm doing – I'm becoming just that much more effective at it.'

### *Social Approval*

Barbara also regards positive recognition from others, especially that conferred by colleagues in the legal profession and those acquainted with it, as a palpable indicator of career success. By virtue of her association as legal counsel with an organization which was subjected to an extensive and acrimonious investigation, doubts as to the probity of her conduct were, at first, entertained by some observers. But ultimately, not one person doubted her trustworthiness. This she interprets as a further signal of success, which she couches in the following terms:

My success has been that there has been a public acceptance. Everyone was willing to give me the benefit of the doubt, even when the doubts were being cast. So that was for me a sign of success as well, because I took that as a reward for being good all these years. You know, good as in moral and ethical, as opposed to competent.

The manner in which her trustworthiness was expressed amounted, from Barbara's perspective, to a 'quasi-public,' 'recognizable affirmation' of her genuine and steadfast commitment to acting in accordance with her highest values. It has been a very significant 'enlightening and new experience,' which she interprets as a symbolic form of delayed recompense for her righteousness:

I took that as an affirmation of the fact that I've thrown clients out of my office, because I've found out that they've done things that either I've told them not to do, or warned them against, or that I've said are not acceptable in the way I intend to practise. And you know, it's my mother's old aphorism that virtue is its own reward. Well, it's finally coming home to roost.

It is Barbara's perception that the lawyer who is still striving for success is sought for legal services, whereas the lawyer who is identified as having attained success is sought for advice. She declares:

I now have very much the sense that they're not coming to me for services. They're coming to me for advice. And that's the difference between being successful, and recognized as successful, and being somebody who's only on the way up. Then they come to you for services. Now they seek your advice.

Another manifestation of success for Barbara is the fact that she has repeatedly received invitations from various organizations to make presentations at conferences and conduct workshops on her area of expertise. This she interprets as signifying that, after 'grinding for a lot of years' and 'putting together a lot of bits and pieces' as a diligent practitioner, she is now recognized by her peers and by outside observers as an acknowledged expert, who has demonstrated both competence and leadership in her particular area of law.

### *Social Responsibility*

Social responsibility, exemplified as a sense of concern for and obligation to others, constitutes another dimension of Barbara's construction of success. She elaborates on the value system from which it emanates:

I have a value system that says, 'Of those to whom much is given much is demanded.' And you always try to give back. You leave a little better than you found. And there's this dichotomy that it all gets wrapped up in the 'Me' generation and all those other things, but that you have an obligation. You know, it's what I call 'my social-worker streak.' I just firmly believe it. And the older I get, the more I think that really is what is important.

Barbara's immense satisfaction at having successfully represented at a protracted and intensely rancorous hearing a group who were support-

ing a locally unpopular, though socially worthy, cause epitomizes her sense of commitment to fight fiercely for the sake of seeing justice done. She characterizes the arguments presented by the opposing lawyer as 'morally bankrupt and intellectually bereft.' A 'very rich, rich ending to a dreadful twelve-month period' is her laconic comment on the overall outcome of the case, and the depth of her personal investment in it is conveyed in her concluding remark: 'I won it hook, line, and sinker. And it just was the best feeling, because I knew it was something right and good, and justice had finally been done.'

Whereas a number of years ago she would not have described herself as a feminist, Barbara is now a convert. She locates her feminism within the context of her wider value system, and professes her determination to challenge others to examine their attitudes and actions in relation to women through the following exposition:

I now am absolutely a feminist. And I am now absolutely convinced that there have to be broad solutions to things and I am absolutely committed to being part of that and to, hopefully, being a catalyst to challenge other people to become part of it, or, in fact, challenge them to recognize that they're part of all that's wrong, directly or indirectly.

Barbara's translation of that commitment into action is exemplified in her decision to put her name on an open petition to protest the seemingly gender-biased decision of a major institution to appoint a male to a major position of responsibility, despite the presence of a superbly qualified and equally experienced female applicant within its own staff. She felt obligated to do this, even though the male administrator who was ultimately responsible for the choice of candidates happened to be a friend and colleague of long standing. During a telephone conversation in which he asked her how she could possibly 'do that to him,' she informed him that she sincerely didn't think that she 'was doing it *to* him' but that she 'was doing it *for* women.'

When a client recently phoned to inform her about the 'wonderful job' one of her potentially 'crackerjack' junior lawyers had done at a meeting, Barbara not only felt glad, but realized, upon reflection, that she could take some credit for herself. In the light of recalling the time and care she had taken to discuss cases and pertinent legal issues with the junior lawyer in question, she saw herself as not adopting 'the old sink-or-swim' approach, but rather, really trying to patiently mentor her protégée.

### *Meeting Challenges*

A further dimension of Barbara's construction of success is that of meeting major challenges with a high degree of professional competence, sound judgment, and skill. She refers to the exigencies of a particular hearing, about a 'difficult, complicated, complex undertaking' which involved the concerns of 'very disparate people,' as an illustration of a situation where she had to use extremely keen legal judgment. So delicate and potentially volatile was the situation that, at a culminating meeting, her nerve as well as her legal and interpersonal ingenuity were exquisitely challenged. Yet she managed to 'hold the game together' and to placate and reconcile the potentially antagonistic interest groups and gain their trust by the end of the meeting. Subsequently, she recognized that her success was built on the cumulative effects of all her previous efforts:

I recognized at that point that the success was more than just that event, more than just the previous forty-eight hours, and more than simply the two-and-a-half-hour meeting. It had to do with everything that had gone on before. For the last three years I had become known to these people, either directly or by reputation, and I had power. They trusted me.

Barbara also cites as an indication of success her accomplishment in founding, as a lone neophyte within her present long-established law firm, an unprecedented specialized department based on her particular area of law and in building it in just over six years into one of the leading sections of the firm. Her department 'is seen as a success story,' in that it now has several lawyers, is 'one of the top billers in the firm,' and is 'well known for the level of expertise' it has to offer.

### *The Self-discovery Process*

In offering insights into her own process of self-discovery, Barbara explains her current conceptualization of the course of her psychological evolution. She reveals a clear sense of her self as evolving through levels of consciousness of her own understanding of what constitutes truth or goodness, or standards akin to these, and observes that 'becoming more conscious' of her understanding of the sort of truth that she has reached at any particular point commands a considerable amount of her psychic energy. This process involves ongoing introspection: 'I've been having these sorts of dialogues with myself.'

At the close of our conversation, Barbara depicts herself as currently emerging from a period of instability, or transition, in her thinking about her values and as entering a phase of stability, or truce: 'As I say, I can feel myself coming to rest in the right kind of hole. I'm not feeling like I'm a square peg in a round hole at this point. And that's nice.'

Over the past decade, Barbara's world view has been transformed to accommodate a new ability to 'see things from a bigger perspective.' Social approval, for example, has assumed a qualitatively different connotation:

Other peoples' approval continues to matter to me, but in a different way than even five years ago. I don't need the approval for the approval's sake. It's more that you must be doing the right thing if people approve of it. And that's good to know. From that perspective, the approval's very nice to have.

This transmutation of Barbara's mental map has resulted in her heightened sensitivity to the wider implications of her own actions and, accordingly, in her assumption of 'a bigger perspective.' As she expresses it:

So it's just being able to take broader interests and bring them into the office, deal with them through career, and then, to back up and take a look at all of those things overall. And just deal with more issues than just what walks through the door in the form of a client and that client's needs. It's very nice!

## **CLARA: PRACTITIONER OF BRINKSMANSHIP**

The easy path for a woman is to be a biological woman in a man's world and to just toe the line and do what men have always done, and the awards will be strewn in her path.

Clara is Canadian-born, of British Isles and north-western European background. Married with school-aged children and a number of step-children, she is in her mid-forties and is a senior partner with a large and prominent Ontario law firm. Upon meeting Clara, one is instantaneously made comfortable by her cordiality. Her voice has an assuaging quality and in her conversation she is calm, highly coherent, and elo-

quent in a scholarly way. The particular terms and configuration of concepts she employs for articulating her construction of success reveal skilful integration of the academic and the experiential. She is adept at giving anecdotes and everyday examples from life in the law to elaborate on, illustrate, or underscore her more abstract points.

### **Construction of Success**

#### *Brinksmanship*

From Clara's perspective, life-career success may be defined quintessentially as a sense of capability and accomplishment in juggling the various roles she is obliged to play as a wife, mother, and feminist functioning at a high level in a profession for which the norms and mores were originally established by men for men and still are largely generated by men. Clara uses the term *brinksmanship* to refer to the process by which she continuously strives to reconcile several competing demands on her time and energy. Central to this process are her keen sense of obligation and her persistent endeavour to fulfil her commitments to her husband, children, and stepchildren honourably and decently while performing highly challenging, creative, and diverse legal work, much of which has no precedent. She points out that the mores, time schedules, and expectations for performance in the legal profession were developed on the premise that men, who historically have comprised the overwhelming majority within the profession, have enjoyed the privilege of having wives at home looking after their children and social relations.

In contrast to her male counterparts, over long stretches of her children's lives Clara has been the parent primarily responsible for managing the household, arranging for child care, or actually looking after her children. She has fulfilled these responsibilities and managed to maintain very good relationships with her children and the other members of her family without absenting herself from her career for long periods of time and without accepting less demanding forms of legal work. While her family-related endeavours have constituted a major counterweight to her career, she has not achieved her high standing in the legal profession at the expense of her family and human contacts. Thus, her concept of career success encompasses the achievement and maintenance of a reasonable balance between a demanding career and what she calls 'an honourable home life.'

Another key dimension of *brinksmanship* pertains to the fact that, as



a feminist, she has a longstanding commitment to work on women's issues while functioning in a very senior position, and doing highly creative work within the context of the predominantly male ethos of the legal profession. This means that she has rejected any aspirations to achieve professional success by 'pretending' that she is a man, that is, 'by simply affirming the existing gender relations within the law.' It also means that she is obliged to temper her feminist stance in order to maintain good relations with her male and female partners, peers, and associates in the legal community. Furthermore, since she has a strong preference for 'a very high degree of intellectual challenge and stimulation' in her work and tends to 'become quite unhappy' in its absence, she needs to constantly attract highly challenging, creative, 'one-of-a-kind' cases. In order to generate legal business of this calibre, she needs to keep a high profile among her partners, peers, those lawyers who refer clients to her, and the legal milieu generally.

In addition to handling her cases, therefore, Clara finds it necessary to engage in a wide range of extra activities, such as speaking at law schools and at professional development sessions, addressing legislative committees and assorted large gatherings, writing articles in professional and academic journals, and teaching a course at university, and she considers it a measure of her success that she is frequently invited to do so. But the performance of these additional activities demands major time commitments which, in turn, have to be reconciled with her commitment to her family life.

A recent trend toward the deprofessionalization of the legal profession and corresponding commodification of legal services has greatly exacerbated the complexity of the brinksmanship in which Clara is now obliged to engage. Over the past ten years, she has observed the emergence of a distinctly corporate ethos in the legal profession. This has occurred at the expense of the traditionally pro bono or service-oriented dimension of the profession and at the expense of the individual legal practitioner's sense of independence and freedom to exercise discretion on how to use his or her time. Legal services have become commodified and the style of practice through which they are rendered has come to be shaped increasingly by emphasis on enhancing the profitability of the firm.

As the individual lawyer has come to be viewed increasingly as a 'profit centre,' whose value to the firm is calculated in terms of billable hours worked, Clara has found that the provision of legal services on a pro bono or pro-rated basis has become, essentially, a volunteering activ-

ity to be performed in addition to profit-generating work or in lieu of vacation time. Although Clara has always chosen not to be a 'high performer' in the sense of producing profits, she has become increasingly obliged to 'mobilize a lot more' of her resources to the production side. This has detracted from the amount of time that remains for fulfilling her family-related obligations and meeting her commitment to work on women's issues, and has required her to engage in a markedly more intensified and challenging form of brinksmanship. Rather than allowing her to 'cut a fairly fine balance' between competing commitments and responsibilities, as was possible in the not-so-distant past, this new regimen obliges her constantly to choose how much of her limited discretionary time to devote to her family and to pro bono legal work. In her words:

So this is something that I'm finding, that as I try to make myself more of a 'profit centre,' as they say in the law, I'm finding that there's much less give in my life, because if you do work that's profitable, that earns income for the firm and that kind of thing, then what time is left? ... And you have to choose between your family and it's essentially, then, volunteer time.

### *Social Responsibility*

Social responsibility, exemplified as a sense of 'taking the benefits' that she has received and 'making something out of them,' not just for herself but for other people, constitutes another dimension of Clara's construction of success. She believes that 'part of being in the world is to be involved in things that touch one's fellows.' Although Clara has a lively sense of justice and is interested in diverse issues pertaining to social matters generally and the justice system particularly, she has decided to specialize in endeavours directed toward redressing injustice against women, endeavours she views as a 'lifetime undertaking.' She has actually devoted much of her legal practice to women's cases and is particularly pleased to have been able to achieve the stature that she has within her legal milieu while remaining true to her feminist principles and 'fairly explicit' about her feminism.

As an advocate for the equality guarantees enshrined in the Charter of Rights and Freedoms, she has striven to examine critically the assumptions underlying the Canadian justice system, to expose its inherent biases that operate to the detriment of justice for women, and to 'make the materials' necessary to challenge the status quo. By this she

means that, since very few rules exist which can be mobilized to challenge the system, it has been necessary to struggle initially for good equality guarantees in the Charter and, having secured these, to endeavour to find ways of deploying them to forestall injustices extant in the system.

Another element of Clara's conceptualization of what constitutes success for her relates to her sense of responsibility to 'make common cause with other women.' As someone who has achieved 'some measure of success' in the legal profession, despite her marginality to its predominantly male ethos or culture, she would like to have success in talking to other women, particularly other women in law, about the dynamics of gender relations within the profession from the specific perspective of women's culture. When afforded the opportunity of addressing women on these issues, her message is essentially one of alerting her audiences to the fact that, although 'it is very much worth doing,' there are considerable costs associated with achieving the level of success that she and other women in law have achieved. She relates to her audiences 'the compromises and sometimes the pain' that are intrinsic to her work as a lawyer 'trying to keep something for women in a male profession' and endeavours to encourage them to hold out for their feminist principles and not resign themselves to lower-level or financially precarious positions within the legal structure.

One of Clara's primary reasons for advocating that women make common cause with one another derives from her concern about the mechanisms by which women in law are commonly co-opted into the male culture of the profession and those who are successful in terms consistent with the traditional male ethos are used as orthodox role models to control other women. Typically, such women have honours, awards, and accolades conferred upon them, and are consulted and 'paraded around' as 'sensible' women. In effect, they function to suppress or discredit the voice of female colleagues who dare to complain about such problems as lack of daycare, long hours, and unrealistic expectations. Illuminating for her audiences the reality of the difficulties associated with doing 'women's work' within the context of the legal profession, Clara cautions: 'The easy path for a woman is to be a biological woman in a man's world and to just toe the line and do what men have always done, and the awards will be strewn in her path.'

A 'crop of successes' among Clara's female peers who have been achieving eminence lately as judges, presidents of male-dominated professional organizations, and in other comparable capacities has

prompted her to make her 'observations more stark.' Since virtually all of these women have followed career paths which have had 'nothing explicitly feminist about them' and are either childless, or have only one child, or have a spouse who is 'very involved in child rearing,' Clara has been forced to realize again how male-oriented conventional ideas and patterns of success in the legal profession still are. In other words, she finds that a 'male-type career pattern leads to male-type success.'

Nevertheless, Clara continues to challenge her female colleagues to make common cause, communicate, and collaborate with one another as a means of counteracting the reactionary forces within the legal milieu, which use conventionally successful women lawyers to persuade their female colleagues to abide by the traditional, male-oriented norms and mores of the profession. Reflecting later in the interview on reasons for her sense of obligation to opt for the more difficult, less orthodox path, she cites a need to be consistent with or true to herself: 'You know, it's a lot harder, but, you have to do it. You have to live with yourself.'

A further aspect of what Clara considers success, to which she attaches great importance, relates to her endeavours as a woman in the law 'to make or save women's sources of power.' She cites collective action and the creation, expression, and dissemination of knowledge from their own perspective as significant sources of power for women. From Clara's perspective, the 'reassertion of women's control over the birth process,' which she apprehends as 'the bedrock of women's power,' constitutes a major dimension of the struggle to recover women's sources of power. She believes that 'unanimity or group action can be very persuasive' and that women's professions, unions, and collectivities, or collective action by women are a great source of power for women and, accordingly, she thinks that it would be wonderful to be successful at 'defending women's control over their own bodies and own procreative abilities.'

As a 'believer in the maxim that all knowledge is constructed,' Clara is enthusiastic about the renaissance, or flowering, of knowledge constructed by women about women which has occurred in recent years. Adopting this larger epistemological position as a point of departure, she envisions the law as one of many potential means by which women can actively construct knowledge about themselves from their perspective. The 'vitality and the real centre' of her own striving as a legal practitioner are embedded in the ideas and issues with which she constantly wrestles while endeavouring to construct knowledge from her unique perspective, or in her words, 'figure out where the issue is, where reality is.'

### *Social Approval*

The maintenance of a good reputation with her partners, her clients, her peers at the law firm, colleagues in the legal profession generally, and the groups in whose causes she is interested constitutes another key factor in Clara's construction of success. She sees herself as being self-centred enough to want to be successful as a lawyer and to receive high-calibre, challenging, and creative legal work. But it is also very valuable to the groups in which she is interested and to her clients generally for her to be recognized as a good advocate and as someone with whom her partners want to practise law. By being attentive to the expectations of the mainstream legal milieu and mobilizing the resources to which she has access by virtue of her position within the law firm and of her reputation generally, she can facilitate the survival and progress of otherwise less advantaged clients and their respective causes. As she explains it:

I can bring something to a case. I can bring our resources and our technique and the name that you generate by being good and by associating with whom you associate, all of that. So, in a really tight spot, I can probably do things for clients that maybe somebody else couldn't, because of all those associations.

### *Internal Tensions*

Clara's construction of success incorporates complex internal tensions between her aspiration to perform highly challenging and creative work that contributes to the community, and her desire to receive a certain level of financial reward, while simultaneously ensuring that she 'will be around for the next twenty years as a working professional.' Although the achievement of financial security constitutes a significant element of her conception of success and she sometimes feels driven by this motivation, she has reached a compromise within herself, so that her other values are not excluded. While she confesses to wanting to be the best advocate and, accordingly, reveals that she strives for 'outstanding performances on the professional side' rather than the 'income-generation side,' she also takes care to be forthright about the fact that she is not totally altruistic in her motivations. She explains:

I'm not a total altruist here. I like to get the income that comes from being a successful law practitioner, although I do not expect that I will get nearly

as much income as most other successful law practitioners, because that's a compromise that I've made with myself. But I still get a sense of pride out of being able to maintain the home that I maintain and being able to do things for myself and for my children that I do.

The tensions between Clara's desire to engage in intellectually stimulating, yet socially constructive, work and her interest in achieving a certain level of remuneration also manifest themselves in her increasing sense of necessity to make considerable accommodations to the corporate ethos which has been encroaching steadily upon the legal profession. The configuration of these tensions is evident not so much along ideological as along production lines. As the number of billable hours expected has escalated and the level of emphasis on collections and accounts receivable has become more extreme each year, those aspects of professional life which in Clara's experience are most interesting are steadily being eroded. Yet, for her own 'professional reasons as well as family reasons,' she wants to be one of the long-term survivors. Thus, Clara's construction of what is required to ensure her survival 'as a working professional' is the mobilization of a much higher proportion of her resources to the enterprise of generating profit and, accordingly, the fulfilment of her pro bono commitments on her personal time.

Clara's solution to this problem has not been to cut back on her pro bono work, but rather to 'characterize it differently.' Whereas formerly these activities could be interwoven to some degree with her conventional profit-generating work, it now constitutes an entirely 'personal commitment' and is performed exclusively on her own time.

Partly because of her participation in my research and partly because of her observation of the recent successes of female peers, Clara has been provoked to reflect increasingly on what constitutes life-career success. She has questioned whether she can say of herself that she is successful, and has found the answer to be inconclusive. It is her view that, although ideas of success can be 'fairly equivocal,' depending on which standards are applied, what is generally regarded as 'the common or neutral standard' for assessing success is 'really a male standard.' Despite the fact that the standard by which she judges herself is more of a personal standard, she finds herself confronted at mid-career with the practical dilemma of needing to figure out how much longer she can continue to be unconventional in her approach to success. She wonders how much longer she can continue to be unconventional and yet maintain 'credibility in the world,' be able to attract clients, have her opinion

matter, and remain sufficiently refreshed to keep viable in the years ahead. Although, as discussed earlier, she has made some very deliberate adjustments to the new economic realities permeating the profession, she acknowledges the persistence of her period of pensiveness and refers to herself as 'the lawyer-at-sea.'

## **EMMA: OVER-COMMITTED PROFESSIONAL**

If I bought into the greed scenario, then I would spend all of my professional life marketing my services, getting and keeping clients, being worried about how much they're paying me or not paying me, and I would totally lose sight of contributing to professional development, teaching – which I do a fair amount of – which is rewarding but not remunerative, and if I get on the greed merry-go-round, I know that very quickly I will lose what I'm trying to secure in the other part of my life.

Emma, who is of Anglo-Saxon heritage, is a senior partner with a large and prestigious Toronto law firm. She is in her early forties and is single. At the beginning of the interview Emma's demeanour bespeaks commitment, efficiency, and concentration, but as our conversation continues, it alters to reveal much vitality and exuberance interspersed with tinges of humour and hyperbole.

### **Construction of Success**

#### *Social Responsibility*

Central to Emma's definition of career success is her conviction that she has a professional obligation to give back to the community some of the benefits she enjoys as a result of her many years of education. Therefore, in addition to handling her cases and discharging her diverse duties as a senior partner, she annually devotes several hundred hours of her discretionary time to such activities as fulfilling her substantial obligations as an officer of a major professional organization, continuing her longstanding involvement in helping to maintain or improve access to legal services, teaching specialized courses to student lawyers, mentoring neophyte lawyers in the practice of law and in professional responsibility, and organizing or speaking at continuing education or

other professional development sessions. In her present position in a large law firm, she finds it questionable whether involvement in 'non-remunerative activities' is accorded any recognition. Consequently, she experiences 'a real struggle' in endeavouring to ensure that her commitment to the community does not become submerged in her overall commitment to the indispensable profitability of her law firm. She clarifies her position: 'I mean, there has to be a commitment to productivity and profitability. But, there's profitability and there's greed. And I don't mind staying in the profitability camp. But, there's a line there that I don't want to cross.'

Such quintessential philosophical issues as the purpose of our earthly existence underlies Emma's sense of obligation to contribute to the welfare of the community. She enunciates some of her basic beliefs concerning the purpose of life, as follows:

We weren't put on this earth to surround ourselves by material things. We were put here to enjoy relationships, thrive, mature, and contribute. If you are so caught up with material things, which I equate with greed, then you easily lose sight of what I think you're supposed to be here for.

Emma adds that in each of the previous two years, her total recorded billable and non-billable hours have been approximately two thousand four hundred and that in each of those years about six hundred of those hours have been devoted to voluntary, non-remunerative contributions to the legal community. Underscoring her sense of obligation to continue contributing to the community, she declares:

If I bought into the greed scenario, I'd drop those six hundred hours and if I replaced them with six hundred billable hours, then I'd make a ton of money – much more than I would ever need – but if I'm buying into the greed scenario, I'd love it. But those six hundred hours would be lost and I would feel very disappointed with myself that I had stopped giving back to the community at large.

Emma's work as an officer of the professional organization for which she volunteers commands the highest proportion of her non-remunerated time and is guided by her desire to see a definite agenda translated into well-formulated policy and action. A central component of her agenda derives from her concern about the evolution of the place of



women in the legal profession. She predicts that since 50 per cent of law school graduates are now women, whose call to the bar correlates precisely with their prime age for child-bearing, and since the ratio of men and women in the profession is accordingly 'changing dramatically,' a conflict will emerge within the profession concerning the inadequacy of its current institutional accommodations to the biological imperative of women's child-bearing responsibilities and the culturally assigned encumbrance of their child-rearing role. She asserts that women lawyers are increasingly saying that the existing state of affairs is not satisfactory.

Observing that because the legal profession has traditionally been dominated by men, the vast majority of whom have had wives whom they could afford to maintain as full-time mothers and home-makers, Emma points out that many of her male colleagues have no appreciation of the conflict between the roles of parenting and lawyering. She predicts, therefore, that they will respond with indifference to any challenges to the existing arrangements for parenting leave. But, she contends, 'As more and more women are both [lawyers and parents], men are going to have to realize that it requires an institutional response.' She adds:

I think we really need to focus more on family, not only at the national level, but on our own professional level. There's going to be a lot of resistance, because men have never had to deal with it. They're the breadwinners, you know. It's not their problem, except to pay for it. So it's going to be a struggle.

Emma envisages her efforts at anticipating such serious problems as the disenchantment of many talented women lawyers with the profession, and at devising equitable solutions and policies to avert the potential abandonment of the profession by large numbers of these women, as 'a fairly important part' of her contribution to the legal profession. The realization of these goals would be, she contends, beneficial 'immediately for the profession' and 'long-term for the public.'

Envisioning the next phase of her life, Emma foresees herself 'doing the charitable route,' being on the board of directors of some community organizations and using her organizational and administrative skills rather than her legal expertise. But for now, she is 'content to be giving back to the legal community' on the assumption that the more she can 'help the legal community, maybe, the more they will help their own clients, and then the public is indirectly benefiting.'

*Peer Approval*

A second factor which is central to Emma's construction of success is that of peer approval. She reveals that, on a 'scale of what is important' to her professionally, she would assign professional peer respect to the highest level. In discussing this, she expresses the depth of her sense of obligation to earn that respect by practising the highest possible levels of ethicality, service, honour, and reliability. She states:

It has always been extremely important to me that my ethics be at the highest level, that I provide a quality of service, both to my clients and with other colleagues, that is the highest that I can provide, that I not fail, that I not let people down, that I carry out any job that I undertake to do. It might kill me in the process, but I'll do it!

Peer respect is also intimately intertwined with Emma's experience of a sense of personal satisfaction and achievement upon completing a challenging task or reviewing a project in progress. This is exemplified by her real sense of achievement upon receiving 'superlative' evaluations and comments at the conclusion of a national conference for which she had laboured at length as one of the main planners and coordinators. This sense of achievement is also reflected by her 'tremendous satisfaction' upon realizing, while completing a review for a committee of senior partners, that the department which she had instituted recently, and which she continues to lead, had evolved into a productive, important, and well integrated unit within the firm.

Recognizing the longstanding centrality of peer approval as a motivator for her striving, she declares:

Feeling comfortable with the regard and respect and esteem of my peers has been very important, probably sufficiently important that, for many years – and I'm only recently beginning to realize this – I have been driven by it ... because I see that as a measure of success.

Upon further reflection on being 'driven' by the prospect of receiving peer approval and the level of enmeshment of her sense of satisfaction or accomplishment with that prospect, Emma employs hyperbolic language to underscore its significance:

It's almost as if I'm a glutton! And so, I take on all these projects that a

normal human being would have said 'No' to, because it's too much. But I keep taking them on because, although it might be a struggle to get the job done, the satisfaction at the end of the job is not an adrenalin, but it's what you do it for.

### *Evolving Thinking*

Nevertheless, Emma is engaged in a process of critically examining her current construction of career success. This is evident in her declaration that she is 'far too motivated' by the prospect of professional peer gratification; because of this, she is 'far too committed' to her professional endeavours and has 'far too little' time for herself, and is 'beginning to sacrifice' her health in a number of serious ways. The gravity of the long-term implications of her current lifestyle for her health and life expectancy has been dawning on her for some time and she has recently come to realize that she has 'to get off the merry-go-round.' In effect, this means taking some time for reflection and curtailing her professional commitments so as to create more personal time during which she can engage in other, non-legal activities.

Emma conveys her sense of urgency to modify her current lifestyle cogently: 'It's really getting to me that my life is so narrow and I'm so committed to all my professional endeavours and so addicted to getting my sense of satisfaction from my professional life that I'm missing other parts of it and I'm not being open to it. And I've got to do that!'

The palpable strength of Emma's impulse to begin to experience success on other planes is revealed in this summary of her current construction of her situation: 'I have to get a new mould! I know where I am. I know that I have all that peer acceptance. And so, I have to stop looking for success on that level and, you know, achieve it on other levels.'

Describing herself a 'slave to almost anything anybody asks' of her, Emma has determined that after more than a decade of responding to the requests of others, it is time to start doing something for herself. She identifies regaining a sense of greater control over her environment, as opposed to her present experience of constantly reacting, as one of the goals she would like to embrace. In addition, she is concerned that because her endeavours are so numerous and so diverse, her 'judgment may be becoming impaired.' As she projects her thinking to the future, in order to envision the kind of lifestyle to which she is beginning to aspire, she suggests the following scenario to get away from her propensity to subordinate her own needs to the demands of others:

Doing a lot less of the professional. Easing back. Saying 'No!' Drawing some lines. Imposing some reasonable limitations and expectations, so that I don't feel like I'm, in my inability to say 'No,' a slave to a million masters ... And being more focused on what I think is right for me, as opposed to what the rest of the world thinks is something I should do. I'm too willing to bow to other people's demands.

Emma speculates that her inability to say 'No' is a female phenomenon which, in her case at least, is partially driven by guilt. This phenomenon is, she observes, particularly prevalent among her cohort group of women lawyers who, because of their small numbers at her level of seniority and experience and because of their considerable cumulative exposure to discrimination, feel a keen sense of obligation to provide female representation on pertinent and influential committees. Emma perceives, however, that she has now attained a level of recognition and esteem within the legal profession which permits her to select the projects and committees on which she decides to serve.

One of the areas in which Emma considers that she has been unsuccessful is in personal, as distinct from professional, relationships with men. She enjoys exceptionally good relationships with women friends, but classifies the absence of a satisfying personal relationship with a man as 'a rather substantial vacuum' in her life, and 'next on the agenda' is an attempt to change this. While she has not articulated a precise strategy, she identifies becoming 'more of a human being and less of a lawyer' as a prerequisite. She attributes the disintegration of three earlier relationships to two main factors: her preoccupation with professional peer esteem which prevented her from investing the amount of effort and energy required for the development and sustenance of a thriving relationship; and the 'incredible intimidation' which at least two of those three partners manifested in dealing with her as a 'well-regarded' professional woman.

### *Principled Behaviour*

A few years ago, Emma made a decision to transfer from an environment in which the values and underlying assumptions according to which she had chosen to practise law were shared and supported to a law firm where significantly different values and assumptions prevailed. She anticipated this transition as entailing 'quite a substantial philosophical leap' and realized that she would have to deal with a mode of

legal practice which would be incompatible with her construction of life-career success. The most crucial incongruity which she then perceived involved the mainstream norm of viewing the income earned by an individual lawyer as a measure of his or her success. Since Emma has never measured herself in those terms, she was concerned that having transferred to a profit-oriented environment she might 'succumb' to the surrounding ethos and, over time, begin to measure herself in similar terms.

Emma's perceptions have been confirmed by her experience of working in the new milieu. She has had to grapple with the tensions between pressure to conform to the entrenched mainstream norms, her obligation to fulfil her share of responsibility for the firm's financial prosperity, and her commitment to perform a considerable amount of less remunerative, or non-remunerative, socially constructive work. She reinforces her determination to remain true to her own values: 'I have had to struggle and will continue to struggle to make sure that that doesn't happen. But I can see how it would be very easy to get into the trap of measuring yourself by dollars.'

Emma's struggle to remain true to her own principles is also exemplified in her refusal to join her fellow senior partners in hosting a traditional social event which was to be held at a club that discriminates against women. Her decision was accompanied by 'real turmoil,' as she feared a backlash from her male colleagues. She wrestled with a sense of isolation, exacerbated because none of the other female partners openly demonstrated solidarity with her stand. Furthermore, echoing her steadfast sensibility to 'the trap' of capitulating to the convention of measuring success in monetary terms, she also grappled with the possibility that her sense of turmoil and equivocation might indicate that she was beginning to abandon values which she previously would not have hesitated to uphold and that she was 'already being bought out.' Nevertheless, she persisted in her lone protest. As a result, the venue for the celebration was changed, without rancour, to an acceptable setting and the offending club subsequently modified its policies to the extent of granting women some nominal concessions. The overall outcome served to affirm for Emma the probity of her decision.

At the conclusion of the profile review interview, Emma reveals her identification with women generally by reiterating her personal view that men measure success primarily by dollars, while women measure success in terms of personal relationships. She acknowledges that her thesis constitutes 'a gross oversimplification' and adds that her problem

is that she has 'dwelt primarily on one kind of personal relationship at the risk of other kinds of personal relationships.'

### *Sense of Humour*

The capacity to maintain a sense of humour is another essential component in Emma's construction of career success. In her particular area of law, she finds it imperative to retain her sense of humour, because she is keenly aware that 'it would be really easy to identify with' the high proportion of her clients who are very distressed and she herself is vulnerable to becoming 'exceptionally depressed' if she does not take countervailing measures. Therefore, she finds it prudent to disengage psychologically in so far as she can from the tribulations of her clients and, having provided them with the best possible service, to introduce some diversion or lightheartedness into the office routine.

## **GILLIAN: SURVIVOR-PARAGON**

The ideal lawyer renders ideal service and the ideal lawyer is a paragon, knows a lot, is very careful, very courteous, very prompt, very able to deal with fellow professionals, as well as with clients, is able to achieve success in the endeavour that has been placed before him or her by the client, and able to explain to the client that certain things are not possible, certain things will not turn out to perfection.

Although she has had extensive experience with large law firms, Gillian is currently a sole practitioner in the areas of estates, real estate, and commercial law. Canadian-born of Celtic heritage, she is in her fifties, and is not married. One is immediately conscious of her easy graciousness and the succinctness with which she expresses herself, along with her quick and often disarming wit.

### **Construction of Success**

#### *Goals*

For Gillian, life-career success within the legal profession is comprised essentially of avoiding working to exhaustion and achieving personally predetermined goals. She alludes to these two views of success several

times in the interviews, having stated them straightforwardly right at the beginning:

In this particular career, there are two kinds of success. One is not to get burned out and the other is to achieve whatever you set out to achieve. If you set out to achieve professional excellence or professional survival, then, if you have achieved either of those, that's success. This is my understanding.

Dissociating herself from any 'magnificent goals,' or any consciously delineated career path, or calculated career-building strategy, Gillian depicts herself as definitely 'not an aggressive achiever' and goes on to explain her conceptualization of career success by adding: 'I'm going along doing my little thing.' Later, she remarks that many different criteria, including monetary considerations or simply survival, may be employed to evaluate levels of success. She continues to illuminate her subjective criteria by revealing that, as far as she is concerned, survival, in conjunction with the attainment of subjectively constructed goals and standards, is a very important part: 'I'm going after survival.'

In Gillian's experience, survival consists of two main elements: remaining financially viable 'in a "dog-eat-dog" competitive, commercial world,' and not getting disciplined or 'drummed out of the profession for doing something outlandish' or 'quite unacceptable.' At this stage of her career, the former constitutes the more compelling concern. The high concentration of lawyers in the Toronto area means that Gillian conducts her solo practice in an intensely competitive environment and is obliged to remain constantly vigilant that her monetary resources match her business expenses. Only at the end of the fiscal year does she usually discover 'whether there's anything left over' for her private disposal. Thus, from her perspective as a Toronto-based sole practitioner, the sheer ability to remain in business over a sustained period of time and in the face of a variable economic climate, is a wholly legitimate indicator of success. Focusing specifically on this theme, she states:

So, success is, with many other lawyers – like seven or eight thousand lawyers in the city of Toronto – measured, not only in dollars, but by the fact that you stay in business, you're able to pay your rent and your staff, and so on.

A third major factor central to Gillian's construction of life-career suc-

cess is that of striving for professional excellence. She intimates this through her comments on achieving goals and through her character sketch of 'the ideal lawyer,' to be discussed later. She also articulates this quite explicitly: 'I'm trying to produce the best results that I know how for the people who ask me to do things.' Since, in her view, the clients are generally not in a position to be the best judge of the calibre of legal services rendered them, she suggests that perhaps the fact that one's professional peers acknowledge that one's clients are correct in being content may serve as a valid indicator of the quality of one's work.

### *Professional Ideals*

The process of seeking justice for one's client is what the enterprise of lawyering is all about, according to Gillian's configuration of values. Along with 'truth, beauty, love, and happiness,' she includes justice in the category of 'the eternal verities.' Since justice, for her, constitutes a concept which has been variously interpreted during different historical periods and under diverse political regimes, she feels compelled to preface any exposition of her thinking on the subject with an acknowledgment that it is necessarily influenced by her past and present experience. 'My view of justice is coloured by where I am and where I've been,' she explains.

As Gillian grapples with the challenge of saying 'anything definitive about what's fair or just,' she concedes that trying to define her 'thinking about what justice is is only going to result in similar words, such as, fairness and fair play, and that each person get his or her own share.' Pausing momentarily to contemplate her thinking about the true essence of justice or fairness, she states: 'I have an idea it's as much subjective as objective.' At least for now, she settles for a legalistic operational definition: 'Justice, to me, is a person getting what he's entitled to and not getting what he's not entitled to.' She observes that the degree to which the law can be exercised in the quest for the realization of ultimate or consummate justice is limited. Whereas she can profess with confidence her belief that the law can assist in certain situations, or in certain respects, and that 'there are certain objective justices' which can be achieved through legally based procedures, she is equivocal as to whether the law can be used to address 'the subjective' dimensions of justice.

In presenting a crisp character sketch of the lawyer who is 'a paragon,' Gillian illuminates more clearly the professional archetype which guides her lawyering endeavours. She depicts 'the professional lawyer



who is a paragon' as possessing many skills and as capable of consistently lending those skills to 'the superb service of the client.' In fact, every time the resolution of a legal issue is required, the paragon mobilizes this whole assembly of skills so as to present in as positive a manner as possible, and with all the ammunition that he or she can muster, the most powerful available legal position on behalf of the client.

In the course of her daily legal activities, during which she strives to translate her professional ideals into practice, Gillian herself is always concerned about attaining the best possible results on behalf of her clients and she works diligently toward that goal. But, in the event of an undesired outcome, she proceeds in accordance with her concept of professionalism to calmly and unflinchingly rectify the situation.

The paragon, according to Gillian's prototype, also performs 'a community service' and is scrupulously ethical. Serving the community on a pro bono basis has, she points out, traditionally constituted a routine aspect of the legal professional's work. She recalls:

Until we had Legal Aid, most lawyers did their own legal aid, looked after little old ladies and old men, and young ladies and young men, and kids of their friends, and that sort of thing, just as a matter of course ... You gave your time and whatever it was to such-and-such society, or you assisted such-and-such group at no charge.

Accordingly, she considers that 'a lot of the professional's contribution is not only to the client, but the community,' particularly in the sense of looking after its less fortunate members, such as 'widows and orphans and, now, widowers.'

Despite the advent of Legal Aid, Gillian continues to provide legal services at no charge or at a reduced fee to a number of individuals and organizations. By writing and presenting papers at continuing education sessions on practical aspects of legal transactions in her particular specialty areas of law, Gillian contributes also to the ongoing enlightenment of colleagues who, in her terms, are 'in that great middle place between bar call and retirement.' Her primary goal in these endeavours is to keep fellow practitioners informed on new developments in the law and, thereby, to keep them 'looking after their clients.' A secondary or indirect outcome is the provision of better legal service to the broader community, since the lawyers who partake of these seminars 'work for the broader community.'

Gillian is saddened to observe that, 'within the last ten years,' she has

encountered 'many more lawyers whose standards are not as high as they should be.' She speculates that this erosion of professional standards may be attributable to the advent of the postwar baby boomers. The educational system has, she avers, through its mass-processing approach to coping with the large influx of students, denied to many trainees in the professions 'the osmosis' of receiving mentoring from superb professionals. As Gillian sees it, the consequence is that the public is unwittingly shortchanged:

The student doesn't see a fine operation ever, with the result that the student's standards are never very high, with the result that the student's work is never very high professionally, with the result that the client doesn't get that benefit. But the client doesn't know that the service he or she is receiving is actually of an inferior standard.

When Gillian was called to the bar, more than three decades ago, she assumed that all of her colleagues were 'perfectly professional.' Although she acknowledges that this may have been the naive assumption of a neophyte, her 'recollection is that 99 per cent' of the lawyers with whom she was dealing were indeed thoroughly professional. To her regret, she estimates that she would not put that percentage so high at present, and this prompts her to wonder 'how many paragons' now exist within the profession.

### *Challenges*

From Gillian's perspective, the resolution of ethical conflicts encountered in legal practice 'can be tricky' and can present a challenge. But she maintains that this is a domain where the individual's legal training and experience, and common sense, and socialization before ever reaching law school all converge to enable the determination of a proper solution. Only rarely, in her experience, do ethical questions arise to which the answers 'aren't fairly clear.'

Colleagues who have reached an impasse in their efforts to resolve complicated legal problems frequently consult Gillian for assistance. With respect to the intellectual challenges arising out of the complex legal questions with which she and her colleagues wrestle, she remarks with a chuckle: 'Well, let me say that either I've bumped into most of the hard ones or I'm not bright enough to observe them, because, by and large, I'm the one who's on the receiving end of the calls.'

In the event that a truly novel and engaging conundrum should present itself, Gillian feels that her learning, training, and experience would all combine to help her work out a solution. To illustrate the process, she uses the analogy of acquiring increasing proficiency at deciphering a puzzle:

It's a little like when you face a puzzle. The very first time, you're not quite sure what to do. But when you've been facing puzzles for twenty-plus years, you've got a pretty good idea that blue goes with blue and the pink goes with the pink and one with this kind of a jiggle goes into that kind of hole with the same kind of jiggle.

### *Emotional Control*

The maintenance of emotional control, Gillian insists, constitutes another crucial aspect of successful legal practice. A certain client's plight may be especially pathetic or another's expression of gratitude particularly touching. But because one of the reasons that clients entrust their affairs to her at times of crisis or distress is that they expect her as a lawyer to be able to handle their predicament in a composed and objective fashion, Gillian subscribes to the precept of keeping her professional approach distinct from her personal approach. Therefore, she insists that the lawyer's emotions 'must be controlled' and that personal feelings must not be allowed to interfere with professional imperatives. As she puts it, 'we're supposed to be sticking to our knitting.' To exemplify her approach to dealing with a professional counterpart who exhibits a definite lack of emotional control, she observes:

I've been heard to say, and they could probably tell you around here, 'Look, just cool down and get to the problem!' You know, 'Simmer down and let's find out what it is that we're talking about. What's the problem?' 'Let's get on with a solution. That's what we're supposed to be doing.'

It is Gillian's experience that women lawyers are obliged to be 'particularly controlled.' This she attributes to the widespread operation of a double standard within the legal profession in the interpretation of certain forms of behaviour. The meaning attached to an emotional outburst, for example, depends on whether it comes from a man or a woman. A 'fit of temper' exhibited by a man is construed as an indication that he is simply experiencing a difficult day, whereas the same

behaviour by a woman is taken as a symptom of the propensity to petulance characteristic of women in general. As Gillian phrases it, 'If a man throws something, he's having a bad day. If a woman throws something, it's "My heavens, these women are so temperamental." That's the response.'

Women were especially vigilant about conforming to the prescribed conventions and decorum of the legal profession when the ratio of women to men was more imbalanced than it currently is, Gillian recalls. This vigilance was motivated, she asserts, by a sense of obligation to pre-empt any justification for the negative expectations of women entrenched in the mainstream of the legal profession and to forestall the readiness to condemn all women lawyers on the basis of an indiscretion by one: 'When there were fewer women in the profession, you were particularly conscious of toeing a line, so that all the negatives that people were seemingly waiting to use wouldn't be used, because one bad move and the whole lot was damned.'

It is noteworthy that only 3 per cent of the lawyers called to the Ontario bar along with Gillian, over thirty years ago, were women. Nevertheless, allowing for the pronounced numerical imbalance between men and women in the profession, in the course of her career she has heard proportionately many more inadmissible emotional outbursts from men than from women:

As far as outbursts of emotion, I think, maybe, in my career, I've heard two women give unacceptable outbursts, but I've heard a lot of men, you know, screaming, and yelling, and hurling accusations, and probably purple in the face if I could see them on the other end of the phone line.

This double standard in the legal profession is, for Gillian, but a reflection of society's failure to 'see humans as humans' and its persistence in making 'some unnecessary distinctions' between women and men. When objections are raised in her presence concerning the acceptability of a woman lawyer, Gillian typically asks whether there is something 'particularly masculine about reading a book.' Her question is intended to convey her conviction that lawyering is a markedly bookish endeavour, for the successful execution of which masculinity and femininity are irrelevant. While she allows that 'women and men are not the same' and that they, respectively, might even adopt a somewhat different approach, she argues that the solution to a legal problem is legal: 'It's like a dentist. Your teeth aren't different to the dentist. If the dentist

is male or female, your teeth are the same, and the problem is the same, and the solution is the same.'

### *Change*

In so far as Gillian's construction of her own development has been captured in the interview, it suggests a proclivity to relative constancy, or continuity. As she ponders the evolution of her legal career, she reveals that, although she presumes that people 'change daily without realizing it,' as they respond to the situation in which they find themselves, she is not aware of changes in herself. She explains that she has not to date done a self-analysis and that, because she 'probably wouldn't get anything else done' and 'might get quite discouraged' during the process, she has no intention of undertaking one in the foreseeable future. An objective observer would be in a better position to note whether she has changed or not, she suggests. Upon further deliberation, however, she expresses her perception that, when one has been in the same business for over three decades, one develops a *modus operandi* which, apart from developing greater proficiency in responding to diverse situations, is not likely to be modified unless there is an appealing alternative. Retrospectively, she can see that situations which might have appeared baffling to her as a novice practitioner, with cumulative experience have evolved to become veritable norms.

Part Three

## **Recurring Themes**

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## Chapter 5

# **The Scales of Success: Themes Common to the Men and Women**

In his more recent work, Kegan (1994) uses his theory of the psychological evolution of meaning-systems (which he first presented in 1982 and which I outlined in chapter 2) as an analytic tool to examine the demands contemporary culture makes on our consciousness and our mental capabilities to meet those demands. Kegan clearly states that his theory's central premises and distinctions remain unchanged, but that the 'principles of mental organization according to which emotional, cognitive, interpersonal, and intrapersonal experiencing is constellated are much more thoroughly spelled out' (1994: 7). He postulates five distinct thresholds in the evolution of consciousness, which correspond to those propounded in his earlier work. But instead of his original helix of evolutionary truces, he provides a series of more elaborately articulated tables, labels, and figures to illustrate his theory and his enhancements of it.

Kegan engages the more expansive term 'orders of consciousness,' rather than 'evolutionary truces' or 'evolutionary balances,' to refer to the cumulative, qualitative differences in epistemological complexity and inclusiveness by which he delineates the evolution of meaning-making. Minutely observing and illuminating how we reconstruct our epistemologies, that is, how we transform what has been subject into object 'so that we can "have it" rather than "be had" by it,' is, Kegan claims, the most powerful way to conceptualize the growth of the mind. This way of conceptualizing the growth of the mind is, he proclaims, 'as faithful to the self-psychology of the West as to the "wisdom literature" of the East.' The form of experiencing that is enabled as the principle of mental organization by which that which has been subject becomes object to the next principle is, he maintains, 'very close to what both East



and West mean by “consciousness,” and it is in this pan-cultural fashion that he employs the term consciousness. The sense in which Kegan uses the term order refers not to the notion of ‘sequence,’ but to that of ‘dimension’; each successively transformed principle of mental organization operates ‘at a whole different order’ of consciousness (1994: 34).

Through assiduous description and discussion of a number of case profiles and through detailed specifications within the figures he provides, Kegan elucidates more explicitly both the underlying epistemological structure of each of the five orders of consciousness and the cognitive, interpersonal, and intrapersonal lines of their development. Most pertinent to the discourse on the constructions of life-career success of the lawyers interviewed for this inquiry are the third, fourth, and fifth evolutionary truces, or orders of consciousness. Although my initial analysis of the case profiles predated the publication of Kegan’s second book, some striking parallels are perceptible between the imagery I independently devised to schematize my own findings and the manner in which Kegan illustrates his amplified conception of the epistemological structures underlying the third, fourth, and fifth orders of consciousness. Therefore, Kegan’s modifications of and refinements to his thinking, as well as points of complementarity between his more thoroughly articulated theory of consciousness and my findings on constructions of life-career success during middle adulthood, will be variously addressed throughout the present chapter and chapter 6 in the course of discussing the fourteen themes that emerged through collating and analysing my case profiles.

### **The Recurring Themes**

The composite rendition of life-career success which revealed itself through my synthesis and inductive analysis of the eight detailed case descriptions encompassed the following recurring themes, or core attributes:

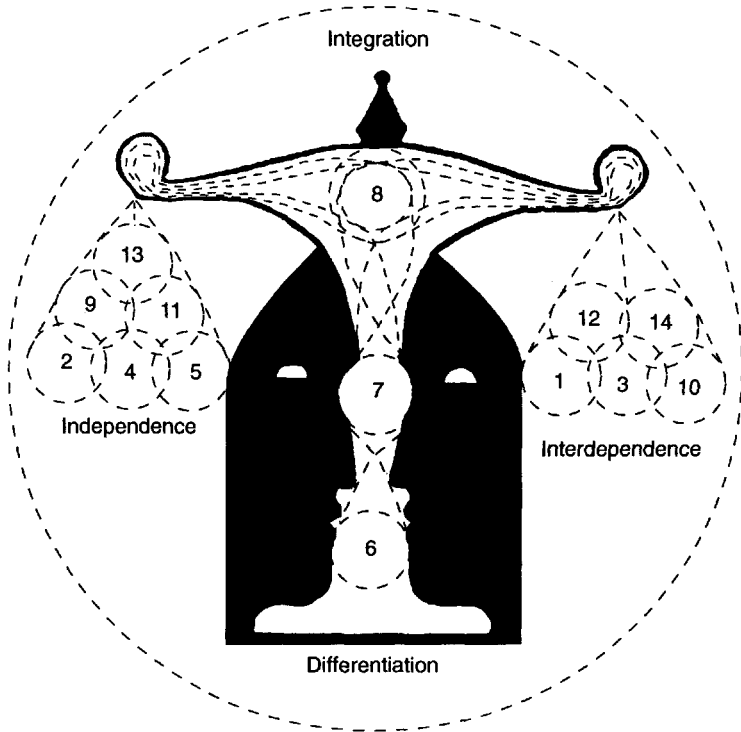
1. Enjoying social approval, recognition, or esteem.
2. Acting in accordance with one’s principles, ideals, or highest values.
3. Contributing to the realization of justice in Canadian society.
4. Performing well in the face of major challenges.
5. Contributing to making our description of truth accurate.
6. Experiencing a sense of contentment, happiness, satisfaction, or accomplishment.

7. Acting in response to a sense of wanting something more, of something unfulfilled, of disillusionment, discontent, or distress.
8. Reconstructing one's construction of what constitutes life-career success.
9. Experiencing a sense of freedom, autonomy, independence, or self-direction.
10. Integrating the personal and professional domains of one's existence.
11. Challenging the male-dominated mainstream ethos of the legal profession.
12. Conforming to established norms, expectations, and conventions of the legal profession.
13. Reconciling profit-generating and pro bono endeavours.
14. Contributing socially beneficial services to the community.

Each of these themes is discussed in this chapter and the next within the framework of the metaphorical scales of success, introduced in chapter 1. This metaphoric schematization is designed to function as an organizing device by which a measure of manageability and coherence is imposed upon the diffuse assortment of issues represented by these discrete themes, and as a means of keeping the contextual relevance of each theme arrayed for ready reference at appropriate points throughout the text (see figure 5.1). The first eight themes, which are clearly common to both the male and female lawyers, are examined in the present chapter, while the remaining six, which are distinctively gender-linked, are reserved for chapter 6.

### *Constructing the Metaphor*

The task of creating an appropriate metaphor, or analogue, involved a quest for a way of arranging the themes into a coherent pattern, which would as aptly as possible symbolize the discreteness, or internal homogeneity, of each of the coexisting themes as well as the operation of an intricate network of dynamic, dialectical tensions between them. During an initial exploratory period of experimentation with a number of possible matrices and matching metaphors, I seriously considered 'the rainbow of success' and 'the web of success.' The metaphor of the rainbow appealed because of its particular potential to convey the dynamism and interpenetrability of the boundaries between adjacent and more removed themes, while that of the web had the merit of permitting rep-



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11. Challenging the male-dominated mainstream ethos of the legal profession.
12. Conforming to established norms, expectations, and conventions of the legal profession.
13. Reconciling profit-generating and pro bono endeavours.
14. Contributing socially beneficial services to the community.

Figure 5.1: Scales of Success: Fourteen Themes

resentation of the multiplicity of possible strands of connection between all of the themes without sacrificing the quality of tensile dynamism which was essential for whatever metaphor I employed. Inspired by Kegan's (1982) portrayal of human development as an evolutionary process comprising the dialectical embrace of the seemingly rival, though simultaneous, human yearnings for independence and inclusion, but nevertheless keenly aware of Gilligan's basic premise that 'we live not in separation but in relationship' (1993: xxvii), I sought an image that could symbolize the outcomes of my own analysis while remaining true to a vision of human development that superseded gender-biased and culturally insensitive dichotomies and hierarchies.

The 'scales of success' ultimately proved to be the most satisfactory of the images I had considered primarily because of its capacity to depict simultaneously both the discreteness and the interconnectedness of the actual themes, and also the predominating orientation toward either social independence or social interdependence implied by the content of each. Moreover, it made a felicitous allusion to the widely recognized, age-old, legal symbol of the Scales of Justice. The image of the scales of success, as I conceived it, also possessed sufficient fluency, and flexibility to lend itself to accommodating the dialectical tensions, contradictions, continuities, and discontinuities operating within and between the fourteen themes I had gleaned from the case profiles. In addition, the imagery which I associated with the internally bristling, perpetually oscillating scales had the capacity to reflect graphically my enduring allegiance to the basic assumption that the underlying issues of social independence, or separation, and of social interdependence, or attachment, play themselves out over and over again in the course of a person's life.

### *Presenting the Themes*

A tension exists between the form of the scales and the content of the data discussed. The sequence in which I present the themes, in conjunction with the configurations within which I discuss them, is intended to convey not an order of importance, but rather a non-hierarchical, oscillating array of the preoccupations and often countervailing aspirations, motivations, and concerns articulated by my eight research co-participants as a collectivity. The circular form I use to represent the individual themes is intended to suggest the notion of an ever-evolving, partially penumbral orb, capable of affording from different vantage points vital glimpses of the manifold strands of meaning-making bounded by each

theme. The web-like formation, by which the themes are interlaced into their respective clusters and attached to the central processing mechanism of the scales, is designed to accentuate the tensile, dynamic nature of their interconnectedness.

The cluster of themes on the left side of the scales I conceive as a multifaceted repository of those themes which insinuate an epistemological orientation toward social independence, distinctness, or separation. The cluster on the right I see as a correspondingly multidimensional, yet countervailing, repository of those themes which insinuate an orientation toward social interdependence, inclusion, or attachment. Accordingly, I regard each distinct thematic representation as signifying a discrete, yet highly permeable, evolving, and open-ended facet of a dynamically interactive meaning-making process, rather than a static or stable entity. Similarly, I conceive the horizontal balancing device into which the strands emanating from the two clusters of themes are gathered, along with the spiralling strands within the vertical shaft (which entwine themes 6 and 7 and rotate into theme 8) as symbols of the gyroscopic, looping, swirling pivotal apparatus that fuses the filaments of meaning and regulates the epistemological executive centre for reconstructing constructions, or what Kegan calls the 'zone of mediation where meaning is made' (1979: 5).

The mirrored silhouettes, which form the border of the vertical supporting shaft of the scales, allude to the multiple, dialectical intrapersonal tensions between not only independence and interdependence, but also subject and object, self and other, work and love, the conscious and unconscious, which emerge in the course of discussing the themes as issues to be wrestled with in formulating a construction of life-career success during middle adulthood. More comprehensively, I envisage the image of the scales in its entirety, embraced as it is within a permeable yet all-encompassing circle, as the unifying conceptual structure which gathers together into a cohesive whole the multi-stranded, interflowing made meanings that emerged from the eight case profiles.

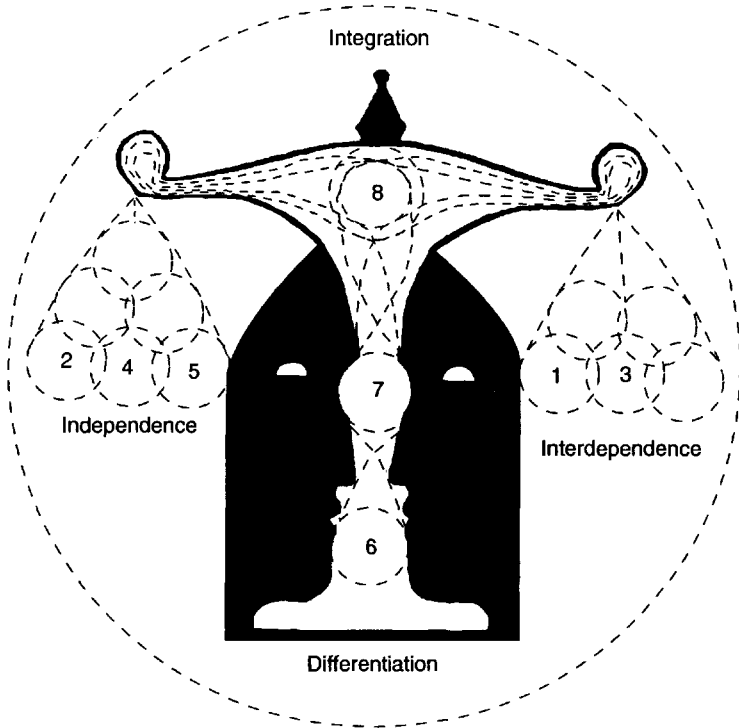
The metaphorical scales of success image is proffered as a way of giving graphic expression to a procedure devised for systematically examining the epistemological undercurrents of the themes as well as the dialectical interplay of the multifarious tensions operating between them. By directing attention to the alternation of focus back and forth from the two sides of the scales, the metaphor is also intended to capture and retain sensitivity to that phenomenon which Gilligan refers to as the 'reiterative counterpoint in human experience' (Gilligan, 1982a: 151).

While I do make allusions to the apparent concurrence between the meaning-making enunciated in a particular co-participant's construction of life-career success and the meaning-making typical of a particular truce within Kegan's framework (1982, 1994), what follows is not intended to be an authoritative assessment of the individual's specific level of development from the perspective of Kegan's theory. Nor is the discussion intended to be a definitive assessment of the individual's level of development from the perspective of any of the other theoretical positions considered. As pointed out in chapter 2, this inquiry is not designed to assemble the epistemologically explicit evidence necessary to complete such a conclusive assessment.

What follows is, rather, a systematic engagement of Kegan's theoretical framework, in tandem with the pertinent perspectives of Gilligan (1982a) and other major researchers, as wellsprings of insight to help illuminate the prevailing epistemological patterns embedded within the composite vision of life-career success garnered through the inductive analysis of the eight profiles. The central question – How does a professionally successful, middle-aged Canadian lawyer construct life-career success? – is most directly treated in chapters 5 and 6. The supplementary questions concerning potential gender differences in constructions of life-career success are retained for interrogation exclusively in chapter 6. My examination of themes 1 to 8 in this chapter (see figure 5.2), and of themes 9 to 14 in chapter 6 (see figure 6.1), paves the way for articulation and justification in chapter 7 of the rudimentary features of an integrative model of life-career success during middle adulthood. This discussion incorporates relevant insights of transition, career development, and adult development theorists, which are potentially transferable to middle-aged persons in a range of professions.

### **Theme 1: Enjoying Social Approval, Recognition, or Esteem**

Exerting pressure toward the right-hand side of the scales of success, tipping the balance in the direction of social interdependence or inclusion, is theme 1, which features prominently in the constructions of six of the eight coparticipants. It is couched in various terms, such as peer respect, recognition, or esteem, and is exemplified in differing forms, such as public affirmation of conduct, being sought for advice rather than legal services, or maintaining a good reputation, or, conversely, experiencing anxiety in situations involving the risk of exposing oneself



Themes

1. Enjoying social approval, recognition, or esteem.
2. Acting in accordance with one's principles, ideals, or highest values.
3. Contributing to the realization of justice in Canadian society.
4. Performing well in the face of major challenges.
5. Contributing to making our description of truth accurate.
6. Experiencing a sense of contentment, happiness, satisfaction, or accomplishment.
7. Acting in response to a sense of wanting something more, of something unfulfilled, of disillusionment, discontent, or distress.
8. Reconstructing one's construction of what constitutes life-career success.

Figure 5.2: Scales of Success: Themes Common to the Men and Women

to a lowering of esteem. But, its essence may be encapsulated in the label of social approval, recognition, or esteem.

The most pronounced manifestation of striving for social approval is exhibited in Emma's construction of success, which assigns professional peer respect to the highest level on a hierarchy of what is important. Most striking is the depth of her susceptibility to being driven by the desire to receive peer approval and the degree to which her sense of achievement and satisfaction are intimately intertwined with that desire. Similarly, in Donald's construction, the prestige associated with being consulted by, acting for, and having one's advice cherished by prominent and powerful members of society is identified as a key indicator of success. Donald's strong desire to maintain social approval is also revealed by his more general reflections on the primary motivation underlying his overall career-related striving. He conveys this most compellingly through his fear of making a mistake, and of being humiliated if perceived as not knowing what he was talking about.

In Frank's construction, also, the need to be accepted and recognized by others is presented as one of the most crucial catalysts for his striving. The expectation of incurring from his peers recognition and appreciation commensurate with his achievements is a significant motivator for Frank. Also as for Donald, Frank fears the converse prospect of incurring a diminishment of positive peer regard.

In Barbara's conceptualization, too, the perception that her clients seek her advice, as distinct from strictly legal services, is a palpable indication of success. So is the experience of receiving recognition as an acknowledged expert in her area of law and of being unreservedly trusted by colleagues and professional acquaintances as a consistently moral and ethical person.

Alan's construction agrees with those of Frank and Barbara in according peer recognition a high level of significance as an identifiable, more objective indicator of career success. In a similar fashion, the thinking of all five co-participants discussed above is echoed in Clara's characterization of the maintenance of a good reputation with her partners, peers, colleagues, clients, and the groups whose interests she supports as a crucial constituent of her construction of life-career success.

### *Theme 1 in Relation to Theoretical Perspectives*

Central to Kegan's theory is the proposition that the two greatest yearnings that human beings experience may be for inclusion and for distinct-



ness. Thus, according to Kegan's paradigm, the person's experience of himself or herself constantly hovers in a precarious balance between a desire for inclusion and a desire for independence, a balance that must be redressed over and over again. In the light of the metaphorical scales of success formulated for the purposes of this discussion, theme 1 tilts the balance in the direction of a yearning for inclusion, while theme 2 rectifies the *imbalance* in favour of a yearning for distinctness.

The evolutionary truce within Kegan's helix of evolutionary truces which epitomizes a balance imbued with a sense of yearning for social approval, recognition, and esteem, and which is associated with adulthood, is that of interpersonalism. Characterized by a capacity for 'collaborative self-sacrifice in mutually attuned interpersonal relationships' and an 'orientation to nurturance, affiliation and the organization of the self around the expectations of the other' (1982: 191, 211), the interpersonalist balance appears to be most evident in Emma's depiction of herself as resembling a virtual slave to almost anything anybody asks and a glutton for professional peer approval.

Yet Emma's very use of the self-deprecating words slave and glutton may be interpreted as bearing intimations of her readiness to emerge from embeddedness in the culture of interpersonalism, or what Kegan, in his more recent work on the mental demands of contemporary life, terms the third order of consciousness (1994: 28). Moreover, Emma's later declaration that she should start attending to some of her own needs may be seen as clear signals of the advanced stage of her readiness for that emergence and as a harbinger of her imminent transition toward the institutional truce, or what Kegan refers to in his later work as the 'fourth order of consciousness' (1994: 95). Emma's pronouncements may be interpreted as manifestations of a strengthening capacity to contradict, relativize, or take a new perspective on her predisposition to being driven by the need for the esteem of her professional peers. Or, to state it in even more quintessentially constructive-developmental terms, what evidently has been subject – her until recently *unacknowledged* enslavement to fulfilling the requests and expectations of others – is becoming 'object' – that is, acknowledged for what it is, a vulnerability to organizing her life around the requests, expectations, and esteem of her colleagues.

The ways in which Alan, Clara, Donald, and Frank all frame their desire for social approval, recognition, or esteem appear to be based primarily on an epistemology more complex than that of interpersonalism. They each express concerns about earning and maintaining social approval, recognition, or esteem. But the principles of organization on

which their respective subject-object structures, or constructions of reality, seem to be based may suggest a definite capacity to put those concerns in perspective, or to control, manipulate, or regulate them. They may be interpreted, therefore, as pointing to an institutional evolutionary balance, or fourth order of consciousness.

Given the fact that the co-participants are all eminent within their chosen profession and that several are well known and revered beyond the boundaries of the legal community, the emergence of 'Enjoying Social Approval, Recognition, or Esteem' as a prominent theme may have been expected. Theoretical positions other than that of Kegan may cast a more revealing light on this and other aspects of their concerns about earning and maintaining social approval, recognition, and esteem. The co-participants' solicitude may be construed from the perspective of Maslow (1968), for example, as arising out of basic needs for belongingness, affection, and respect, which in the case of Emma are not being completely satisfied, but which in the cases of Alan, Clara, Donald, and Frank are sufficiently gratified to free them to be primarily motivated by a quest for self-esteem or, potentially, for self-actualization.

Similarly, a symbolic interactionist approach may be invoked to explain why both Donald and Frank are motivated to avoid a lowering of peer regard during their public speaking engagements. Donald's fear of looking foolish or not knowing enough and Frank's fear of being viewed negatively by his professional peers may be interpreted, in a manner inspired by Haas and Shaffir, as apprehension about the prospect of failing to manage a public performance so that it serves to maintain a cloak of competence (1978: 203–26). From the perspective of Haas and Shaffir, Donald's and Frank's fears may be understood as manifestations of their encounter with the ticklish task of reconciling their private sense of uncertainty and limited knowledge with their publicly displayed image. In other words, as presumed experts in their respective areas of law, Donald and Frank are impelled to manage those public-speaking situations in which they are confronted with exaggerated expectations of competence by endeavouring to define and regulate the situation symbolically, so as to project an image of a high level of professional and personal competence.

## **Theme 2: Acting in Accordance with One's Principles, Ideals, or Highest Values**

Since keeping faith with one's ideals and highest values and remaining

true to one's principles can often be a socially isolating experience, the second theme is assigned to the left side of the scales of success which aligns with independence, self-direction, or solitude. This placement assumes that the lawyer who is consistently committed to acting in accordance with his or her personal principles, ideals, or highest values may frequently be set apart, wittingly or unwittingly, from his or her fellow lawyers, or from colleagues and associates in other disciplines or fields of endeavour with whom he or she would otherwise interact routinely.

As a feminist who maintains a longstanding commitment to women's issues, Clara characterizes her construction of life-career success as manifestly deviating from what she perceives to be the common or neutral, but actually male, standard for assessing success. Since she rejects aspirations to attain professional success by simply affirming the existing gender relations within the law and, correspondingly, rejects conventional male-oriented criteria for evaluating success, the implementation of Clara's personal construction necessitates much vigilance with respect to the frequently divergent sensibilities and interests of those with whom she interacts professionally. Accordingly, loyalty to her principles impels her to practise a very exacting form of brinksmanship.

Clara's depiction of what is required to stay true to her personal commitment to women's issues parallels Emma's descriptions of her personal struggle against succumbing to the surrounding mainstream ethos of measuring oneself in financial terms. Clara's portrayal of her experience of engaging in brinksmanship also reverberates through Emma's account of the internal turmoil she experienced during her lone protest against her firm's longstanding practice of holding certain celebrations at an establishment that discriminated against women.

The principle of remaining consistently faithful to their respective constructions of the canons of honesty and fairness constitutes one of the cornerstones of Alan's, Donald's, and Howard's constructions of life-career success. Alan frames it in terms of maintaining integrity, which he conceives as an expansive complex of values which also encompass honesty, forthrightness, and fairness. For Donald, upholding the principles of fairness and truth involves applying himself to redressing situations in which he intuitively senses violation of those principles. Howard characteristically couches the implementation of the principle of honesty and fairness in terms of playing by the rules, operating from a level playing field, being tolerant, acting according to humanist values, and maintaining congruence between one's public presentation and private reality.

Acting according to one's ideals also appears as a crucial dimension of both Barbara's and Gillian's constructions of life-career success. While Barbara views adhering to her ideals in terms of defending what she holds as right and good and just, Gillian invokes her archetype of the ideal lawyer to illustrate her conception of what is involved. Gillian's straightforward declaration of her personal commitment to translating that prototype into action, by providing for her clients the best service of which she is capable, vividly conveys the strength of her commitment to implementing this value.

### *Theme 2 in Relation to Theoretical Perspectives*

The implementation of a self-constructed theory of what pursuits or goals are most fundamentally worthy of commanding allegiance and of being devoted substantial proportions of a person's life's energy, may be viewed, at first glance, as an expression of Kegan's institutional balance, or fourth order of consciousness. However, demonstration of the ability to reflect upon or to question the limitations of that self-constructed theory of values would indicate less than total embeddedness in the culture of institutionalism and would signify evolutionary movement toward the qualitatively new and more complex structure of interindividualism, or what Kegan in his later work designates in more global terms the 'inter-institutional' or fifth order of consciousness (1994: 315). Insufficient structure-revealing data have been assembled to determine conclusively the extent to which any of the research co-participants is actually capable of critically evaluating the intrinsic merits of the most fundamental epistemological principles to which he or she subscribes. Therefore, any inference that none of the co-participants are actually capable of reconstructing their respective constructions in the dialectical, inter-institutional mode of the fifth order of consciousness would be premature and unwarranted.

In broadly contrasting her conception of the worthiness of her devotedness to women's issues with her perception of the common definition of success, Clara, for instance, does evince loyalty to exercising her own theory of what is valuable, as well as the ability, and spontaneous readiness, to reflect upon her own epistemological structure. But the data from Clara's transcript do not show a capacity to generate an alternative structure which would incorporate and subsume her expressed epistemology. This does not imply that Clara is incapable of constructing her reality in a trans-ideological manner consistent with the fifth order of

epistemological complexity. Rather, it simply means that, in the course of the Kegan-style and profile review interviews, she was not fully challenged to demonstrate clearly an ability first to articulate and then to offer a reconstruction of the boundaries of her meaning-making structure or of the limitations of the assumptions undergirding the epistemology she did express.

With its connotations of the triumphant assertion of an independent, self-defined personal value system, Emma's construction of her solitary protest against her law firm's custom of holding celebrations at a venue where women were unequally treated also carries some of the earmarks of an institutional style of meaning-making. Yet her constructions of both the psychological turmoil she endured in persisting with that particular protest and of her ongoing struggle to resist measuring herself in monetary terms may be seen as foreshadowing an institutional balance, which is not, as yet, settled on entirely secure footings and which is still bent toward an interpersonal structure.

In so far as Alan's, Barbara's, Donald's, Howard's, and Gillian's constructions of life-career success contain clear-cut allusions to adhering to their personal principles, ideals, or highest values, no evidence of the existence of severe tensions, antagonisms, or contradictions between those principles and the value system espoused by the legal professional milieu is revealed. Stated in more characteristically Kegan-style terms, the legal profession as a holding environment for its members would appear to acknowledge and culture, confirm and hold, such values as maintaining one's integrity, as articulated by Alan, playing by the rules, as enunciated by Howard, and striving to be a paragon in the service of one's clients, as explicated by Gillian. But when the implementation of one's principles, ideals, or highest values entails contradicting or challenging the customs, conventions, protocols, or norms of traditional legal practice, as outlined in Clara's and Emma's constructions of their struggles to translate these principles into action, the legal professional culture appears to be decidedly inhospitable.

The difficulties that Clara and Emma experience in trying to practise law in accordance with their principles, ideals, and highest values may be more aptly explained by engaging Gilligan's (1982a, 1982b, 1986, 1993) propositions concerning gender differences in moral development. In essence, Gilligan challenges Kohlberg's (1973, 1984) view that advanced moral reasoning is based on abstract universally applicable ethical principles, which focus on the protection of individual rights. She contends that Kohlberg's paradigm is a more accurate representa-

tion of male than of human development. Women's moral judgment is characterized, Gilligan asserts, by a different focus from that of men, a focus that rests on the need to care for and exercise responsibility in relation to others.

In the practice of law, the implications of Gilligan's propositions are far-reaching and will be explored variously in the context of discussing several of the succeeding themes. However, the insights of Shaughnessy (1988) with respect to those implications are particularly pertinent when considering Clara's and Emma's constructions of the challenges inherent in cleaving to their principles, ideals, and highest values. Shaughnessy suggests that the sense of alienation that women frequently experience in the practice of law may be explained in terms of 'women's status as outsiders in a male profession' and, more consequentially, in terms of the very 'nature of the law itself' (1988: 19, 20).

In considering the position of women as outsiders in the legal profession, Shaughnessy refers to Kanter's (1977) sociologically based proposition, which holds that the male members of a group containing a small proportion of females tend to engage in exaggerated displays of aggression and potency – that is, those attributes of their culture which they perceive to be shared by the male majority. Kanter points out that women in such a situation are left with the choice of either 'remaining isolated from the group or becoming insiders by accepting the (exaggerated) male culture' (1988: 19). From this standpoint, Clara's struggle to remain true to her feminist principles and Emma's struggle to challenge her law firm's patronage of an organization that discriminated against women, may be seen as manifestations of the extraordinarily powerful pressures exerted on them, as members of a minority group within the legal profession, to adopt the decidedly male-oriented value system and practices of the male majority.

The nature of law itself, as it relates to women's values, constitutes a much more challenging and pervasive issue, which will be examined from a number of different angles in the course of discussing several of the ensuing themes. From Shaughnessy's feminist standpoint, the 'basic moral premises' on which the law is constituted, with their 'emphasis on abstract rights and on the autonomous individual,' are inherently male and reflect 'a male moral orientation.' Gilligan's assertions concerning the existence of gender differences in moral orientation may be interpreted, Shaughnessy suggests, as supporting claims made by feminist legal scholars that 'abstract, rights-based reasoning is particularly male' and as illuminating reasons why women may find a morality and mode

of reasoning based on individual rights and non-interference troubling in its potential to justify indifference and lack of concern (1988: 12–13).

### **Theme 3: Contributing to the Realization of Justice in Canadian Society**

When the content of theme 3 is reviewed, a shift of the scales of success in the direction of social inclusion, interdependence, and connectedness may be seen as consonant with the desire to contribute to the realization of justice in Canadian society. Despite their subscription to disparate conceptions of what in essence comprises justice, the five co-participants who expound on this particular aspiration all draw particular attention to the dynamic connectedness of individual clients to society. All five portray the processes involved in securing justice in each specific instance to which they refer as a quest for resolution of the ever-present tensions between the interests of the individual and those of society.

The desire to be engaged as counsel on important cases involving bigger issues pertaining to democratic ideals and principles of fairness and truth functions as a crucial motivator for Donald. In his conceptualization, fairness refers to a dynamic process, rather than an absolute, and is both situationally specific and contextually dependent. To the extent that Gillian apprehends justice as subject to the vagaries of historical and political-ideological relativism, her conceptualization is consonant with Donald's notion of fairness as a dynamic process operating between the individual citizen and society at large. However, Gillian's construction extends to acknowledging her perception that one of the significant limitations of the Canadian justice system arises from the fact that, whereas justice is pertinent to both the subjective and objective domains of experience, the law can be used effectively only in addressing problems of objective justice.

The advocacy of justice for women in particular constitutes a prevalent theme in the constructions of Barbara, Clara, and Emma. All three profess a feminist orientation and a commitment to confront the challenge of promoting justice for women. Barbara's devotion to seizing opportunities to perform the role of a catalyst, who routinely challenges others in many diverse settings to examine their attitudes and actions in relation to women, is one manifestation of her commitment. Clara's dedication of a substantial proportion of her legal practice to cases designed to redress injustice against women and Emma's donation of several hundred volunteer hours annually to championing the interests of women in the legal profession are evidence of the sense of obligation

each feels to translate, to the degree she deems practicable at present, her feminist philosophy into action.

*Theme 3 in Relation to Theoretical Perspectives*

Kegan maintains that North American culture 'quite naturally' affords 'ideological supports to those it favours and elects as fellow participants in the social and psychological institutions which regulate its established arrangements' and that, 'essentially, these favoured persons have been middle-class white men' (1982: 213–14). North American culture may thus be seen as embracing a tacit ideology that automatically and unobtrusively cultivates and supports the evolution of the meaning-making of middle-class white males to Kegan's ideologically embedded institutional balance, or fourth order of consciousness. In turn, as will be discussed in greater detail in chapter 6 under themes 10 and 12, traditionally structured law firms and the mainstream of the legal profession may be seen to be grievously overcommitted to upholding the culture of institutionalism, to the detriment of the wider developmental needs and obligations of their members, especially of their female members. In light of these observations, traditionally structured law firms and the mainstream of the legal profession may be seen as perpetuating the tacit ideology of the status quo, particularly as it contributes to the maintenance of gender inequality both within and outside of the confines of the legal profession.

Donald's construction of being motivated by the prospect of contributing to the preservation of democratic ideals and the principles of fairness and truth may be interpreted as an unassailable expression of a value system in full accord with the most basic purpose of law in a democratic society – that is to resolve tensions between the interests of the individual and those of society. Donald sees fairness as a dynamic process that remains situationally specific and contextually dependent. In this, he concurs with Waddams who, in a succinct statement concerning the idea of justice within the context of the law, calls attention to the 'perpetual tension in the law between stability, certainty and predictability on the one hand, and equity, fairness and justice in the individual case on the other' (1987: 5). Unlike the constructions of Clara and Emma, but in consonance with those of the other male co-participants, Donald's construction of success shows no discomfort with the Canadian justice system as currently constituted or with jurisprudence as at present practised within the mainstream of the legal profession.



By contrast, an alternative approach to jurisprudence based on the feminist philosophy as espoused by Barbara, Clara, and Emma would necessitate a radical departure from several of the principles on which the existing Canadian justice system is based. To the extent that the Canadian and American justice systems are derived from English common law and share its underlying assumptions, feminist critiques of the American system, such as that of Scales, may be used, in the absence of an exact Canadian equivalent, to briefly explore some crucial aspects of what challenges to the existing system might conceivably be entailed in creating a feminist form of jurisprudence. Referring to feminism as 'a method, as the critique of objectivity in epistemological, psychological, and social – as well as legal – terms,' Scales points out that lawyers have been 'trained to desire abstract, universal, objective solutions to social ills, in the form of legal rules or doctrine' (1986: 1373). She maintains that, in making 'abstract universality' the philosophical basis upon which to construct a legalistic code, the existing legal system is committed to the goal of constructing seemingly objective rules, that is, to 'phrasing the rule so that people believe that the rule is detached, so that it appears to transcend the results in particular cases.' But, she argues, the rules constructed are, in fact, not objective; they reflect the male opinions of their originators, yet uphold that point of view as the only legitimate standard for neutrality (1986: 1376–7).

With respect to the ideal of contributing to the realization of justice for all groups in Canadian society, but for women particularly, this issue of objectivity, or lack of it, within the existing legal code is crucial. As Scales contends, in order to apply a presumed-to-be-objective rule neutrally in future diverse cases, differences in treatment which are arbitrary must be distinguished from those which are justified. Such a determination requires the *a priori* discernment of 'which differences are relevant,' which requires abstraction of 'the essential and universal similarities among humans,' which, in turn, requires the adoption of 'strict assumptions about human nature as such.' But in effect, according to Scales, the assumptions that the justice system has adopted 'in the name of neutrality' about the essence of human nature have rendered 'maleness the norm of what is human' (1986: 1377). Thus, in a manner consistent with the arguments of Gilligan, Bolen (1984), Belenky et al. (1986), and Miller (1986), concerning the deficiencies inherent in traditional human development theory, the law may be seen to be an institutionalized, deeply entrenched instrument in the devaluation of femaleness and in the concealment and depreciation of women's special contributions to society.

While Barbara's and Emma's constructions of life-career success proclaim a feminist orientation, they do not extend to directly addressing the issue of the structure of the very justice system within which they themselves practise law. Clara's construction of success does not expressly elaborate on her perceptions of the assumptions underlying the Canadian justice system *per se*, but it does, in a manner consistent with Scales's critique, contain references to the need to examine critically those assumptions in light of the different impact of the law on women and men. It also advocates constructing knowledge about women from women's point of view, recommends the recovery of women's sources of power, and characterizes the legal system as a male institution. Gillian's allusion to the legal system's lack of capacity to deal with the subjective aspects of justice may also be interpreted as intimating that she too finds the commitment to objectivity or neutrality in the present legal system to be a salient issue in her experience as a legal practitioner.

A number of feminist legal scholars, including Menkel-Meadow (1985, 1987a, 1987b), Scales, and Shaughnessy, use Gilligan's hypothesis concerning women's subscription to an ethic of care and responsibility and men's subscription to an ethic of justice and rights to corroborate their critiques of reliance on equal individual rights as a basis for redressing injustice against women. In general, these feminist critics argue that rights-based legal discourse, with its focus on the autonomous and private individual, rather than on the interdependent and interacting community member, ignores and thus sanctions disparities in interpersonal, social, economic, and political power between women and men. Gilligan's assertions concerning women's and men's divergent moral orientations afford the additional weight of a psychologically-based rationale to the contention that the basic moral principles buttressing the justice system are, as these feminist critics aver and as Clara implies, themselves intrinsically male.

Lahey, a Canadian feminist legal theorist, warns that equality guarantees, such as those set out in the 1982 Canadian Charter of Rights and Freedoms, 'can be used to further entrench material conditions of inequality' for disadvantaged groups, including women (Lahey, 1987: 17). She shows how in judicial pronouncements personal prejudices and biases, 'disguised as "reason" and packaged as "analysis,"' can function as mechanisms in the process of maintaining existing inequality, as well as mechanisms inherent in the process 'called "judicial reasoning"' (p. 6). Rather than pursuing the supposedly neutral or principled approach to

equality, Lahey proposes to replace theories of equality with theories of inequality. Such an approach has the potential, she argues, to enable dispensation with 'the norm that is implicit in all concepts of equality – the norm of the white middle-class able-bodied male,' and to allow for affirmation of 'the importance of all human beings, including women' (25). Moreover, Lahey argues, such an approach has the capacity to permit remaining true to feminist methodology which, as West observes, requires 'careful attention to phenomenological narrative' (1987: 118).

Three well-established principles of legal method are examined for their effects on newly-emerging claims to legal rights by Mossman, who uses two early-twentieth-century Canadian cases involving women claimants to illustrate how the structure of the legal inquiry in which the judges engaged significantly influenced their decisions. First, Mossman shows how the judges consistently defined the issues as narrowly as possible so as to 'distance the court' from their political, social, or moral significance and, thereby, reinforce the law's ostensible 'detachment and neutrality rather than its involvement and responsibility.' Second, Mossman argues that 'if a precedent is required to uphold a claim, only existing claims will receive legal recognition' and that, therefore, the doctrine of precedent operates as 'a powerful tool for maintaining the status quo and for rationalizing the denial of new claims.' Third, Mossman demonstrates how the judges 'uniformly interpreted' the use of 'the word "person"' in the relevant legislation as not intended to include women (1987: 158, 159, 162).

Clara's description of the compromises entailed in trying to keep something for women in a male profession strikingly recalls Mossman's conclusion that 'legal method is structured in such a way that it is impervious to a feminist perspective.' In turn, Clara's experience in being a lawyer who is quite explicit about her feminism even more vividly mirrors Mossman's observation that it too frequently 'seems almost impossible to be both a good lawyer and a good feminist scholar' (1987: 165).

#### **Theme 4: Performing Well in the Face of Major Challenges**

This theme, which exposes the individual lawyer's need for self-possession, ingenuity, and a rich reserve of other internal resources, may legitimately be placed on the side of the scales of success identified with social independence, self-reliance, or self-direction.

Performing well in the face of major challenges is discussed by six of the eight co-participants. Alan, Barbara, Donald, and Frank address it

most explicitly. For Alan, it means confronting professionally difficult situations with a high degree of professional competence, sound judgment, and skill and is exemplified in his attainment and subsequent effective management of his position as a senior executive of a lawyers' organization, as well as his handling of an exceptionally complex and difficult trial. Resonances of Alan's construction are to be found in Barbara's characterization of her effective performance at the culmination of an unusually demanding hearing as an illustration of her capacity to exercise interpersonal adroitness as well as astute legal judgment and ingenuity.

Delivering an excellent performance when confronted with a major professional challenge also features as a predominating theme in Donald's construction of success. It is manifested in his recounting of the diverse array of uncommonly complex and arduous cases, through which he managed to effect ground-breaking legal precedents while securing positive results for his clients. In Frank's conceptualization, too, his skilful performance in orchestrating a radical transformation of the compensation system within his firm and his decade-long contribution to the growth in prestige and influence of a major organization devoted to the development of Canadian artists serve as key indications of success. But even more significant in Frank's configuration of values, and the source of a tremendous sense of success on his part, are his pathfinding accomplishments in formulating legal frameworks applicable to the pristine area of entertainment law.

Clara's construction of success encompasses the unrelenting double-edged challenge of not only performing very well as an advocate doing demanding legal work, but also assuming primary responsibility for the care of her children and the management of her household. It also incorporates the multifaceted demands associated with maintaining her commitment to women's issues while functioning at a senior level within the predominantly male ethos of the legal profession. In addition, it embodies the quandary of determining how to reconcile her dedication to the performance of pro bono legal work with the profit-generating imperatives dictated by her law firm, by her family's need for financial security, and by her personal need to maintain long-term credibility and viability within the profession.

Ensuring survival in the intensely competitive environment of legal practice in Toronto in the 1990s is the paramount challenge confronting Gillian. Very rarely does she encounter truly baffling legal or ethical challenges.

*Theme 4 in Relation to Theoretical Perspectives*

Kegan's view of the dialectical nature of the developmental process is such that, regardless of the person's present subject-object structure, the 'psychologic' by which he or she makes meaning and constructs 'what is ultimate and what is ultimately at stake' is continually poised precariously and can tip over when challenged (Kegan, 1982: 114). This means that successive challenges to his or her meaning-making are intrinsic to the developing person's experience and that the way in which he or she experiences and responds to a specific challenge, be it instigated within the personal or the professional domain, is a function of the underlying psychologic by which he or she makes meaning.

The legal profession, as a holding environment for its members, cultures, supports, nurtures and, in effect, confirms embeddedness at the institutional truce, or fourth order of consciousness, but fails to furnish the contradiction necessary to challenge the epistemological structure of institutionalism. From the standpoint of fostering psychological development, within the frame of reference of Kegan's theory, this may be interpreted negatively as impeding evolution beyond the institutional balance. But, from the standpoint of meeting professional challenges, it may be interpreted positively as facilitating and reinforcing effective performance of the role required of the legal practitioner within an adversarial system of justice.

Embedded as it is in a culture that confirms 'capacity for independence; self-definition; assumption of authority; exercise of personal enhancement, ambition or achievement' and commitment to 'career' rather than 'job' (1982: 191), the form of meaning-making intrinsic to the institutional truce would appear to have a particular affinity to, or complementary fit with, the emphasis of the Canadian justice system on upholding abstract individual rights, non-interference, and the autonomous individual. From the point of view of Kegan's framework, then, members of the legal profession whose meaning-making reaches and remains at the institutional level may be seen as remarkably well adapted to serve harmoniously as functionaries within the Canadian legal system.

Concomitantly, those members of the legal profession whose meaning-making has evolved to the inter-individual, or the inter-institutional fifth order of consciousness, may be viewed as also able to serve effectively in the role of an authoritative agent within the system.

But such persons would be likely to harbour considerable scepticism about the plausibility of endeavouring to construct a catalogue of generalizable rules and abstract rights which, regardless of their internal consistency, would 'seem perilously to ignore' or to insufficiently consider 'the particulars they organize' (1982: 229). Such persons would also be likely to be sensitive to the continuity between those rules and rights created and their creators and, accordingly, to be keenly cognizant of the amenability of the legal processes based on them to being questioned with respect to their presumed objectivity.

Insufficient epistemologically revealing data was assembled in the course of the interviews to ascertain with confidence the evolutionary balance, or order of consciousness, from which Alan, Barbara, Clara, Donald, Frank, and Gillian actually managed, or continue to manage, the challenges to which they allude. However, Clara's description of the form of strategically orchestrated brinkmanship by which she mediates the multiple challenges and tensions in her life suggests her orientation to consciously perceiving, appreciating, and transcending ideology, contradiction, paradox, and irony, all of which are key features of meaning-making at Kegan's dialectical fifth order of consciousness. Within the rubric of some of the themes still to be discussed, several of the other co-participants also evince a predilection to engage in the dialectical mode of psychologic, characteristic of the fifth order of consciousness, through which mode their respective 'ideological forms' may be seen to have been 'relativized on behalf of the play between forms' (1982: 191). Expressed differently, Clara and several of the other co-participants reveal a mode of constructing reality by which the self has been transformed to 'a self that ... exists in the dynamism' between consciously apprehended abstract forms, systems, or perspectives (1982: 238-9).

Alternative interpretations to those inspired by Kegan's helical image of development are provoked by shifting the spotlight from 'the co-participants' meaning-making to their apparent motivations and gratifications. While, without exception, they all display a hearty penchant for taking on responsibility and responding to the challenge in a job, resonances of several of the other motivations and gratifications which Maslow proposes as characteristics of 'self-actualizing people' are readily discernible in a number of their constructions of the major challenges they have confronted. In amplifying his theory of metamotivation, Maslow proposes that the tasks to which the self-actualizing individual is typically devoted 'seem to be interpretable as embodiments of intrinsic

values,' rather than as means to ends beyond the boundaries of the work itself and rather than as 'functionally autonomous' expressions of values arising from the person's over-identification with his or her profession. Expressions of enthusiasm and of taking pleasure, or even delight, in such metamotivated tasks as being effective, doing good, seeing virtue rewarded, and bringing about justice are interspersed among the co-participants' accounts of challenges and obstacles encountered and overcome. This suggests that their striving may be interpreted from the perspective of Maslow's theory as 'metamotivated rather than basic-need-motivated,' that is, impelled by values which are more inherently altruistic and which transcend mere self-interest and satisfaction of basic needs (Maslow, 1971: 296, 298–300).

### **Theme 5: Contributing to Making Our Description of Truth Accurate**

By virtue of its commitment to questioning many of the most pervasive and sacred beliefs, myths, and illusions of our culture, the quest of making our description of truth accurate appears, clearly, to fit on the side of the scales associated with independence of mind, critical thinking, and contemplation. Therefore, it is shown on the left side of the scales.

This issue is addressed most unequivocally and extensively in the constructions of Howard and Clara, who present radically divergent views of the nature of truth and knowledge. In Howard's construction, the pursuit of truth constitutes the most important value and requires the acceptance of reality, as well as the willingness to not deny the true facts of human existence. Intrinsic to his construction is his belief in the existence of an objective reality and in the reliability of the scientific method as the only valid means of discerning truth from nonsense.

In striking contrast to Howard, Clara's starting point in delineating her notion of the route to truth is endorsement of the maxim that all knowledge is constructed. She sees insistence on constructing, expressing, and disseminating knowledge about themselves and about the world from their point of view as one of the most effective means that women could engage to recover their sources of power.

Explicit speculation as to the possible existence of absolute truth also appears in Donald's construction. In seeming alignment with Clara's position, after some equivocation Donald settles on the observation that in many situations the facts are incomplete or what is presented as fact amounts to a subjective perspective coloured by emotions. He concludes that it's very hard to say that an absolute truth exists.

*Theme 5 in Relation to Theoretical Perspectives*

Clara's subscription to the axiom that all knowledge is constructed concurs with the central assumption of Kegan's framework, which, in turn, accords with one of the central themes of intellectual life in the West in the twentieth century – namely, that persons or systems actively construct or give shape and coherence to reality (Kegan, 1979, 1982, 1994). Along with Berger and Luckmann (1967), for example, who maintain that human reality, knowledge, and truth are socially constructed phenomena, Kegan strives to discern psychological truths by seeking to understand persons' constructions of reality. Therefore, from Kegan's constructive-developmental perspective, the human being is both a biological and a meaning-making organism; that which the 'human organism organizes is meaning,' and 'the activity of being a person is the activity of meaning-making' (1982: 11). Accordingly, Kegan goes on to argue that, 'because the way in which the person is settling the issue of what is "self" and what is "other" essentially *defines* the underlying logic [or psychologic] of the person's meanings,' what is essential in reaching a true understanding of the person is 'to grasp the essence of' how he or she composes his or her 'private reality' (1982: 113; italics in original). Stated differently, but again in Kegan's own words, 'the first truth we may need to know about a person ... is how the person constructs the truth,' how he or she 'makes meaning' (pp. 113–14).

Clara's assertion that one of the most effective means that women could employ to recover their sources of power is to insist on being able to construct, express, and disseminate knowledge about themselves and about the world from their point of view closely accords with both Kegan's advocacy of his own constructivist view of human development as involving 'growth in relation to truth' and his advocacy of a mode of constructing psychological theory that is not defined by the dominant culture (295). Clara's position is also in harmony with the general criticisms of traditional psychological theory proffered by feminist psychological theorists, such as Gilligan (1982a, 1982b, 1986, 1993), Bolen (1984), Belenky et al. (1986), and Miller (1986). In essence, these feminist researchers argue that, because the conceptions of truth and knowledge in which most academic disciplines, methodologies, and theories are grounded have been fashioned for millennia by the male-dominated majority culture, and because of failure to include women in research samples at the stage of theory construction, a masculinist bias resides at the very core of what is generally presented as knowledge and truth.



They point out that, in confluence with the Western intellectual tradition of dividing human nature into two complementary streams, traits traditionally identified as masculine are valued, enunciated, and studied, while those identified as feminine tend to be devalued, ignored, and repressed.

As in other disciplines, women's experience has been excluded in the process of constructing adult development theory. Ways of knowing and thinking traditionally associated with the feminine – namely those which are intuitive and tentative rather than direct and decisive, and contextual and narrative rather than abstract and formal – have been excluded from research and theory aimed at making our description of adult maturity more accurate. In consonance with these general criticisms of the theory-building process employed in developmental psychology, Gilligan claims that the psychology that has presented the pattern of progress toward increased separation and individuation as the epitome of optimal adult development, and has 'construed evidence of sex differences as female deficiency,' has erroneously 'equated male with human in defining human nature' (1986: 331). Quite evidently, the feminist view of human nature and development is in conflict with the assumptions on which the legitimacy of present societal arrangements and institutions are premised, including that of the justice system.

Operating as it does on the assumption that an objective reality does exist and that the scientific method is the only valid means of discerning truth from nonsense, Howard's conception of the means by which our description of the truth may be made more accurate is consistent with traditional notions of academic enterprise. His position appears consonant with the emphatic commitment to applying impartial rules and objective criteria and standards intrinsic to 'the logic of the justice approach' that Gilligan found to be more characteristic of the moral reasoning of males than of females (1982b: 206).

Howard's epistemology may also be regarded as bearing greater affinity than Clara's to certain underlying assumptions of the Canadian justice system and established principles of legal method. Premised as it is on an implicit morality that accords primacy to rights and freedoms, rather than responsibility and interconnectedness, and on the objective employment of abstract, universally applicable principles and rules for legitimating aspiration to and permitting assertion of those rights and freedoms, the Canadian justice system may be seen as undervaluing, underrepresenting, and distorting the reality of interdependence in

human society. The language of the Charter, along with that of traditional formal legal discourse generally, may be conceived in very broad strokes as analogous to or affirmative of 'the language of rights that protects separation' rather than 'the language of responsibilities that sustains connection,' which Gilligan identifies as the two different moral languages typically engaged by males and females (1982b: 210). Correspondingly, the contextual embeddedness of legal 'truths' may be seen to be denied or suppressed in a manner that parallels Gilligan's and other feminists' characterization of the deficiencies inherent in the renditions of 'psychological truths' to be found in mainstream theories of adult development.

Mossman's examination of 'the structure of legal inquiry identified as legal method' leads her to conclude that, because of its power to define its own boundaries as well as which ideas, facts, precedents, and statutory interpretations may be deemed relevant, there resides within the perspective of legal method itself 'much resistance to ideas that challenge the status quo' (1987: 167). In the light of Mossman's conclusions, the term feminist-lawyer may be seen as an oxymoron. Clara's depiction of the pain she sometimes experiences by virtue of being both a feminist and a practising lawyer has been foreshadowed in Mossman's description of the form of double-think required of a feminist who is also a lawyer: 'The needs of clients require her to become highly proficient at legal method while her feminist commitment drives her to challenge the validity of its underlying rationale' (1987: 165).

Certain dimensions of Howard's construction of the pursuit of truth as his most important value, which have not so far been subjected to scrutiny, may be elucidated more aptly by redirecting the focus of our discussion to Maslow's theoretical perspective on human development. Howard's portrayal of the process involved in the quest for truth as necessitating acceptance of reality and a willingness to not deny the true facts of human existence is strikingly reminiscent of Maslow's characterization of highly self-actualizing people. According to Maslow, such meta-motivated people are typically impelled to 'free themselves from illusions,' 'look at the facts courageously,' and 'take away the blindfold' and are, at the same time, 'more perceptive of reality and more comfortable with it' (1971, 298-9). From the vantage point of Maslow's perspective, then, Howard's construction of the pursuit of truth as his most important value may be interpreted, in conjunction with his construction of what is entailed in that process, as indicative of a high level of self-actualization.

### **Theme 6: Experiencing a Sense of Contentment, Happiness, Satisfaction, or Accomplishment**

Dealing as they do with the meta-themes of continuity and change, of relative equilibrium and disequilibrium, themes 6 and 7 rotate and revolve in a counterpointed rhythm within the supporting shaft of the scales, while theme 8 spins, and twists, and loops back on itself in the pivotal processing zone where the vertical shaft and horizontal beam intersect.

Conceived as a feeling of harmony with oneself and the universe, the theme of experiencing a sense of contentment, happiness, satisfaction, or accomplishment may be deemed at first glance to fit on the side of the scales aligned with interconnectedness, and an aura of social rapport and solidarity. But, bearing in mind that the primary antecedent to which the image of the scales of success is beholden is that of Kegan (1979, 1982) and, in turn, that Kegan depicts development as an evolutionary process punctuated with alternating periods of truce and transition, this theme may also be viewed as related to the developmental truce, or order of consciousness, at which the individual to whom it refers is currently operating. If the person in question is, according to Kegan's model, embedded at the interpersonal truce, then theme 6 ought to be assigned to the side of the scales aligned with interdependence – to represent contentment with the interpersonal truce. If the person under discussion is embedded at the institutional truce, then theme 6 should be positioned on the side of the scales associated with independence – to represent contentment with the institutional truce. However, the concept of the scales of success is expressly designed to array the core attributes of success as identified by the co-participants as a collectivity and not to incorporate representations of the co-participants' specific levels of development, either individually or collectively. Theme 6 is therefore assigned a central position within the metaphoric scales, along with themes 7 and 8, which also focus on the co-participants' evolving meaning-making and corresponding revisions of their respective constructions of life-career success.\* The precise allocation of theme 6 to the lower section of the central supporting shaft of the scales is aimed at conveying the sense of relative equilibrium, equanimity, and steadiness identified in Kegan's model with embeddedness in an evolutionary truce, or order of consciousness.

\* I wish to express my appreciation to Professor Dorothy MacKeracher of the University of New Brunswick for her useful suggestions on the positioning of themes 6 and 7.

In constructing the sense of happiness, contentment, and satisfaction that he derives from the attainment of personally edifying and socially constructive goals as the underlying cornerstones of his sense of life-career success, Frank comes closer than any of the other co-participants to equating happiness, contentment, and satisfaction with success. His declaration that, in his experience, success is manifested where the personal and the professional domains mingle, implies a form of synergistic interaction between success in interpersonal relationships and global life-career success.

Howard mirrors several aspects of Frank's construction in his characterization of the achievement of worthwhile goals as conducive to life-career success and in his assertion that goals may be considered worthwhile if their achievement can be shown to have afforded the individual pursuing them a sufficient sense of satisfaction, or contentment, to make him or her a happy, well-adjusted organism. Distinct echoes of Frank's portrayal of himself as not having a care in the world are also evident in Howard's declaration that, for him, there is nothing unfulfilled, nothing he wants to buy, nothing he wants to own. Similarly, Frank's expressions of unqualified contentment with his present life also find resonance in Howard's sense of contentment with his personal and professional life and daily counting of his blessings. Barbara's depiction of her present self as no longer feeling like a square peg in a round hole and as coming to rest in the right kind of hole also gives the impression of an overall equilibrium.

Alan, Barbara, Clara, Donald, Emma, and Gillian also allude to deriving a sense of satisfaction and pleasure from the attainment of a cherished goal or desired outcome. Alan and Gillian couch it, essentially, in terms of personal satisfaction or a sense of reward arising from the knowledge that they have expended their efforts to the fullest on behalf of their clients. It is epitomized for Barbara by her immense sense of gratification upon gaining a just result in an unpopular, though socially worthy, cause and upon seeing one of the junior lawyers whom she had carefully mentored perform outstanding work. For Donald, as for Barbara, the most pronounced sense of reward and satisfaction is exemplified in winning an extraordinarily difficult case and thereby seeing justice done. For Clara, a sense of satisfaction and pleasure is associated with managing to maintain a good reputation as an advocate while remaining true to her feminist principles and to her commitment to an honourable home life. Emma characterizes the experience of receiving professional peer approval as enormously gratifying, while both Barbara

and Emma derive much satisfaction from establishing and leading highly effective departments in their respective law firms.

*Theme 6 in Relation to Theoretical Perspectives*

The periods of dynamic stability, or balance, which Kegan calls evolutionary truces, may be conceived as phases in the lifelong process of meaning-making during which the person enjoys a sense of relative contentment, happiness, satisfaction, or accomplishment. While the process of 'adaptive conversation' concerning what is self and what is other, or what is subject and what is object, continues during these periods of relative equilibrium, it does so within 'the context of the established relationship' struck between the person and the environment during the immediately preceding transition (Kegan, 1982: 44).

Of the life-career constructions articulated by the eight co-participants, Frank and Howard consider themselves blessed by an overall sense of contentment, well being, happiness, serenity, and freedom from care and strife; thus they come closest to epitomizing an ideal state of evolutionary tranquillity and truce. Expressed metaphorically, and not quite so exuberantly or unreservedly as that of Frank or Howard, Barbara's portrayal of herself as coming to rest in the right kind of hole may also be interpreted as the advent of an evolutionary truce. The absence of allusions to any contemporary sense of disequilibrium by Alan, Donald, and Gillian may be assumed, within the context of their respective overall constructions, to also insinuate embeddedness in an evolutionary moratorium. Although both Clara and Emma refer to significant sources of gratification in their lives, the overall configuration of their respective life-career constructions implies inclination toward evolutionary transition rather than truce.

A different perspective on the place of contentment, happiness, satisfaction, or accomplishment in the course of the life cycle is offered by Levinson et al. (1978) and Levinson and Levinson (1996), whose two major complementary studies focus on the developmental patterns of adult men and women, respectively. In their investigation of the age-linked pattern of women's development, Levinson and Levinson assert that an 'alternating sequence of structure building-maintaining periods and transitional periods holds for both women and men' and that, although 'these periods are part of human development and have common human characteristics,' they operate somewhat differently in females and males (1996: 36).

Consonant with Kegan's (1979, 1982) general assumption that the lifelong evolutionary process of persons, both female and male, entails the balancing of social independence and social inclusion are the twin assertions of Levinson et al. that, within the human life cycle, 'a balance of attachment and separateness must be found at every age,' and that the precise calibration of this balance 'will necessarily change from one era of the life cycle to the next' (1978: 240). But Levinson et al. go on to differ with Kegan's proposition concerning the successive alternation throughout the life cycle of a tendency toward preoccupation with either social independence or inclusion. In a manner more harmonious with the metaphor of the scales of success, they aver that, whereas in early adulthood 'the balance ordinarily shifts markedly toward attachment at the expense of separateness,' in middle adulthood 'a more equal weighting of attachment and separateness' is required (241).

Levinson et al. explicitly engage key aspects of Jung's immensely more complex rendering of the process of individuation in the second half of life as involving the holding of opposites in tension. They accordingly ascribe to middle adulthood four major tasks, each of which involves confronting and reintegrating a specific polarity. As they define it, a polarity consists of 'a pair of tendencies or states that are usually experienced as polar opposites, as if a person must be one or other and cannot be both' (196-7). But they also stress that, in actuality, these 'paired tendencies are not mutually exclusive' and 'both sides of each polarity co-exist within every self.' Thus, although these divisions can never be completely surmounted, the person 'partially overcomes the divisions and integrates the polarities' in the course of becoming increasingly individuated during middle adulthood (197).

Again, the co-participants whose life-career constructions most unambiguously manifest a state of relative serenity, or freedom from conflict, as delineated by Levinson et al., are Frank and Howard. Their unambivalent proclamations of freedom from discontent or distress suggest a level of intrapsychic harmony that indicates a hiatus from confrontation with polarities, or a temporary integration of polarities, or, possibly, even a sense of transcendence of them.

Maslow's theory of metamotivation is again evoked by several of the co-participants' constructions of the gratifications they derive from their professional and other endeavours. As outlined under the rubric of themes 4 and 5, metamotivation is an epiphenomenon of self-actualization; persons who are already self-actualizing 'are now motivated in other higher ways' (Maslow, 1971: 289). Self-actualizing persons are,

according to Maslow, by definition gratified in all their basic needs, namely, those of 'belongingness, affection, respect, and self-esteem' (289). He summarizes what this means in effect: 'This is to say that they have a feeling of belongingness and rootedness, they are satisfied in their love needs, have friends and feel loved and lovable, they have status and place in life and respect from other people, and they have a reasonable feeling of worth and self-respect' (289).

Within the frame of Maslow's theory, then, metamotivation refers to an expansive ensemble of attributes, for which gratification of basic needs is a necessary precondition and which includes but is not confined to: identification with and devotion to intrinsic values that are incarnated through a beloved vocation; transcendence of dichotomies (between, for example, work and play, duty and pleasure, reason and emotion, spirit and body, self and other, fact and value); and integration with, as well as reverence for and celebration of, the entire cosmos. Stated in more concrete terms, metamotivations are manifested in an extensive array of higher motivations and gratifications, forty of which are catalogued by Maslow (298-9).

Some evidence of the motivations and gratifications listed by Maslow is discernible within the construction of life-career success of each of the co-participants. For example, gratification accruing to 'doing things well' and being effective in the face of responsibilities and challenges is either explicitly expressed or implied in the constructions of all of the co-participants. Similarly, 'fighting' for and 'bringing about justice' are associated with an immense sense of motivation and gratification within the constructions of Barbara, Clara, and Donald. Being intentionally selective about the causes they espouse, having 'a sense of *noblesse oblige*,' and enjoying doing good and seeing virtue rewarded are central aspects of the constructions of Barbara, Clara, and Emma. The gratifications they derive from 'watching and helping the self-actualizing of others, especially of the young,' are mentioned in reference to junior lawyers in the cases of Barbara and Donald and highlighted in reference to his children in the case of Howard. A predilection to 'be attracted by mystery, by unsolved problems, by the unknown and the challenging,' to try to free oneself from illusions, to 'look at the facts courageously,' to 'take away the blindfold,' to be repelled by and fight lies and untruths, as well as 'dishonesty, pompousness, phoniness and faking' (Maslow, 1971: 298-9) lies at the heart of Howard's construction of life-career success.

**Theme 7: Acting in Response to a Sense of Wanting Something More, of Something Unfulfilled, of Disillusionment, Discontent, or Distress**

This theme might well be assigned to the side of the scales which signifies concern with separation, distinction, or disengagement from present arrangements or associates. But, viewed again in the light of Kegan's concept of evolutionary truces and transitions, it may also be seen, like theme 6, to be related to the developmental level at which the individual is currently operating and to be more appropriately designated to the centre of the scales. Its particular position on the upper portion of the central shaft is intended to intimate its greater proximity to theme 8, which signifies the location where the principles supporting one's current epistemology, or order of consciousness, become the object of one's attention, where, in other words, one's constructions are *reconstructed*.

Direct references to a sense of incompleteness, disillusionment, discontent, or distress appear in Clara's, Donald's, Frank's, and Emma's constructions. Clara does evince a recently increased level disillusionment with what she perceives to be conventionally accepted, though markedly male-oriented, ideas of success, as well as increased concern about the dilemma of maintaining long-term professional viability while continuing to remain unconventional in her approach to success. Similarly, Donald reveals an ongoing sense of motivation, or obligation, often inspired by distinguished role models, to seek new horizons, or to acquire or achieve something more.

Affording a foil to the impression of relative equanimity implied by Clara's and Donald's constructions, are the metamorphic swings and changes and dilemmas recounted in Frank's conceptualization of the progression of his life-career. As he depicts it, the depth of what he recognizes in retrospect as his deep-seated discontent with his first marriage stands in stark relief to his sense of obligation to his first wife and his great love for and deep desire to protect his children. His portrayal of the substantial degree of displeasure he simultaneously experienced with the organizational philosophy and planning strategies of his law firm during that same period further accentuates the image of a man extensively disaffected with his life structure. Against this background and considering his characterization of himself at the time of the interviews as a very happy and content and satisfied human being, Frank's representation of the sweeping scope of his personal and professional



transformation as a watershed, heralding the start of a new life, is all the more striking.

Recognizable resonances of some key aspects of Frank's insistence about the desirability of avoiding human misery law are discernible in Emma's attachment to maintaining a sense of humour. Frank's and Emma's constructions actually converge in calling attention to the susceptibility of lawyers who specialize in areas of law which deal with human strife and social problems to identify emotionally with their clients and to thereby become negative and depressed themselves. While Frank's response has been to specialize in an area of law which he finds psychologically edifying, Emma's has been to disengage psychologically from her clients' tribulations, to the extent that such distancing does not compromise the quality of service she provides, and then to infuse the general office routine with some humour, diversion, and relaxation.

*Theme 7 in Relation to Theoretical Perspectives*

In Kegan's constructive-developmental framework, periods of transition or disequilibrium are regarded as 'natural emergencies of the self,' during which the person renegotiates the terms of his or her existing evolutionary truce (1982: 110–11). As outlined in the introductory precis of Kegan's framework presented in chapter 2, the process of renegotiation entails emergence from the current culture of embeddedness, which, in turn, is itself crucially instrumental in facilitating or impeding this process. For the transition from one evolutionary balance to the next to be unproblematically executed, the culture of embeddedness must effectively fulfil on behalf of the person in transition the threefold functions of confirmation or holding on, contradiction or letting go, and continuity or staying put for reintegration (118–19). Thereby, the culture of embeddedness enables the part of the self that is subject to become object and in the course of *re*-equilibration to eventually be reintegrated within the self at the new evolutionary balance or order of consciousness.

Clara's depiction of herself as 'the lawyer-at-sea,' while concurrently very self-consciously pitting her construction of her recently accentuated sense of disillusionment with conventionally accepted male-oriented standards of success against her construction of her own unconventional approach to success, indicates that she is embroiled in what Kegan might call a 'self-proclaimedly' philosophical 'emergency of the self' (1982: 231). It suggests that she already has, in Kegan's terms, 'a "self" known to the self *as a self*' (1982: 240; italics in original), a self which in the course

of its sharing and interacting with others is 'whole, distinct, self-possessed, self-authoring' (1994: 312). She already has an institutional, or fourth-order, self. However, her construction of her current dilemma as encompassing the necessity to resolve the incongruity between her unconventional approach to success and the profit-driven prototype of success, suggests her transcendence of ideology- and form-bound constructions in general. This implies, at the same time, her orientation toward direct confrontation with paradox. The mode of meaning-making in which Clara is engaged is evidently such that she is currently 'operating without reliance' on 'the form, the group, standard, or convention' (1982: 232). Clara's meaning-making is manifestly consonant with Kegan's descriptions of the dialectical, continually self-questioning self-transformation that characterizes the fifth order of consciousness.

Feelings of wanting something more, as described by Donald, or of something unfulfilled or missing, as reported by Emma, might at first blush be interpreted in accordance with Kegan's view of self-transformation as the natural longings and promptings inherent in the twofold process of discovering the limits of one's current way of constructing the world and of, thereby, laying the foundations for a qualitatively new mode of meaning-making that would herald progression toward a new evolutionary truce. While this interpretation appears to be correct in the case of Emma, it may be less plausible for Donald. On the basis of data already discussed within the context of theme 6, Donald appears to be enjoying a period of relative contentment and equilibrium at the institutional balance, or fourth order of consciousness. Donald's own interpretation of his persistent drive to undertake ever more challenging work as a manifestation of a desire to prove to his own satisfaction his continuing capability to do the big cases helps clarify the matter. Examined within the context of his overall construction of life-career success, Donald's personal interpretation of his motivations may be seen as reinforcing the image of a person primarily occupied with defending his sense of self-contained independence, agency, and professional achievement, and as pointing instead to his continuing embeddedness in the culture of institutionalism, or fourth order of consciousness.

Although Emma's preoccupation with professional endeavours at the expense of her personal life might also, at a superficial glance, appear to be consistent with embeddedness within the culture of institutionalism, the predominance until now of her quest for professional peer esteem points, rather, to a nostalgic harkening back to the culture of interpersonalism, or third order of consciousness. The overwhelming

impression Emma's construction conveys is of someone for whom peer approval has hitherto been an ultimate value but is slowly ceasing to be paramount. Until recently, she has not had the epistemological capacity to personally regulate or render subordinate the claims that others have made on her. But her description of herself as a slave to almost anything anybody asks betrays dissatisfaction with her heavily circumscribed, profession-dominated lifestyle. In tandem with this, her resolution to get off the merry-go-round, curtail her professional commitments, and start doing something for herself is highly reminiscent of Kegan's description of the type of meaning-making which portends emergence from embeddedness in the culture of interpersonalism and movement to the institutional balance.

In more figurative Kegan-style terms, Emma may be seen as traversing the boundary between two ways of making the world cohere, the interpersonal and the institutional, and her new more self-authored self may be perceived as evolving from a fragile and tentative aura to a more robust and assured presence. Contradictions between her larger personal goals, aspirations, and hopes and her current way of constructing the world are becoming transparent and this insight is enabling her to recognize that she has been permitting her truer self to be sacrificed to her over-identification with the approval, expectations, and requests of others. Thus, it seems plausible to provisionally identify her present evolutionary niche as an advanced stage of emergence from embeddedness in the interpersonal truce, or third order of consciousness, and as penetrating the dawn of institutionalism, or fourth order of consciousness.

Emma's work in an area of law that Frank labels human misery law, as well as her more general observation that reluctance to say no to the requests of others is a female phenomenon, lends support to Kegan's suggestion that women may remain embedded in the culture of interpersonalism longer than men. Frank's adamant avoidance of human misery law, on the other hand, may also be interpreted as lending support to Kegan's contention that men tend to move through all the evolutionary truces 'in a more differentiated way,' and women 'in a more integrated way' (1982: 210).

Of particular pertinence to our discussion of this theme is Kegan's response to criticism concerning the presence of gender bias in his earlier work. Critics alleged that, within the context of his portrayal of the development of consciousness as a spiralling helix of progressively more complex evolutionary truces and transitions, his association of men with a more differentiated and of women with a more integrated mode of

meaning-making places men in a privileged and women in a disadvantaged position in relation to his proposed epistemological hierarchy. Kegan confesses to having confused *style* and *structure*, but reiterates his continuing belief in the usefulness of the distinction he had made between the two fundamental longings in human experience, the longing 'to be next to, part of, included, connected and the longing to be distinct, to experience one's agency and the self-chosenness of one's initiatives' (1994: 220–1). However, he then repents the fact that, by fusing this distinction with the distinctions he proposed between the successive evolutionary truces, he 'equated certain orders of consciousness (the first and the third) with the style of *connection* and other orders of consciousness (the second and fourth) with the style of *separateness*' (1994: 221; italics in original). Repudiating his alignment of the specific orders of consciousness with either connection or separateness, but retaining his original epistemological distinctions between the five orders, Kegan goes on to assert that disentangling these sets of distinctions 'involves seeing that each order of consciousness can favour either of the two fundamental longings' (221). Thus, Frank's labelling of the area of law which Emma practises as human misery law and Emma's identification of hesitation to decline the requests of others as a female phenomenon may be alternatively interpreted as indications of stylistic, rather than epistemologically relevant, gender differences.

The phenomenon of women's reluctance to decline to fulfil the requests of others may also be interpreted as a further manifestation of women's greater propensity to subscribe to the ethic of care, which Gilligan claims is an underlying feature of much of women's decision-making. Or, as will also be considered in some detail in discussing theme 14, women's proclivity to comply with the desires of others may be a reflection of women's socialization into compliant acceptance of care-taking roles and of subordinate and subservient positions in sexist society.

Frank's overall construction of life-career success, like that of Emma, incorporates allusions to phenomena that epitomize the experience of a person in transition. Deeper, more intense, and/or extensive feelings of discontent or distress, such as those described in Frank's construction of his own metamorphosis, may be apprehended in accordance with Kegan's paradigm as being related to complications in the loss of one's evolutionary balance (Kegan, 1982: 130). Frank's construction of his situation prior to his metamorphosis implies that considerable long-enduring deficiencies in his personal holding environment contributed to making the process of his transformation a particularly complicated,

protracted, and agonizing one. His description of the antagonistic, uncommunicative, non-intimate relationship with his first wife suggests that he was unable to 'recruit' her 'invested regard' and support for the ongoing evolution of his meaning-making (Kegan, 1982: 19). Frank's description suggests further that it was not until he had established a positive and loving relationship with another woman that his first marriage evolved in his meaning-making to the point of being reappropriated as an indefensible impediment to his evolutionary enterprise.

The process of Frank's metamorphosis, as he portrays it, was facilitated enormously by Lisa, the woman who was to eventually become his second wife. His description of her role during that period may be interpreted, from the perspective of Kegan's model of the process of transformation of the self, as that of unfalteringly providing him with a holding environment of unprecedented receptiveness and responsiveness and, thereby, enabling him to embark with her on an intimately interdependent meaning-making venture that continues to the present. Frank's elaborations on the process of his self-transformation may be viewed as suggesting that, in harmony with Kegan's framework, his ideologically submerged, achievement- and career-centred institutional self was received and confirmed by Lisa through a prolonged period, contradicted and relativized through ongoing soul-searching dialogue and private meditation, and eventually, through subsequent interchanges, recovered and reintegrated at the interindividual balance, or fifth order of consciousness.

Alternatively, from a Jungian standpoint, both Emma's and Frank's self-transformations may be interpreted as critical turning points, during which aspects of the self which had been neglected or repressed were reinstated and reintegrated within the persona. Fully two-thirds of Jung's patients in psychotherapy were, like the co-participants in this inquiry, middle-aged, and many of them were also highly creative, intelligent men and women 'of the highest accomplishments who were eminently successful in their vocations and enjoyed an enviable position in society' (Hall and Nordby, 1973: 93). In harmony with Jung's extensive investigations of the problems to be confronted in the second half of life, including his observations of his patients and of himself, Emma's desire to establish a fulfilling relationship with a man and Frank's actual establishment of a fulfilling relationship with a woman may be conceived as manifestations of their respective mid-life struggles toward the union of opposites, individuation, and integration, in other words, toward the realization of ultimate wholeness.

Jung uses the term ‘enantiodromia,’ frequently symbolized by the snake which eats its own tail, to refer to the regulative function of opposites by which everything sooner or later runs contrariwise into its opposite. For Jung, no wholeness is possible without recognition and reconciliation of opposites. ‘Individuation’ is the term Jung employs to refer to a complex, tortuous process of development toward wholeness, which, though it incubates gradually during a person’s life, becomes most noticeably active during the middle years. Through the process of individuation, those dimensions of the self which have been callously repressed in the conscious pursuit of such values as worldly ambition come, ideally, to be acknowledged and recovered from the inferior, neglected, and underdeveloped recesses of the unconscious and cherished, cultivated, and reintegrated into the personality. From the perspective of Jung, then, Emma’s curtailment of her law-related endeavours conjoined with her resolve to attend to her personal needs, and Frank’s quest for and attainment of a loving relationship conjoined with his continuing professional endeavours, may be conceived as manifestations of their respective impulsions toward restorative resolution of the polarities of the conscious and the unconscious, of the masculine and the feminine, of separateness and attachment, each of which coexists along with numerous other polarities and clamours mightily for integration during middle adulthood.

### **Theme 8: Reconstructing One’s Construction of What Constitutes Life-Career Success**

This theme constitutes the intrapsychic context within which the interplay between the fourteen themes is apprehended, the relative salience of a given theme or constellation of themes is assessed, and the polyfaceted enterprise of appropriating and *re*appropriating themes is orchestrated.

Depending on the person’s existing orientation, a change in his or her thinking about what constitutes life-career success may occasion a shift toward or away from the side of the scales aligned with social independence or social inclusion. Hence, this theme is placed at the pivotal point of the metaphoric scales – that is, at the epicentre where the vertical supporting shaft converges with the horizontal balancing apparatus, by means of which themes 1 to 5 and 9 to 14 are suspended in a perpetual state of dynamic tension. The axial position accorded theme 8 is intended to suggest the notion of vacillation between incompatible or

competing elements and alternation between contradictory poles, as well as the idea of oscillation from an orientation toward independence to that of interdependence, or vice versa. The spherical coil of interlaced lines is designed, in a manner inspired by Ivey (1986: 24), to denote the assumption that, although only one theme or even one aspect of a particular theme may be the central focus of one's meaning-making at a specific point in time, all themes and dimensions of development remain simultaneously active in varying degrees. A sense of circular and circuitous motion is also implied by the imagery engaged. This is intended to denote graphically the highly variable degree of turmoil, ranging from a barely perceptible swirl to a veritable vortex of jostling concerns, aspirations, challenges, and gratifications, which is deemed intrinsic to the process of reconstructing one's construction of life-career success.

Reflections of some length on the wider process of their own development, evolution, or maturation are presented in the life-career constructions of six of the eight co-participants. With the exception of Gillian, who constructs her experience of her own development as primarily composed of a subjective sense of continuity, constancy, and sameness, and Alan, whose construction does not elaborate on the process of his own development, the co-participants collectively portray their experience of the process of maturation as comprising repeated reconstructions of their pre-existing constructions of life-career success. The relevant particularities of their respective constructions of this process will be recounted within the context of the ensuing discussion of this theme.

### *Theme 8 in Relation to Theoretical Perspectives*

Remarkable resonances of Kegan's conception of human development as the evolution of meaning-making are evident in Barbara's construction of the process of her own development as one of self-discovery, entailing ongoing introspective dialogues concerning increasingly perspicacious forms of consciousness of her current understanding of the sort of truth she has reached at any particular point. This is consistent with the paradigm for dialectical schemata, or modes of post-formal reasoning, proposed by Basseches (1980) and endorsed by Kegan in his discussions of the ideology-transcending mode of reasoning that typifies meaning-making at the interindividual balance, or fifth order of consciousness (1982: 229–30; 1994: 351–2). A number of the distinguishing

features of the dialectical psychologic identified by Basseches appear to operate in Barbara's rendition of the process involved in reconstructing her constructions. These include an orientation to 'movement *through* forms' and the viewing of forms 'in a larger context which includes relationships among forms'; 'movement from one form to another'; and awareness of the 'relationships of forms to the process of form construction or organization' (Basseches, 1980, cited in Kegan, 1982: 229; italics in original). Bearing in mind these distinguishing features of the dialectical psychologic, Barbara's proclivity to continually reformulate her understanding of the truth she has reached at any given point suggests a more fundamental proclivity to question the very assumptions and principles underlying her meaning-making. This, in turn, suggests Barbara's arrival at the dialectical, post-ideological fifth order of consciousness.

As variously illustrated within the context of discussing several of the preceding themes, remarkable reflections of key dimensions of Kegan's conception of the actual activity of meaning-making also appear in the constructions of Clara, Donald, Frank, and Howard. Frank's portrait of his mid-life metamorphosis is the most detailed and graphic example. His construction of the support provided by Lisa as having taken the form of a superordinate philosophy of concern for and loyalty to the promotion of his personal growth is highly evocative of Kegan's description of the ideal holding environment. Furthermore, Frank's elaborations on the process of reconfiguring his construction of his relationship with his first wife, his children, Lisa, and his partners at the law firm easily lend themselves to an interpretation based on Kegan's rendering of the process of transition toward an interindividual balance, or fifth order of consciousness. Similarly, Howard's characterization of his maturation process as consisting essentially of being increasingly able to keep things in perspective, when considered in juxtaposition to his portrayal of himself as appropriately wise for his age, also readily elicits Kegan's conception of development as successive evolutionary transformations, each of which enables the assumption of an incrementally more all-inclusive perspective on all previously negotiated evolutionary balances.

The constructions of Barbara and Donald, too, contain allusions to changes in their perspectives, but not in quite the same sense as those of Frank or Howard. Whereas Frank's construction of his maturation process is in terms of a metamorphosis and Howard's refers to an enhanced capacity to keep matters in perspective, Barbara's and Donald's each encompass consciousness of the acquisition of a qualitatively trans-



formed perspective. In their experience, the existing perspective is subsumed by a bigger perspective which affords a more panoramic or holistic view of their respective worlds. Both Barbara's and Donald's perceptions of the shift that they have consciously wrought in the focus of their work strategies, from that of attending to detail to that of delegating to junior assistants and then making judgments on the basis of a holistic assimilation of the already assembled data, are manifestations of their subscription to expanded perspectives. In addition, Barbara's construction of her assumption of broader interests, in conjunction with her heightened attentiveness to the wider social implications of her own actions generally, is further testimony to her enlarged perspective.

Clara's reference to herself as the lawyer-at-sea serves to dramatically convey the image of a person engaged in what Kegan terms 'the rhythms and labours of the struggle to make meaning' as she re-examines her construction of life-career success (1982: 12). Clara's portrayal of her recent propensity to engage in increased reflection on the practical dilemma inherent in continuing to operate as a credible, well-regarded, and effective practitioner of law in a mainstream setting, while persisting in being unconventional in her approach to success, insinuates a sense of ambivalence toward her more conventional professional achievements. But, examined in epistemological terms, perhaps the source of this ambivalence is her overarching theory of her current self as a self immersed in the process of transforming her pre-existing construction of the contradictions inherent in her way of making the world cohere. Intrinsic to her predicament is the problem of reconciling two antithetical approaches to success as a lawyer – the conventional *modus operandi* required by virtue of her position within a traditional mainstream law firm, and the unconventional means to which she is obliged to resort in order to translate her feminist principles into action. Here again, Clara's demonstration of her capacity to observe and consciously coordinate her self in three different paradox-laden forms points to a dialectical, fifth-order epistemology, and corroborates the provisional assessments of her developmental level discussed in themes 4 and 7.

The central issue impelling Emma's re-examination of her construction of life-career success differs from that of Clara. The critical significance of the limitations of Emma's apparent over-embeddedness in the culture of interpersonalism have become acutely relevant in her personal and professional life and her resolution of this predicament is evidently imminent. She sees the solution to her developmental dilemma

as dispensing with her self-professed, self-sacrificing addiction to professional peer esteem and replacing it with an alternative, more healthy mode of receiving affirmation. Her image of her future self includes a vision of her non-professional personal needs being addressed and gratified through a fulfilling male-female relationship. Because her transition across the threshold of the institutional equilibrium is, as yet, not fully accomplished, Emma's sense of institutional self-defining selfhood continues to be shadowed by the phantom of that vacillating self which has been struggling to negotiate her emergence from the constraining culture of interpersonalism. In other words, the reconciliation and reintegration of her old with her newly evolving self is still in process.

The length of Emma's stay, until her early forties, at the self-sacrificing interpersonalist truce is in conspicuous accord with Kegan's postulation that women may be vulnerable to interpersonalist fusion and that a particularly protracted evolutionary moratorium may precede the process of differentiating and disengaging the self from definition by others (1982: 212). This, together with Emma's projection of herself as doing the charitable route during the next phase, suggests the persistence of her orientation to community involvement and the likelihood of a comparatively short hiatus at the institutional truce. In turn, this lends further support to Kegan's contention that 'women tend to have more difficulty acknowledging their need for distinctness' and 'tend to be more oriented to inclusion.' Conversely, Frank's earlier partial denial of his discontent with his relationship with his first wife and his suppression of his need for true intimacy until his early forties is in harmony with the obverse side of Kegan's postulation, that 'men tend to have more difficulty acknowledging their need for inclusion' and 'tend to be more oriented toward differentiation' (1982: 208).

Kegan (1994) himself subsequently revised his thinking regarding the direct relevance of women's propensity toward inclusion and men's propensity toward differentiation to the successive epistemological distinctions underlying evolution through the five orders of consciousness. Nevertheless, despite Kegan's retraction, I propose that, by virtue of women's apparent orientation to inclusion, women at the institutional or fourth order of consciousness may be better equipped than their male counterparts to engage in the form of dialectical, inter-individual transformation that typifies transition to the fifth order of consciousness. They may, for instance, have a greater capacity for intimacy with others as well as the self, and they may also be more effective at recruiting the type of mutually reciprocal social support, or holding

environment, which would be capable of fostering evolution to the fifth order of consciousness.

The idea that life-career success is an elusive aim, a moving target that may never be reached, is strongly implied by the cumulative constructions of the seven co-participants who offer insights into their perceptions of the process of reformulating their constructions of life-career success. The externally imposed or privately perceived lure of new challenges may be cited as catalysts for this process within the constructions of all the co-participants. The most direct and compelling renditions of this conception of life-career success are afforded by Donald and Frank. Remarkable similarities to Donald's construction of his persistent drive to aspire to and achieve something more are discernible in Frank's characterization of one of his own major achievements as a milestone in a process which is ongoing in the sense that ever more expansive challenges repeatedly beckon.

Again, the evasiveness of life-career success as a concept is implied by Donald's perception of the subjectivity and contextual dependency of any specific individual's definition of what constitutes a worthy pursuit and by Howard's contention concerning the historical and cultural relativism of prevailing notions of success. Echoes of Donald's and Howard's sentiments are discernible in Clara's declaration that, because they depend on what standards are employed to assess who is successful or what amounts to success, ideas of success are fairly equivocal. Clara's assertion that the standard generally regarded as the common or neutral standard is really a male standard is consistent with Emma's description of the preponderance of profit generation as the central value of major Toronto law firms. It is also consonant with Emma's more general observation that, whereas women tend to measure success in terms of personal relationships, men tend to measure success primarily by dollars. Clara's and Emma's perceptions may be interpreted as corroborating speculation by Weinrib (1989, 1990) that women may not treasure to the degree that men do the prizes, such as high incomes, large prestigious offices, and so on, which accrue to the attainment of conventional success as a private practitioner in the legal profession. Alternatively, Emma's perception of women's orientation to relationships and men's orientation to dollars may lend further credence to Gilligan's claim concerning the greater prevalence among women of values based on the assumption of interpersonal interconnectedness.

Howard asserts that, by affording him opportunities to look back through a tunnel through which he once looked forward as a child, the

experience of interacting with his own children has taught him that there are lots of tunnels in life, none of which are one-sided. This points to the possible value of adopting a biographical approach to understanding the self in the course of its development. Yet Howard's contention that, by looking backwards, he has come to understand that having different perspectives is a part of life and that he has, consequently, become increasingly tolerant of opposing views is consonant with Kegan's portrayal of the kind of relativistic sensitivity to and comprehension of diverse meaning-making schemata that is emblematic of the fifth order of consciousness.

Howard's reference to the degree to which he understands retrospectively many events and developments which he did not comprehend as they were actually occurring hints at the appropriateness of integrating the constructive-developmental approach with a biographical approach to understanding the evolution of meaning-making. The potential value of such a perspective is also implicit in Donald's observation that his persistent predilection for favouring staunch independence probably had its genesis in much earlier life experiences. His observation that he remains convinced that his parents' recommendations for his career choice were wrong for him and that he has come to appreciate his children's need to chart their own respective life-career paths freely also suggests the value of a retrospective stance when seeking insight into the phenomenon of a person's life-career development and evolving constructions of success.

Kegan calls attention to the fact that a 'developmental perspective naturally equips one to see the present in the context both of its antecedents and potential future, so that every phenomenon gets looked at not only in terms of its limits but its strengths' (1982: 30). However, the focus of Kegan's series of evolutionary truces, or orders of consciousness, is on deciphering the forward motion of human development from prenatal existence to mature adulthood. Biographical approaches, by contrast, typically seek to comprehend life backwards. From the perspective of Kegan's framework, however, an autobiography would consist of its author's current construction of his or her past experiences and would merely reflect his or her current evolutionary level, or order of consciousness. Minimally, biographical approaches which employ multiple longitudinal data-gathering techniques, such as repeated interviewing of both the subject of the biography and intimate acquaintances who have had occasion to closely observe his or her development at various stages, as well as repeated scrutiny of documents and artifacts asso-

ciated with his or her life, would be required to assemble a coherent and reasonably accurate approximation of the course of a person's developmental process.

The enthusiasm with which Howard endorses the prospect of turning the peak, which he currently enjoys at the summit of his life-career arc, into a prolonged plateau has much in common with Frank's exuberance in depicting himself as currently an exceptionally happy, satisfied, and contented human being. But Howard's metaphor of the arc and the descending slope on which he depicts himself as ineluctably embarked gives the impression that, in harmony with the observations of Karp (1988) concerning mid-life transition, he has undergone a definite shift from a strong sense of self-determination to an augmented sense of the finiteness of time and the inexorability of the life course.

## Chapter 6

# The Scales of Success: Gender-Linked Themes

Gilligan, in her 1982 book *In a Different Voice*, employs her research findings concerning actual moral dilemmas faced by her female interviewees to contrast the language of development they had used with the language of development which, though derived exclusively from male subjects, had long been promulgated as the language of human development in the psychological literature. Toward the conclusion of her preface to the 1993 edition, Gilligan reiterates her original reasons for writing it: 'I wrote *In a Different Voice* to bring women's voices into psychological theory and to reframe the conversation between women and men' (xxvi). I designed the present inquiry to usher the women lawyers' voices to a central position within the paradigm which I propose for life-career success during middle adulthood. By juxtaposing the women's voices with those of their male counterparts, I seek to foster further the reframed conversation between women and men which Gilligan has steadfastly advocated.

Later in her preface, Gilligan observes that, although themes of voice and relationship and concerns about connection and the costs of detachment, which appeared so novel in the 1970s, have become an integral part of a growing conversation, a fundamental tension of immense import and pressing urgency within theatres of human discourse remains unresolved. That tension revolves on the following:

Whether there is an endless counterpoint between two ways of speaking about human life and relationships, one grounded in connection and one in separation, or whether one framework for thinking about human life and relationships which has long been associated with development and with progress can give way to a new way of thinking that begins with the premise that we live not in separation but in relationship. (1993: xxvi–xxvii)

By bringing the language of my female and male co-participants into very proximate and sharp relief, I strive to build on but move beyond Gilligan's work on the methodological level. In positing an alternative framework of mid-life development as a dialectical process, of not merely dichotomous polarity between separation and connection and not merely linear hierarchical progression, I seek to offer a means of thinking beyond bifurcated gender-bound visions of human growth, as well as the rigidly unidirectional paradigms that have dominated the mainstream psychological literature.

When the fourteen themes reaped from my interview data are re-examined as an aggregate, to discern whether the co-participants tend to subscribe to a construction of life-career success which indicates a mode of meaning-making favouring independence or favouring interdependence, or whether this differs by gender, three gender-specific and three gender-associated themes are immediately apparent. The term 'female specific' is used here to refer to themes derived from data supplied by females only. Conversely, the term 'male specific' refers to themes supplied by males only. The term 'female associated' refers to themes emanating from data provided primarily by females, the term 'male associated' to themes provided primarily by males (see figure 6.1).

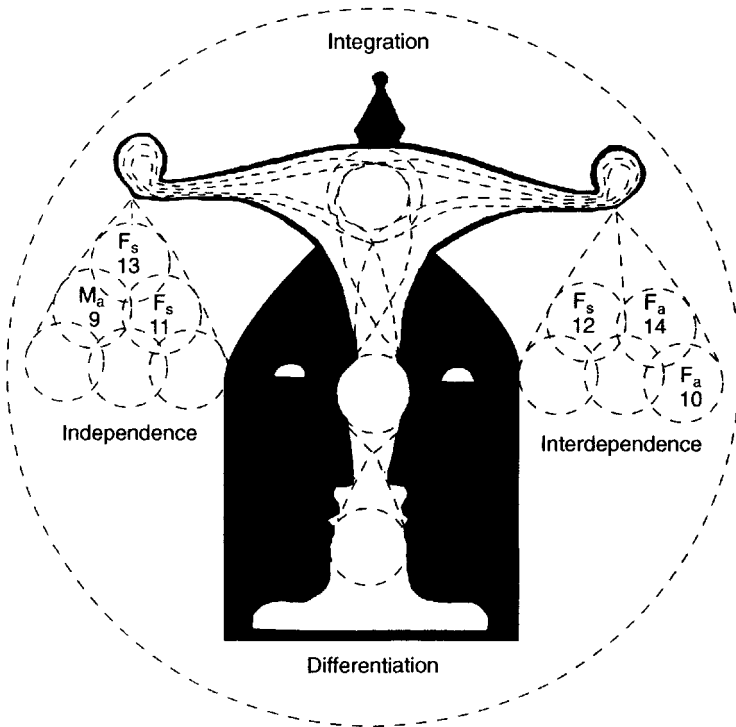
The themes entitled 'Conforming to established norms, expectations, and conventions of the legal profession' (12) and 'Challenging the male-dominated mainstream ethos of the legal profession' (11) are evidently female specific. The theme labelled 'Reconciling profit-generating and pro bono endeavours' (13) also turns out to be female specific. Those themes designated 'Integrating the personal and professional domains of one's existence' (10) and 'Contributing socially beneficial services to the community' (14) prove to be female associated, while 'Experiencing a sense of freedom, autonomy, independence, or self-direction' (9) is male associated. Themes 1 to 8 are common to both males and females, as was demonstrated in chapter 5. Thus, while three of the fourteen themes are female specific, none are male specific. Two of the themes are female associated and one is male associated.

### **Theme 9: Experiencing a Sense of Freedom, Autonomy, Independence, or Self-Direction**

Because it implies social-psychological distinctness, this theme is positioned on the left-hand side of the scales – that is, the side aligned with social differentiation, detachment, or separation.

F: Female  
 F<sub>s</sub>: Female Specific  
 F<sub>a</sub>: Female Associated

M: Male  
 M<sub>s</sub>: Male Specific  
 M<sub>a</sub>: Male Associated



- 9. Experiencing a sense of freedom, autonomy, independence, or self-direction.
- 10. Integrating the personal and professional domains of one's existence.
- 11. Challenging the male-dominated mainstream ethos of the legal profession.
- 12. Conforming to established norms, expectations, and conventions of the legal profession.
- 13. Reconciling profit-generating and pro bono endeavours.
- 14. Contributing socially beneficial services to the community.

Figure 6.1: Scales of Success: Gender-Linked Themes



Barbara, Donald, and Howard present the experience of possessing a sense of freedom, autonomy, or independence as a crucial dimension of life-career success. Both Barbara and Howard define freedom as the quintessence of success. While in Barbara's construction freedom is synonymous with her ability to choose how to expend her personal resources, in Howard's it means having a sufficiently high level of control over his life to allow him to satisfy his personal concept of success.

The closely associated concept of personal independence, in the sense of enjoying the autonomy to act in a manner consonant with his own best judgment and unencumbered by any sense of necessity to ingratiate himself with others, features as a crucial dimension of Donald's construction. By asserting that lawyers are competitive by nature and admitting that a competitive streak permeates much of his own striving, Frank also includes a degree of single-mindedness in his calibration of what amounts to life-career success. In a similar vein, Gillian cites achieving her subjectively constructed goals and self-directed standards of performance, together with striving to translate her unique vision of the paragon-lawyer into practice, as significant aspects of her concept of what constitutes life-career success.

### *Theme 9 in Relation to Theoretical Perspectives*

Issues related to the themes of autonomy and independence, or themes akin to them such as separation or disconnectedness, pervade adult development theories, whether of a more traditional mainstream genre or of a feminist orientation. The theme of freedom, autonomy, independence, or self-direction is especially crucial within Kegan's framework in which the yearning for independence is designated one of the two greatest yearnings of human experience. It is specifically encompassed in the fourth order of consciousness, which has as its hallmark the ability to construct and orchestrate a self-defined self and the attendant capacity to experience an unprecedented sense of self-ownership, self-authorship, and self-regulation.

Readily perceptible signals of the emblematic features of Kegan's institutional balance are contained in Barbara's and Howard's concepts of freedom. These may be summarized as the capacity to control their immediate environments in order to choose lifestyles commensurate with their unique and deeply held values. The strength of Kegan's institutional self, by which it 'converts the world within its reach to operatives on behalf of its personal enterprise' (1982: 223), may be clearly

seen in both Barbara's and Howard's constructions of their abilities to recruit resources within their respective environments to the service of their own, unique developmental agendas.

Donald's description of the sense of gratification he experiences when exercising his own judgment, unimpeded by any perception of obligation to ingratiate himself with others, may be seen as a manifestation of another dimension of the type of psychologic that typifies the meaning-making intrinsic to Kegan's fourth order of consciousness. The capacity for self-government, the personal authority and integrity, and the propensity to subordinate interpersonal relationships to the ultimacy of the form of self-regulation characteristic of the institutional truce all appear to be in play in Donald's construction.

Frank's acknowledgment of his competitiveness and his characterization of lawyers in general as competitive by nature may be an indirect expression of what Kegan contends are the tacit 'ideological supports' afforded by North American institutions for the evolution of the meaning-making of white males to the institutional balance, and for the protraction of their evolutionary sojourn at the institutional truce (Kegan, 1982: 213-14). Hence, the mainstream, male-dominated culture of the legal profession, with its emphasis on competitiveness and its grounding in the adversarial system, may be seen from the perspective of Kegan's framework as affording its members a culture of embeddedness which 'acknowledges and cultures capacity for independence,' for self-definition, for the assumption of authority, for the 'exercise of personal enhancement, ambition, or achievement,' and for the pursuit of a "career rather than job" (1982: 191). Stated differently, but still in terms of Kegan's framework, the legal profession may be seen as affording its members a culture of embeddedness which both overconfirms and undercontradicts meaning-making of the institutional order. In addition, the legal profession as a holding environment may be perceived as failing both to recognize and promote emergence from embeddedness at the institutional truce and to afford the form of continuity necessary for reintegration at the dialectical, inter-institutional fifth order of consciousness.

An alternative perspective from which to examine the theme of autonomy in relation to middle adulthood is provided by Erikson. In his epigenetic chart of the psychosocial stages of development, Erikson expressly identifies autonomy as the second of the eight basic virtues to be acquired in order to realize ultimate ego integrity (1963: 273). Although he clearly characterizes the resolution of issues involving

autonomy, versus shame or doubt, as more salient in childhood than adulthood, Erikson's elaborations on the dynamics operating within his epigenetic schema serve to highlight his underlying assertion that each stage of the life cycle involves the addition of a new virtue to an expanding ensemble of ego strengths, each of which has 'a modifying influence on all later stages' (1963: 272).

The meaning-making related to freedom, autonomy, independence, and self-direction expounded by Barbara, Donald, Frank, Gillian, and Howard may be interpreted, from Erikson's perspective, not as manifestations of their deployment of qualitatively different principles for organizing experience, but the continuation of the process of successive differentiation by which issues confronted in earlier developmental phases are incorporated into and modify later stages of the life cycle. The autonomy-related issues which the co-participants raise may be interpreted as having had their term of special ascendancy in childhood, as having emerged at each succeeding stage of development, and, yet again during middle adulthood, as presenting themselves and being reintegrated, albeit in a subordinate or auxiliary form. Thus, Donald's pronounced concern about maintaining his independence may be seen from the perspective of Erikson's epigenetic scheme as 'only a later version' of the psychosocial crisis involving issues of 'autonomy vs. shame, doubt,' first encountered in early childhood, and as an expression of his vigorous renewal and reintegration of the virtue of 'Will' (1982: 32, 63).

Other notable adult development researchers, such as Neugarten (1968, 1976), Lowenthal et al. (1976), Levinson et al. (1978), and Levinson and Levinson (1996), present empirical evidence that a heightened sense of autonomy, competence, and self-esteem constitutes one of the recurring themes associated with development during middle adulthood. Neugarten (1968) portrays middle age as the prime of life. She notes that one of the most prevalent themes expressed by middle-aged subjects is that middle adulthood is the period of maximum capacity and ability to handle a highly complex environment and a highly differentiated self. Middle-aged persons' sense of mastery of the environment and the self is expressed through feelings of maturity, a sound grasp of reality, a sense of self-direction and competence, and a wide array of cognitive strategies. Through heightened introspection and conscious structuring and restructuring of experience, in response to new insights, middle-aged persons direct their proficiency toward the achievement of goals newly identified as desirable. A similar portrayal is presented by Lowenthal et al., who report that middle-aged men and

women experience a greater sense of competence, assertiveness, and effectiveness than at earlier stages of adulthood.

Barbara, Donald, Frank, Gillian and Howard are evidently well equipped with the constellation of competencies, capacities, and attitudes outlined by Neugarten (1968) and Lowenthal et al., and are clearly in possession of the interpretive and evaluative sophistication to discriminate self-expanding objectives from a plethora of realistically attainable possibilities. Their previously unparalleled sense of freedom, autonomy, independence, or self-direction may also be interpreted as manifestations of their loyalty to 'The Dream,' as conceived by Levinson et al. and Levinson and Levinson. 'The Dream' refers to an enduring uniquely personal construction, containing the imagined self and incorporating a variety of values, aspirations, and goals, which become cognitively refined and motivationally more powerful with maturation. The perceptions of the five co-participants identified above concerning the continuing intensification of their deep-seated inducements to reach for freedom, autonomy, independence, and/or self direction is clearly in harmony with this concept.

The validity of adopting autonomy, independence, or differentiation as the ultimate criterion for assessing maturity is, of course, vehemently questioned by feminist theorists, such as Gilligan, and Belenky et al. (1986), and Miller (1986). As conventionally delineated within mainstream psychological theory, the word autonomy bears the implication that for a person to reach full maturity, social affiliation and social connectedness have to be sacrificed or at least subordinated or seriously compromised. The feminist critique challenges this view of human development and progress and alleges that it represents male rather than human experience.

### **Theme 10: Integrating the Personal and Professional Domains of One's Existence**

Seen as a counterweight to the potentially solitary experience of acting in accordance with a sense of freedom, autonomy, independence or self-direction, this theme is designated to the side of the scales affiliated with social attachment, connectedness, or inclusiveness.

Unlike any of their male counterparts, Clara and Emma both refer to the presence of a considerable degree of tension between the personal and professional dimensions of their lives. In the case of Clara, this is attributable to difficulties associated with accommodating her family-

related and professional responsibilities, while, for Emma, it is intertwined with her need to seek and receive professional peer approval.

Clara's and Howard's constructions of life-career success illustrate most graphically male-female differences in the experience of reconciling professional with family-related responsibilities. Each has school-aged children and each is consciously committed to participating as fully as possible in family life. But their respective constructions of success contrast sharply concerning accommodation of their professional and family-related responsibilities and aspirations within the finite time available to them.

The concept of brinkmanship, by which Clara refers to her incessant striving to reconcile several competing demands on her time and energy, is central to both her general construction of life-career success and the relentless challenge of combining a demanding legal career with what she terms an honourable home life. Clara's construction reflects the fact that she has a husband and several stepchildren and that over long stretches of her own three children's lives she has been the parent primarily responsible for child care as well as management of her household.

Child-rearing and family-related responsibilities impinge in different ways upon Howard's professional life. Unlike Clara, he has been able with the full support of his wife initially to focus exclusively on building his career and, then, to harmoniously interweave the professional and familial domains of his life.

None of the male co-participants expresses anything that parallels Clara's characterization of her family-related responsibilities as a major counterweight to her legal career. Each states explicitly or indicates in some way that while his children were young he too had had an arrangement by which his wife assumed primary responsibility for child care. On a scale of what is most important to him, Alan places the preservation of strong family ties on a par with the maintenance of his professional reputation; he registers no perception of conflict between his family-related and professional responsibilities.

For Emma, the problem of integrating the personal and the professional domains of her life takes the form of seeking to redress the pronounced imbalance between the proportion of her life devoted to earning professional peer esteem and that reserved for personal rest and recreation and the cultivation of a satisfying personal relationship with a man. Emma's construction of companionship as an important part of middle adulthood, combined with her identification of the

absence of such a relationship with a man as a rather substantial vacuum, encapsulates her sense of what needs to be redressed.

*Theme 10 in Relation to Theoretical Perspectives*

Kegan maintains that 'the culture which holds, recognizes, and remembers the institutional balance is the culture of ideology' and that typical work organizations, whether product- or service-oriented, tend to be constituted in a mode that 'amounts to a rigid defence' of the ideologically-embedded institutional balance, or fourth order of consciousness (1982: 243-4). Ideology, as Kegan employs the term, does not refer to rigid belief, blind faith, or surrender of self to orthodoxy or dogma; rather, in the manner engaged by the sociologist Karl Mannheim, it relates to a whole system of explanation that amounts to a theory of relationships. The ideological, or systemic, way of knowing, which distinguishes the fourth order of consciousness, is 'able to operate in a swirling field of socially constructed realities, agreed-on conventions or traditions, and interpersonal loyalties and expectations.' But, instead of being shaped and buffeted by these assorted powerful forces, this way of knowing subjects them to its own internal standard of evaluation and regulates them accordingly (1994: 173). Kegan observes further that contemporary work organizations perform admirably for the institutional equilibrium 'the holding function which any culture of embeddedness must supply.' However, contemporary work organizations fail utterly to fulfil 'the equally important function of contradiction,' which is essential for propulsion from the ideological over-subjectivity characteristic of the fourth order of consciousness to the post-ideological inter-subjective intimacy characteristic of the fifth (1982: 243-5).

In a manner that parallels Kegan's assertions concerning work organizations generally, and in view of Clara's and Emma's struggles to integrate the personal and professional dimensions of their lives, traditionally structured law firms may be seen as holding environments which nurture an ideology that supports entry into or remaining ensconced in the institutional balance but which fail to sustain further evolutionary enterprise. In their characterization of the individual lawyer as a profit-centre and their corresponding cultivation of a form of individualistic ambition based on intense professional competitiveness, law firms may be seen as notoriously indifferent to the ongoing developmental impulses of the lawyers who work within them. Their ideology requires their incumbents to rigidly dichotomize their lives between the

personal and the professional domains and, in effect, to choose between their profession and their larger life-project.

This disregard on the part of law firms for the wider obligations and developmental needs of their members appears to affect female and male lawyers differently. In our culture, women are by convention designated a decidedly disproportionate burden of fulfilling family and household responsibilities, including caring for children and the elderly, performing housework, and nurturing interpersonal relationships generally. Although these roles are undervalued, women are rewarded or punished in accordance with their acceptance or rejection of them (Bolen, 1984). One implication of this for women lawyers is that they are compelled to assume weighty burdens in the home, which are either trivialized or not acknowledged within law firms, or are deemed a private and, therefore, organizationally irrelevant issue.

This portrayal of law firms as committed to sustaining such independence-upholding, fourth-order preoccupations as the maintenance of boundaries between the personal and the professional realms, and the preservation of the professional role at the expense of the personal, agrees with the findings of two large-scale, longitudinal surveys conducted by the Law Society of Upper Canada (1991, 1997). Administered to 1,597 members of the Ontario legal profession who had been called to the bar between 1975 and 1990, the earlier survey was expressly designed to collect information about 'relationships between gender and work variations in the profession of law' and to encompass 'transitions across fields of law, including entries to and exits from private practice, changes across and within various work settings and motives for leaving the practice of law entirely' (Law Society of Upper Canada, 1991: iii). The resulting report exposes the pervasive indifference of law firms to the interdependence-based family obligations of their members, particularly the heavier family-related burdens borne by their female members. A major finding bears relevance to the present discussion:

There exists within the legal profession considerable dissatisfaction with the balance between professional and family responsibilities. Respondents expressed growing concern over mounting hours of work, work-related stress, and the all-consuming nature of law. Women in particular reported difficulties balancing career and family responsibilities. Survey results show that women continue to bear most of the responsibility for child care and home maintenance. (p. iii)

The later survey was designed to build on the earlier study and sought 'to assess the advancement or progress made by women in the legal profession' during the intervening six years. The results indicate that men and women in the Ontario bar admission cohorts of 1975 to 1990 continued to follow traditional patterns with respect to childcare and household responsibilities. Women continued to shoulder the greater share of responsibility for household maintenance and management and those with children 'continued to work the equivalent of a second full-time job involving childcare' (Law Society of Upper Canada, 1997: 186).

It is clear from these reports and from several of the co-participants in this inquiry that the law is an exceedingly demanding occupation, which permits the private practitioner inordinately little discretionary time to devote to personal and family-related endeavours. Kegan contends that definite developmental benefits are to be derived from engaging in a genuinely intimate relationship with oneself (one's self) and with other persons, and Loevinger (1976), Erikson (1982), Levinson et al. (1978), and Levinson and Levinson (1996) point out that similar benefits accrue to the process of promoting the growth and development of the succeeding generation. The paucity of discretionary time available to lawyers in private practice means that for both men and women who strive to meet the expectations of their firms, these benefits are often grievously compromised.

For women lawyers especially, the developmental hazards intrinsic to synthesizing a coherent identity while integrating their professional role with maternal and/or spousal roles are particularly marked. Under our present cultural conditions, women lawyers in large law firms are faced with the choice of either foregoing marriage or an equivalent relationship and/or child bearing, or continuously confronting the contradictions and conflicts inherent in reconciling the professional and family-related demands made on them.

The above rendition of the existential dilemmas with which women lawyers have to wrestle is consistent with the findings of the Law Society of Upper Canada reports, and with the conclusions of Betz and Fitzgerald (1987) and Fitzgerald, Fassinger, and Betz (1995). The Law Society studies found that a greater percentage of women than men in the sample of lawyers surveyed were single, separated, or divorced, and that women lawyers were more likely to be childless or to have fewer children. These findings are interpreted by the authors of the 1991 report as showing 'that women, more often than men, are still required to make a choice between profession and family' (38). Betz and Fitzgerald



report that cumulative data indicate that ‘strong involvement in both career and family roles is very difficult to “pull off,” given present cultural conditions,’ and suggest that ‘the perceived primacy of women’s biological roles is the most salient (and pernicious) barrier to their career development’ (1987: 209). Fitzgerald, Fassinger, and Betz reiterate that a vast array of data regarding women’s vocational behaviour confirms the persistence of ‘strong inverse relationships between (a) being married and (b) number of children’ and ‘every known criterion of career involvement and achievement’ (1995: 73).

This set of relationships is not found to be true for men when equivalent data are examined. Fitzgerald, Fassinger, and Betz go on to point out that ‘highly achieving men are at least as likely ... as their less successful counterparts to be married and to have one or more children’ (1995: 73). Moreover, the cumulative data on the different effects of marriage and family involvement on the career development of men and women suggest an incongruity that compares with Clara’s and Howard’s family arrangements. The authors speculate:

Ironically, family involvement may well serve to increase and facilitate men’s career involvement: not only does it give them a strong rationale for achievement-related behavior, but the role of a wife in managing family responsibilities and providing emotional and practical support also ensures optimal conditions for career development and growth. (p. 73)

### **Theme 11: Challenging the Male-Dominated Mainstream Ethos of the Legal Profession**

This theme is clearly in contrast with theme 10. Since it suggests radical separation from the norm along ideological lines, it is designated to the side of the scales which more appropriately signifies a posture of single-mindedness, courage, and deviation from the normative or the orthodox.

Clara’s and Emma’s constructions contain the most explicit critiques of existing gender relations within the profession and concur in contending that, as the ratio of women to men in law has increased dramatically, the legal profession has failed to make anything approaching adequate institutional accommodations to the needs of its members who bear the dual burden of practising law and assuming the primary or sole responsibility for parenting. Clara’s contention that the norms and mores of the legal profession reflect the fact that they were originally established by men in the interests of men and are still largely generated by men is

reflected implicitly in Emma's allusion to her male colleagues' continued resistance to addressing the family-related concerns of female lawyers. Clara's complementary assertion that the conventions, time schedules, and expectations for performance in the profession are based on the premise that male lawyers, who historically have comprised the overwhelming majority within the profession, enjoyed the privilege of having wives to whom they delegated responsibility for the care of their children and social relations is also implied in Emma's portrayal of contemporary women lawyers' disenchantment with the profession's persistent indifference to their child-bearing and child-rearing responsibilities.

Having noted grave disenchantment with the status quo among increasing numbers of talented women lawyers and continuing resistance to change among her male colleagues, Emma's construction portends the emergence of a major conflict within the profession. It is in this light that her construction addresses one of her most cherished aspirations – the provision of sensitive leadership in challenging and persuading her colleagues to negotiate equitable solutions and policies which might forestall a major struggle.

Two radically divergent perspectives on the relevance of gender-related issues to the enterprise of lawyering are advanced within Clara's and Gillian's constructions. Gillian's concept of lawyering as a distinctively bookish, gender-neutral endeavour, for the successful execution of which maleness and femaleness are inconsequential, is in marked contrast with Clara's perception of the Canadian justice system as intrinsically gender-biased to the disadvantage of women. Concern about the mechanisms whereby women are co-opted into the male culture of the profession, and used to suppress or discredit the voice of female colleagues who dare to challenge the status quo underlies Clara's construction of the value of urging women to make common cause with one another.

### *Theme 11 in Relation to Theoretical Perspectives*

The image of the contemporary legal profession as a culture of embeddedness for its female members which Clara and Emma convey is certainly not one of an automatically supportive or 'naturally therapeutic' environment. Rather, it is one which, by insensitivity, indifference, and default rather than by deliberate design, fails both to acknowledge the unique, gender-specific capacities and responsibilities of women lawyers and to endorse or support their developmental processes.

By virtue of their psychologically exacting situation, women lawyers

may be perceived to be in a position of continuously confronting an 'evolutionary predicament' (Kegan, 1982: 212), for which an adequate culture of embeddedness may exist only in exceptional circumstances. Specific feminist women's groups or a loving confidant, or confidante, who already functions at the fifth order of consciousness, may come closest to possessing the capacity to perform the triple function of confirmation, contradiction, and continuation the woman lawyer requires for the ongoing evolution of her meaning-making. A mutually supportive relationship, which enables the practice of a form of 'co-regulated' mutuality, reciprocity, and genuine intimacy, may best exemplify the type of holding environment required. With these observations in mind, one major source of women's overrepresentation at lower levels in the professional hierarchy (e.g., Hagan et al., 1988; Law Society of Upper Canada, 1991 and 1997; Canadian Bar Association, 1993) may be attributed to substantial differences in the quality of the cultures of embeddedness that are available to men and women lawyers in both the personal and professional domains of their lives.

Indirect empirical evidence of discrepancies between the quality of personal and professional psychosocial supports afforded male and female legal practitioners, especially those in private practice, is contained in the reports of the Law Society of Upper Canada surveys (1991, 1997), discussed earlier. Corroborative evidence of gender discrimination is presented in unequivocal terms in a report focusing on gender equality in the profession compiled by a task force of the Canadian Bar Association (1993). Among the barriers to equality confronting women lawyers which the report sets out in detail are: discrimination in employment opportunities and representation; obstacles to career development and advancement; and lack of accommodation for family responsibilities (55-74). The report demonstrates that these barriers are evident in many forms and occur throughout the profession, including large law firms and the judiciary (81-110 and 185-7). Cumulatively, these findings point to serious deficiencies in the personal and professional social supports available to women lawyers, and challenge any persisting perceptions that the concentration of women at the lower levels of the legal professional hierarchy stems from insufficient ability, aptitude, or effort on the part of women.

Given the exquisitely complex, irony-laden meaning-making terrain through which women lawyers are evidently obliged to navigate, in tandem with the strongly institutionalist ethos of the legal profession, one may speculate, again from the vantage point of Kegan's paradigm, as to

the plausibility of the proposition that more women than men in the profession may be impelled beyond the fourth to the fifth order of epistemological complexity. This may appear, at first glance, to contradict the assertions already made concerning the inadequacy of the professionally based social supports available to women lawyers, including those who, like Barbara, Clara, Emma, and Gillian, have achieved eminence. But it does not necessarily do so. What is being postulated here is the possibility that a higher proportion of female than male lawyers may actually cross the threshold to an inter-institutional order of consciousness.

The proposition I advance here challenges the results of a number of earlier constructive-developmental studies cited by Kegan (e.g., Kohlberg and Kramer, 1969; Holstein, 1976), which indicate that women generally 'have tended more frequently than men to remain in the interpersonal balance' (1982: 212). But it is consonant with Kegan's associated conjecture that 'if women are more vulnerable to fusion [balance 3], it is also possible that they are more capable of intimacy [balance 5]' (1982: 210). In his more recent work, Kegan has rescinded his alignment of the first and third evolutionary balances, or orders of consciousness, with a style of connection, and of the second and fourth with a style of separateness, and has argued that 'each order of consciousness can favour either of the two fundamental longings' (1994: 221). Kegan reiterates a key point from his earlier work, when he repeatedly emphasizes the crucial importance of appreciating that the distinction between social inclusion versus social independence, which he has in mind, refers not to 'a normative or hierarchic difference,' but to a person's 'fundamental orientation.' Nor, Kegan continues to stress, is this distinction 'a matter of dichotomy or polarity,' as if people favour either separateness or connection to the exclusion of the other; this distinction is, rather, one of style or of 'figure and ground' (217).

By enabling Kegan's distinction between inclusion and independence to be perceived more precisely in terms of figure and ground, the preceding clarifications lend enhanced trustworthiness to the proposition that a higher proportion of those legal practitioners who do progress to the fifth order of consciousness may be women. Given their position as outsiders in relation to the male-dominated, individualistically inclined value system of the legal profession, and their apparent predisposition to making the experience of interdependence the ground, or base, from which they approach experiences of self-agency, women lawyers may be more primed than their male counterparts to identify and question discrepancies and anomalies between their internal, private experi-

ence of reality and the external, publicly constructed, received reality with which they are expected to comply. Differences between their personal constructions of reality and those circulating within their professional culture may be more palpable to the women lawyers and, accordingly, more conducive to inciting them to interrogate the epistemological underpinnings of their relationship to the institutionalist ethos of their professional milieu. Their engagement in this inquisitorial process, together with their averred greater facility at recruiting mutually reciprocal social supports, may enable them to formulate a more complex and inclusive inter-institutionalist, fifth-order reconstruction of reality.

As has been discussed earlier, Gilligan was perplexed by psychologists' findings of females' lower developmental level and questioned the adequacy of the theoretical foundations on which those findings were based. In the course of striving, as Gilligan herself puts it, 'to discover whether something had been missed by the practice of leaving out girls and women at the theory-building stage of research in developmental psychology,' she identified 'a different way of constituting the idea of the self and the idea of what is moral' (1986: 325–6). Despite considerable debate surrounding her work, Gilligan has continued to interpret her findings as indicating that 'discrepant data on girls and women, commonly interpreted as female deficiency, pointed instead to a problem in psychological theory' (326).

Essentially, the problem with existing psychological theory, from Gilligan's viewpoint, is that its exponents readily attend to and incorporate 'the voice that speaks of justice and separation' into their discourse on human development, but fail to listen to and incorporate 'the voice that speaks of care and connection' (1982b: 209). Hence, Gilligan goes on to argue that women are not underdeveloped relative to men, but that their morality is best expressed, not as a hierarchically ordered set of principles, but rather as an 'activity of care' and of responsibility. Therefore, Kohlberg's categories of moral reasoning (e.g., Kohlberg, 1973, 1984) fail to capture women's constructions of what is moral. In addition, Gilligan alleges, the failure to represent women's experience has the effect of contributing to the presentation of competitive relationships and hierarchical modes of social organization as 'the natural ordering of life' (1982b: 210).

Kegan's work is contemporaneous with that of Gilligan. By focusing on the evolution of meaning-systems, endowing independence and inclusion with equal reverence, and orienting to the dynamic relation-

ship between them, Kegan seeks to transcend gender and cultural bias and to encompass the 'single context we all share and from which both sides of the tension spring' (1982: 209). Gilligan, too, seeks to transcend gender and cultural bias in the construction of psychological theory by bringing women's and girls' voices to the surface of the human conversation. Thereby, she strives to promote what she sees as the 'ongoing historical process of changing the voice of the world,' from one which sustains 'a male-voiced civilization and an order of living that is founded on disconnection from women,' to one which acknowledges the costs of detachment and succours the human struggle for connection (1993: ix-xxvii). Gilligan's basic premise that 'we live not in separation but in relationship' would appear to be subsumed by Kegan's abiding assumption that we live within the thrall of the twofold human yearning for independence and inclusion. Yet, in fact, their respective approaches furnish quite distinct, though complementary, insights, which Kegan himself acknowledges can be beneficially coupled in projects aimed at apprehending the self and the nature of its development.

Kegan identifies Gilligan's major contribution to adult development theory as that of making it clear that the story of development or maturation, when told as one of 'ever-unfolding separation from valued connections and relations,' is not the story of everyone's development, especially not that of every woman or those from non-Western cultures. However, cleaving to the basic principle of subject-object theory which states that differentiation always precedes integration, he suggests that Gilligan's insight might be more helpfully characterized by saying that 'the story of development as "increasing differentiation" or "increasing autonomy" is not a story that should be told in only one way' (1994: 221). He elaborates:

'Increasing differentiation' may indeed be part of the story of everyone's development, but 'increasing differentiation' can itself be the story of staying connected in the new way, of continuing to hold onto one's precious connections and loyalties while refashioning one's relationship to them so that one *makes them up* rather than *gets made up* by them. 'Increasing autonomy' does not have to be a story of increasing aloneness. 'Deciding *for* myself' does not have to equal 'deciding *by* myself.' (1994: 221-2; italics in original)

The characterization of everyone's development as involving increasing differentiation is problematic, Kegan argues, not because differenti-

ation itself is intrinsically 'a male conception of growth,' but because 'the traditional rendering or interpretation or "voice" of differentiation has been male-biased' (1994: 222). It is differentiation, he insists, which makes possible the forging of a new relationship to that with which one has hitherto been fused. Kegan's insistence that differentiation always precedes integration, together with his assumptions that we may all be in the grip of a fundamental evolutionary ambivalence between the yearning for inclusion and the yearning for independence, and that 'maleness'/'femaleness' may constitute but one expression of this tension, will be further scrutinized in the three remaining themes.

Even if Kegan's framework does succeed in more accurately capturing the course of human development, and even if all members of the legal profession are vulnerable to becoming imbued with an individualistic ethos that is conducive to a protracted moratorium at the fourth-order institutional balance, it is still probable that more female than male legal practitioners may eventually move to the fifth, inter-institutional order of epistemological complexity. Women in the private practice of law may more readily than their male counterparts come to differentiate or shift from ground to figure the ideology of abstract, depersonalized objectivity on which so much legal discourse is premised, and to inhabit a more expansive and complex psychological universe in which the ideology of objectivity is but one within a vibrating web of interacting ideologies.

Phrased in closer harmony with Kegan's vision of the process of differentiation, women in law may be provoked to repudiate and relativize their profession's institutionalist over-identification with a single abstract ideological system, self-authorship, individual autonomy, and individualistic achievement. Those fortunate few graced by the clemency of a fully functioning holding environment, may evolve to the point of favouring the inter-institutionalist recognition and appreciation of the dialectical interplay between ideological systems, the interpenetration of distinct, self-authoring, multi-systemic selves, and the ultimate possibility of authentic intimacy. Moreover, these women may harbour a richer store of emotional experience and a capacity for empathy and introspection which, as Gilligan (1993) asserts, have long been strengths of women, though insufficiently recognized and esteemed.

Against the background of Kegan's and Gilligan's complementary insights, Clara's admonition that women make common cause with one another, and take collective action to challenge the status quo, may be interpreted as a call for women in law to afford one another an alterna-

tive, more collaborative holding environment than that afforded by the mainstream of the profession or by society at large. Such a psychosocially supportive holding environment would help to counteract the effects of co-optation, including those mechanisms by which, as described by Clara, conforming women within the profession are used to discredit those who object to the existing state of affairs. It would also help to hearten more women lawyers to join with Emma in actively examining the ideologies, conventions, and practices that issue from the heavily circumscribed world view constructed by and for the benefit of privileged white males. In a fashion paralleling Gilligan's advocacy of the maintenance of authentic communication between girls and women, such collective action would be potentially revolutionary. By bringing the anomalous experiences and constructions of reality of women in law out into clearer light, it would expose the mechanisms by which the predominating male-biased rendering of reality is taken as fact and assimilated into the central canons governing not only professional practice, but legal discourse itself.

### **Theme 12: Conforming to Established Norms, Expectations, and Conventions of the Legal Profession**

This theme, counterpoised with the previous one, inclines the scales toward social embeddedness, solidarity, and orthodoxy.

'Sticking to our knitting' and 'toeing a line' are figures of speech Gillian employs to convey her sense of the degree to which lawyers generally, but women particularly, are expected to conform to the prescribed protocol and conventions of the legal profession. Gillian's perception that female practitioners are obliged to be especially vigilant about maintaining emotional control and decorum, as any outburst or indiscretion by one woman can be used to stigmatize all women lawyers, conveys the impression of definite pressures toward conformity.

Both Clara's and Emma's constructions corroborate Gillian's account of the particular constraints within which women lawyers evidently feel compelled to operate. They also afford vivid illustrations of specific mechanisms by which women lawyers' behaviour is regulated and by which, in turn, the law may be seen to be maintained as a gender-biased profession. In Clara's construction, such pressures are exemplified most pointedly in her description of herself as marginal to the predominantly male ethos of the legal milieu, despite her acknowledged accomplishments and reputation as an eminent lawyer. Clara's perception of some



of the mechanisms by which these pressures are exerted is expressed in several of her observations. She notes, for example, that women lawyers who are successful within the prescriptions of the traditional male culture are used as orthodox role models to control other women lawyers. She observes further that her female peers who are achieving eminence in the profession are either childless or minimally involved in child-rearing, and have followed careers which have been gender-neutral or have had nothing explicitly feminist about them. More succinctly, Clara asserts that for a woman to be conventionally successful, she must adhere to a career pattern carefully modelled on that of her male counterparts.

Evidence of the degree to which Emma perceives the legal profession to be imbued with a male-oriented view of the world is implied in her contention that many of her male colleagues have no appreciation of the degree to which the roles of mothering and lawyering conflict. She recalls vividly the agonizing sense of isolation from her fellow female partners, aggravated by fear of a backlash from her male colleagues, which she sustained during her lone protest against the location of her firm's celebrations.

#### *Theme 12 in Relation to Theoretical Perspectives*

Intrinsic to Kegan's idea of the evolution of consciousness is the concept of the psychosocial holding environment, or culture of embeddedness, as 'the very context in which, and out of which, the person grows,' or the 'most intimate of contexts out of which we repeatedly are recreated' (1982: 116, 121). In Kegan's view, there is not just one critically important holding environment in early life, as suggested by psychoanalytically oriented perspectives such as that of Winnicott (1965), but rather 'a succession of holding environments, a life history of cultures of embeddedness.' Regardless of how much we evolve, we are destined to always remain embedded, and Kegan's (1994) investigation of the mental demands of modern life as they relate to the capacities of the adult mind is premised on this assumption.

The legal professional milieu may be conceived as constituting a major culture of embeddedness which holds women lawyers in a constraining, constricting, or confining manner, rather than a developmentally supportive one. Women lawyers' response to the prospect of incurring penalties for transgressing or disobeying established conventions and protocol, as depicted by Gillian, may be seen as comprising an essentially defensive, thoroughly compliant coping strategy. Those

women lawyers' conforming behaviour is consistent with the orientation to mutuality and reciprocity and 'the organization of the self around the expectations of the other' that, as Kegan himself points out, is not only intrinsic to the traditional cultural stereotype of femininity and to his own postulated interpersonalist balance (1982: 211), but also constitutes the epistemological underpinning of traditionalist culture generally (1994).

From the perspective of Kegan's framework, then, women lawyers' outwardly compliant behaviour may at first glance seem a manifestation of possible embeddedness at the interpersonalist truce, or third order of consciousness. More discomfortingly, by adapting one of Kegan's phrases, women lawyers' conformity may be interpreted as a kind of evolutionary quadruple-whammy that women in the legal profession are commonly required to endure. As Kegan himself contends, 'it both overholds (undercontradicts) the interpersonalist balance *and* fails to recognize or hold the emergence of a self-authoring identity' (1982: 211; italics in original). But when the image of the law firm as a holding environment which both overholds and undercontradicts the fourth order institutionalist balance *and* fails to recognize or the emergence of a fifth order inter-institutionalist self, is taken into account, the evolutionary hazards associated with being a woman lawyer in private practice may be seen to be considerably compounded.

An even more vexatious tangle of complexities is unveiled when additional assertions made by Kegan in his more recent work are applied to the personal and professional holding environments afforded women lawyers in contemporary Canadian society. Kegan maintains that the epistemological underpinning of traditional culture is actually the interpersonalist third order of consciousness, that of modern culture the institutionalist fourth order, and that of post-modern culture the inter-institutionalist fifth order. Moreover, he claims that, for the first time in human history, all three mentalities – the traditional, the modern, and the post-modern – co-exist, side by side among the adult population.

In view of Kegan's tripartite vision of contemporary culture, women lawyers may be perceived to be confronted with contradictory cultures of embeddedness as they move in and out of the different realms of their lives. While their professional culture of embeddedness would appear to rest on the epistemological underpinnings of modernism and to accordingly support the fourth order of consciousness, their personal culture of embeddedness may well, for many, remain rooted in the epistemological wellsprings of traditionalism and, therefore, support the

third order of consciousness. Alternatively, the personal culture of embeddedness of some women lawyers, especially those who have ties to intellectual or cultural elites, may have as its fountainhead the epistemologically pluralistic ferment of post-modernism and, thus, uphold the fifth order of consciousness. Hence, except for rare instances of harmonious, fourth order synchrony between their personal and professional cultures of embeddedness, women lawyers may be required to continually grapple with antagonistic mental demands emanating from epistemological substructures that are fundamentally at variance with one another.

Support for such an interpretation may be found in evidence which suggests that women lawyers are required to incorporate both masculine and feminine behaviours in an exquisitely intricate fashion into their professional self-presentations. Data assembled at hearings conducted by the American Bar Association (1988) enunciate concisely the contradictions inherent in the role women lawyers are typically required to play. Striking the right balance as a woman lawyer between behaving in a manner consistent with the prescribed male-oriented image of what a lawyer is, and yet retaining sufficient readily identifiable nuances of femininity so as not to be perceived as unfeminine, was identified at the hearings as an exceedingly perilous enterprise which is fraught with irony: 'Women walk a fine line between being regarded as too feminine (and thus not tough, lawyerlike or smart) or too tough (and thus unfeminine or not the kind of woman male colleagues feel comfortable relating to)' (pp. 3-4).

Emma's experience of her female colleagues' unwillingness to publicly support her protest and the findings outlined above are consonant with Gilligan's research: 'The difficulty that women experience in finding or speaking publicly in their own voices emerges repeatedly in the form of qualification and self-doubt, but also in intimations of a divided judgment, a public assessment and private assessment which are fundamentally at odds' (1982a: 16).

In attempting to resolve this form of cognitive dissonance, women in many settings may feel obliged to present publicly a professional facade of conformity which they privately repudiate. Alternatively, as Shaughnessy (1988) suggests, they may ultimately internalize the 'public assessment.' Through such a process of internalizing the dominant culture of the legal profession, women lawyers may come to perceive the values and mores of the traditional mainstream of the profession as legitimate and, as Belenky et al. (1986) contend, may ultimately come to doubt

and devalue their own inherent womanly ways of being, experiencing, relating, knowing, and assessing value. Emma attributes the particular prevalence of a reluctance to say no among her cohort of female lawyers to their small numbers at her level of seniority, to their exposure to discrimination, and to their keen sense of obligation to supply female representation on influential committees. This may be understood as a manifestation of women's routine subordination of their own private judgment to the longstanding expectations of accommodation to the status quo expressly or tacitly prescribed by the traditional legal profession.

Evidence of specific experiences which closely parallel Emma's sense of isolation and fear and her corresponding sense of pressure to refrain from challenging the existing norms and practices of her professional milieu, is recounted in the American Bar Association report. In cautioning against complacency concerning the current status of women within the profession, the association's commission on women in the legal profession points to 'a significant amount of testimony about continued instances of overt discrimination.' Forms of discrimination documented in detail include 'demeaning comments made to women attorneys by male judges and male lawyers' and the physical ejection of a woman lawyer from a private men's club (1988: 2-3).

Persuasive statistical and anecdotal evidence that Canadian women lawyers are required to participate within the legal profession on men's terms is provided in the reports, cited earlier, which were commissioned by the Law Society of Upper Canada (1991, 1997) and the Canadian Bar Association (1993), as well as research conducted by Hagan (1993) and Hagan and Kay (1995). Cumulatively, these studies document the widespread experience of gender bias in the legal profession in Canada, and detail entrenched mechanisms and practices through which gender-related biases lead to forms of stratification of opportunities for career development and advancement that are seriously disadvantageous to women.

The composite profile of the ideal private practitioner of law that emerges resonates with Clara's, Emma's, and Gillian's composite portrayal of the staunchly male ethos of the legal milieu with which they are personally familiar. The model lawyer in private practice is male, white, highly competent, accomplished, and respected, and, although a family man, has an uninterrupted history of consistent dedication to his firm and of exceeding his annual quota of at least 1,600 billable hours. Despite the fact that the number of women practising law in Canada has grown dramatically since 1971 and women lawyers already comprised

approximately 27 per cent of the practising bar by 1993, the circumscription of women's perspective in epitomizing the archetypal lawyer still persists. Not surprisingly, in view of this conspicuous absence of women's influence, a glaring lack of accommodation to women's unique and central role in reproduction emerges as the greatest single barrier to women's advancement within law firms and as the most compelling reason for women's departure from private practice. The time frames governing women's reproductive cycles and their greater burden of family-related responsibilities render conformity to the existing male model of the ideal private practitioner unreasonable and unrealistic for women lawyers who become mothers and/or shoulder family-related responsibilities.

Nevertheless, somewhat ironically considering the indifference of the mainstream of the legal profession to its women lawyers' family-related responsibilities, a definite propensity for women lawyers to be channelled into areas of practice considered appropriate, such as family and juvenile law, further curtails their career advancement. Additional discriminatory practices which place women lawyers at a disadvantage and induce deference to male-oriented norms are also prevalent in the selective allocation of cases and files, promotional activities aimed at client recruitment and retention, criteria used to determine levels of remuneration and eligibility for partnership, procedures affecting admissibility to powerful committees, and supervision and mentoring patterns.

From the psychoanalytically rooted perspective of Erikson (1963, 1969, 1982), women lawyers' externally induced compliance with an array of norms, expectations, and practices may be seen as having the potential to obstruct radically their individual ego development. As a psychoanalyst concerned with integration and the ego, Erikson regards identity in its fullest realization as the integration of integrations, or the supreme psychic process by which a multiplicity of psychic phenomena are gathered, encompassed, and coordinated. In that sense, he regards identity as the epitome of ego functioning. While refraining from a restrictive definition of the concept of identity, Erikson asserts that it involves a subjective sense of an invigorating sameness and continuity, as well as a continuing process of integration. Erikson's notion of identity is encapsulated by Evans: 'It is a configuration gradually integrating constitutional givens, idiosyncratic libidinal needs, favoured capacities, significant identifications, effective defenses, successful sublimations, and consistent roles' (1967: 68). Thus, a fully integrated identity would

require a form of superordinate individual synthesis of the more specific intrapsychic integrations the ego is required to orchestrate throughout life.

Identity formation is also, in Erikson's view, a psychosocial process located in the core of the individual and in the core of his or her communal culture. Accordingly, and in harmony with Kegan's conception of the evolving self, effective assertion of identity requires recognition, response, and concordance between some wider section of society and the individual himself or herself. Erikson also avers that, in order to flourish psychosocially, human beings 'must acquire a "conflict-free" habitual use of a dominant faculty, to be elaborated in an occupation' (1963: 270–1). Further, in another context and in a manner more specifically pertinent to the issue of the pressures experienced by women lawyers, he emphasizes the critical importance of resisting vigorously definition by others. He then adds the poignant caution that when future growth in accordance with one's true identity becomes unfulfillable, a profound rage is aroused which is comparable to that of an animal driven into a corner.

Evidence of such dramatic reactions to externally imposed self-definitions is not presented by the research co-participants in the present inquiry. But, as both Kegan's and Erikson's frameworks imply, persons do not have to be in glaringly apparent distress to warrant concern about their psychological wellbeing. Clara's allusions to the considerable costs associated with the success she and other women in law seem to have achieved, and to the compromises and sometimes the pain that are intrinsic to her own work, may be intimations of the extent to which an undue proportion of many women lawyers' intrapsychic resources are routinely dissipated. Much of their energy and ingenuity is systematically diverted to the challenge of reconciling the necessity to deliver convincing performances of technical legal competence with a privately held perception that the very legal framework, system, or culture within which they are required to function may be fundamentally antagonistic toward their personal experience, values, judgment, and convictions.

### **Theme 13: Reconciling Profit-Generating and Pro Bono Endeavours**

In the light of the current intense emphasis on profit generation, as depicted by Clara and Emma, and of the increasingly intense competitiveness among private practitioners in the Toronto area, as portrayed

by Clara, Frank, and Gillian, the theme of reconciling profit-generating and pro bono endeavours is placed on the side of the scales tilted toward social independence. This placement serves to denote the assertions advanced by Clara, Emma, and Gillian concerning the existence of a pronounced proclivity within the legal profession to subordinate concern for the welfare of less advantageously placed members of the wider community to the pursuit of lawyers' own self-interests and the generation of law firm profits.

The practical dilemmas intrinsic to reconciling what they, as private practitioners, acknowledge as the irrefutable imperative of profit generation with what they perceive to be the professional obligation of providing pro bono or pro rated services are examined explicitly in Clara's and Emma's constructions. The trend toward the deprofessionalization of the legal profession, commodification of legal services, and corresponding accentuation of emphasis on productivity and profit generation, illustrate Clara's perception that the provision of pro bono services has been downgraded within the overall value system of the legal profession. Clara's observation that the trend toward the corporatization of large law firms has entailed movement away from a professional model of service to a more formally corporate model of donating a specific amount of legal services coincides with her sense of urgency and obligation to attend more intensively to her personal as well as her firm's long-term survival.

Clara's sense of pressure to marshal more of her resources in the direction of productivity and profit generation is echoed in Emma's description of the struggle she experiences to ensure that her commitment to community service does not become submerged by her overriding commitment to contributing significantly to the productivity and profitability of her firm. Reverberations of Clara's perception of the corporatization of large law firms are also discernible in Emma's view that it is questionable whether her law firm accords any meaningful recognition to work which is not of a directly profit-generating nature and that, therefore, her commitment to devoting several hundred hours annually to voluntary, non-remunerative work on behalf of the wider legal community is rendered all the more difficult to legitimate and maintain.

Gillian corroborates Clara's assertions on the decline of professional standards. However, her speculation that this erosion may be attributable to the pressure on the educational system exerted by the postwar baby boom, and the deprivation of many trainee lawyers of mentoring by superb professionals, is at variance with Clara's view of the underlying causes.

*Theme 13 in Relation to Theoretical Perspectives*

Within Kegan's paradigm, neither an individualistic nor a communitarian orientation is assigned greater value. But Kegan does acknowledge that there exists in North American culture a strong predilection toward individualism and the valuing of such pursuits as personal independence, achievement, and aggrandizement (1982: 208). He accordingly presupposes that the relationship between 'the culture at large,' or what is ordinarily referred to as culture, and 'the more intimate cultures of embeddedness,' is not accidental (211). The culture and values of the larger society are incorporated into its social institutions. By thus providing the ideological basis for the social institutions which reinforce and perpetuate the established social order, the culture at large shapes the cultures of embeddedness of the more immediate institutions within which persons operate. The professional cultures of embeddedness afforded by the law firms within which Clara and Emma practise may be viewed, therefore, as heavily oriented toward the individualism that pervades the culture at large and as, therefore, not supportive of Clara's and Emma's community-service commitments.

In his 1994 work, in which he extends his interest in the relationship between the culture at large and the more intimate cultures of embeddedness to an intensive investigation of 'the fit or lack of fit between what the culture demands of our minds and our mental capacity to meet these demands' (9), Kegan reveals the astonishing extent to which the demands made in both the public and private realms of contemporary life interlock with the fourth order of consciousness. Having surveyed the expert literatures on the public domain of work, he concludes that there is an increasingly pervasive epistemological demand on workers at all levels to be 'self-initiating, self-correcting, and self-evaluating' rather than dependent on others to 'frame the problems, initiate the adjustments, or determine whether things are going acceptably well.' The demand to be self-evaluating and self-correcting requires, he argues, a meta-leap beyond the third order of consciousness, where the determination of what is valuable is made by the psychological surround, to the fourth order, where the standard, theory, or philosophy of what makes something valuable is internally generated (168-9). Clara's and Emma's constructions of their enduring personal commitment to the provision of law-related community services may be seen in concordance with Kegan's assertions, then, as further evidence of their respective fourth-order capacities to be guided by their own unique visions of



what is worthy of being valued, rather than being captives of or *unself-consciously* subject to the heavily individualistic ideologies permeating the culture of the legal profession and the surrounding society.

In large law firms, as in society at large, privileged men continue to be the gatekeepers of resources and the adjudicators of priorities on their distribution and deployment. Privileged men tend to be insulated from exposure to those members of society who are needy and, as Tronto (1987) points out, from direct experience in caring for others and being cared for by others. Conversely, women may subscribe, or be socialized to subscribe, to the 'ethic of care.' This, in interaction with women's disproportionate amount of concrete experience as care-givers and as dependants on the benevolence of others, may render them more predisposed to a world view that highlights social interdependence and collective responsibility.

Against the background of these observations, Clara's, Emma's, and Gillian's concerns about the deprofessionalization of the legal profession, the corporatization of law firms, and the relegation of pro bono services to a tenuous position within the value system upheld by the profession may be interpreted as expressions of their subscription to a more socially oriented world view. Their concerns may also be interpreted as a further indication of the possible existence of a more general tendency among women lawyers to respond with ambivalence to a moral and legal system centred on individualism and the protection of privacy. Regardless of Clara's, Emma's, and Gillian's individual professional eminence, the relative marginality of the 'different' moral promptings embodied in their lamentations concerning the erosion of the professional model of service means that it is beyond their power to decide when, how, or whether those promptings are heard. Therefore, to ensure their long-term survival as private practitioners, they have few options other than to comply with the profit-oriented dictates of the prevailing ethos and dedicate greater amounts of their own discretionary time to the performance of community service.

A variation on this interpretation is suggested by Weinrib, who asserts that women may be acculturated to attach less value than do men to the prizes that the legal profession has to offer – 'money, posh offices, prestige,' and 'vast support services,' and that this, in turn, 'may be contingent upon the prevailing idea that a man must be a successful breadwinner, either to support a family or fulfil a preconception of worth and accomplishment' (1989: 4, n.7). Compounding further the general issue of the allegedly greater communitarian sympathies of female law-

yers and more individualistic sympathies of male lawyers is the fact that, as Abel and Lewis (1988) point out, economic, political, and social trends beyond the control of the legal profession exert considerable influence on the values which it espouses at any given time. Therefore, these trends will affect its level of commitment to promoting the pursuit of ideals of professional service or of profit maximization. An illustration of the impact of macroeconomic change on the internal politics of the legal profession is provided by Hagan (1993), who cautions that the economic slowdown of the early 1990s may have intensified the pressures toward greater productivity and have thus exacerbated smouldering gender-associated conflicts concerning values and work.

#### **Theme 14: Contributing Socially Beneficial Services to the Community**

A counterweight to the lack of a consensus of values and the potential for ideological splintering within the legal profession implied by theme 13 is afforded by the images of social connectedness, interdependence, and solidarity evoked by this theme.

The fulfilment of one's professional obligation to the community constitutes a key dimension of the constructions of all four female lawyers. Barbara, Clara, and Emma each frame it in terms of a sense of duty to reciprocate to the community some of the benefits they now enjoy as a result of having had the privilege of receiving higher education or other advantages. Gillian casts it in terms of looking after the less fortunate members of society, such as widows and orphans, and widowers.

None of the four male lawyers explicitly articulates a similar sense of professional obligation. Alan does use the term, but he employs it to refer to maintaining competence in the performance of his lawyering tasks. However, the keen sense of responsibility which he evinces in relation to his voluntary service as a senior executive of the lawyers' professional organization, along with his citing of his desire to make significant contributions to the community as one of his basic motivations for becoming a lawyer, indicate his general attitude of obligation to both his colleagues in law and the community at large. While Frank's construction of success emphatically dissociates him from any desire whatsoever to engage directly in the alleviation of human misery, it does accord premier status to his accomplishments during more than sixteen years of voluntary service as an executive officer of an organization devoted to the development of Canadian artists.

Another dimension of social responsibility, mentoring, is mentioned

by Barbara, Clara, Donald, and Emma and is constructed by each as a significant and gratifying enterprise.

*Theme 14 in Relation to Theoretical Perspectives*

Kegan (1994) retains the epistemological distinctions between the five evolutionary truces, or orders of consciousness, as well as the distinctions between an orientation to yearning for inclusion and yearning for independence, which he had posited earlier (1979, 1982). But, in the interests of averting gender and cultural biases, he does offer the modification that a stylistic preference for either of the two fundamental yearnings can be discerned at each order of consciousness. A separate or a connected style of relating may be in play, therefore, at any of the orders of consciousness or at any of the transitional positions between them. As Kegan explains, 'the structural "distance" of epistemological distinction does not have to create the social or emotional "distance" of separateness' (1994: 222). Evidence that lends support both to Kegan's new assertion and to his earlier speculation that women may 'tend to move through' all of the evolutionary truces 'in a more integrated way,' and that men may tend to move 'in a more differentiated way' (1982: 210) is to be found in the individual female lawyers' evident capacity to relativize the stoutly individualistic ethos of their professional holding environments and to take command of themselves without taking leave of their social connections. Although all four of the female co-participants express a sense of professional obligation which they construct in terms of duties of reciprocity to the community, only two of the male co-participants allude to voluntary service to the community. Of those, only Alan expressly constructs his voluntary endeavours in terms of the worthwhile nature of helping others. Frank's construction of his extensive voluntary service to the development of Canadian artists is cast primarily in terms of his own career achievements.

The female co-participants' greater social service orientation accords not only with Kegan's suppositions, but also with Gilligan's description of the different moral voices that she claims are empirically associated with women and men (Gilligan, 1982a, 1982b, 1986, 1993). Menkel-Meadow (1985, 1987a, 1987b), who explores the implications of Gilligan's thesis for the potential of women lawyers to transform not only the predominantly male culture of the legal profession but legal doctrine itself, cautions that it is well to remember 'that care, connection, and relationship are what women may need to be connected to the men who

provide literal as well as figurative lifelines' (1987b: 43). Other commentators on Gilligan's thesis (e.g., Broughton, 1983; Kerber, 1986; Tronto, 1987; Puka, 1990) aver that the ethic of care she describes may constitute a psychological artifact of subordination within oppressive patriarchal cultures. They warn of the dangers of reviving rigid Cartesian rational-affective dualism along with the notion of symmetrical male-female complementarity. They also caution against the hazards of confounding the so-called different female moral voice with characteristics stereotypically attributed to and expected of women, as well as those associated with presenting a quixotically oversimplified version of the nature of persons' conceptualization of morality.

In laying the foundations for an alternative interpretation of Gilligan's own text, Puka (1990), for example, suggests that what she has been studying are:

- (a) socialization, reflective consciousness-raising, and coping more than moral development; (b) gender-based coping more than a care theme of coping which women happen to prefer; and (c) coping with oppression and especially sexism rather than more general coping with moral issues. (Puka, 1990; cited in Larrabee, 1993: 224)

Puka goes on to posit an alternative working hypothesis, which he labels 'care as liberation.' He interprets the phenomena that Gilligan has observed as indicating primarily a skilful 'form of coping with sexism' (219) and as comprising a perceptive and 'artfully ordered' rendering of both women's 'moral *socialization*' (220; italics in original) and their experience of consciousness-raising and self-reflection processes (232–3). From Puka's perspective, then, the ethic of care is 'not a general course of moral development, primarily, but a set of coping strategies for dealing with sexist oppression in particular' (215). Thus, the tendency toward a greater social service orientation on the part of the female co-participants' might result primarily from their socialization into caring roles in sexist society.

Yet Gilligan's three defining properties of the ethic of care – its moral preoccupation with helping and not hurting others, its sense of the world as cohering through human connection, and its notions of responsibility to others – are all strongly expressed in the constructions of the four female co-participants. Barbara vigorously describes her social-worker streak and specifies how her feminist stance is intended, not to hurt any man, but to help women. Clara, who explicitly identifies

as one of her basic beliefs the idea that part of being in the world is to be involved in things that touch one's fellow human beings, stresses her sense of responsibility to make something out of the benefits she has received, not just for herself, but for other people. She explains that her commitment to redressing injustice against women is simply the specialty within the plenitude of her social justice concerns on which she has elected to focus. Emma accentuates her sense of obligation to reciprocate to the community at large benefits which she has received. She cites the enjoyment of relationships as a central purpose of our earthly existence, and highlights her strong motivation to help forestall a major gender-based conflict while championing the interests of women within the legal profession. Gillian, too, accords much importance to the performance of a community service, in the sense of looking after its less fortunate members.

Thus, the four women lawyers may be seen to display clearly discernible tendencies to speak in a voice that differs from that of at least three of their four male counterparts. Through her research focus on 'the dissonance between psychological theory and women's experience' (1986: 325) Gilligan does seem to have captured, in her demarcation of the ethic of care, aspects of particularly prominent features of the constructions of life-career success of the four female lawyers interviewed for this inquiry.

The fact that Alan considers helping other members of the community a worthwhile endeavour is by no means dissonant with Gilligan's thesis. Gilligan takes pains to explain that the different voice she postulates 'is identified not by gender but by theme' and 'is neither biologically determined nor unique to women' (1986: 327). Moreover, while observing that the different voice is associated with women, she cautions that this association is not absolute and that 'the contrasts between male and female voices' presented in her work are intended to 'highlight a distinction between two modes of thought and to focus a problem of interpretation rather than to represent a generalization about either sex' (1982a: 2; 1986: 327).

The ethic of care Gilligan describes has a certain kinship with the generativity which Erikson (1963, 1982) considers essential to continued psychosocial development during middle adulthood. Barbara's, Clara's, Donald's, and Emma's constructions of the sense of gratification or purpose they derive from mentoring, teaching, or guiding younger lawyers are in harmony with Erikson's specific assertion that the virtue of 'Care' emerges during adulthood through resolution of the psychosocial crisis

of 'generativity vs. self-absorption and stagnation.' As Erikson employs the term, generativity comprises a kind of intergenerational link for ensuring the maintenance of human life and 'encompasses *procreativity*, *productivity*, and *creativity*' (1982: 67; italics in original). Generativity also embraces 'the generation of new beings as well as of new products and new ideas, including a kind of self-generation concerned with further identity development.' Correspondingly, the virtue of 'Care' consists of 'a widening commitment to *take care of* the persons, the products, and the ideas one has learned *to care for*' (ibid., italics in original).

Generativity, in the sense used by Erikson, therefore, implies renewal. It includes procreation, which ensures the survival of the species and endows parents with a form of self-perpetuation through their progeny. It also extends to nurturing future generations through creativity and productivity in such endeavours as artistic enterprise and scientific research. This form of generativity enables affirmation of the self, while contributing to cultural continuity. Thus, the mentoring activities of Barbara, Clara, Donald, and Emma may be viewed both as indications of their ongoing identity development and as specific manifestations of the virtue of 'Care,' in Erikson's sense, directed toward the succeeding generation of Canadian lawyers. From yet another angle, these co-participants' mentoring endeavours might be interpreted as evidence of Gilligan's ethic of care being translated into concrete action.

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Part Four

## **Concluding Propositions and Implications**



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## Chapter 7

# Re-visioning Life-Career Success

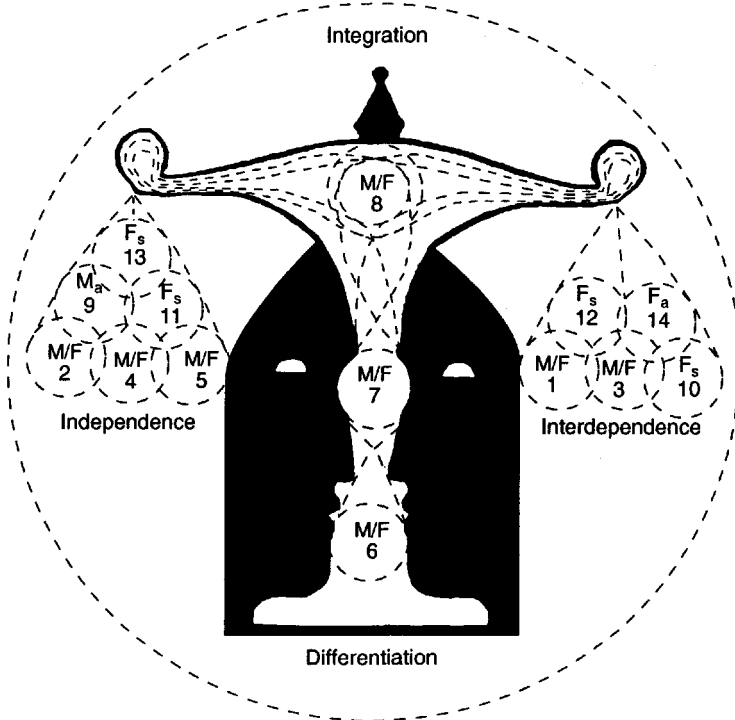
The inquiry process has unveiled a fundamental paradox at the core of the constructions of life-career success enunciated by the eminent, conventionally successful lawyers profiled. The themes garnered from their composite constructions call into question the prevailing conception of career success as the culmination of a linear, unidirectional enterprise aimed at the attainment of wealth, power, and prestige. In no sense an alternate formulaic prescription for career success, the paradigm of the scales of success points instead to a holistic vision of life-career success during middle adulthood which embraces a fecund universe of dynamically interactive cognitive, intrapersonal, and interpersonal spheres of development. Within that universe, the elemental human longings for independence and inclusion are apprehended as kindred presences which are perpetually held in a state of intricate, dialectical tension.

The inquiry focus is adjusted in this final chapter from exploring the fourteen discrete themes to considering the key relationships between them. After its reassembly to combine the common themes with the gender-linked themes, the metaphoric intrapsychic scales invites extrapolation of the most basic dimensions of life-career success during middle adulthood from the composite constructions of the research co-participants. With its gyroscopic centre of gravity at theme 8 interconnected with its vibrating clusters of intimately interactive themes and encircled by its porous outer perimeter, the image of the vacillating scales enables deduction of three general conclusions, which are expressed as provisional propositions (see figure 7.1).

First, and most centrally, life-career success during middle adulthood involves an ongoing, reiterative, dialectical process of paradox resolution. Second, life-career success is associated with gender-linked differ-

F: Female  
F<sub>s</sub>: Female Specific  
F<sub>a</sub>: Female Associated

M: Male  
M<sub>s</sub>: Male Specific  
M<sub>a</sub>: Male Associated



1. Enjoying social approval, recognition, or esteem.
2. Acting in accordance with one's principles, ideals, or highest values.
3. Contributing to the realization of justice in Canadian society.
4. Performing well in the face of major challenges.
5. Contributing to making our description of truth accurate.
6. Experiencing a sense of contentment, happiness, satisfaction, or accomplishment.
7. Acting in response to a sense of wanting something more, of something unfulfilled, of disillusionment, discontent, or distress.
8. Reconstructing one's construction of what constitutes life-career success.
9. Experiencing a sense of freedom, autonomy, independence, or self-direction.
10. Integrating the personal and professional domains of one's existence.
11. Challenging the male-dominated mainstream ethos of the legal profession.
12. Conforming to established norms, expectations, and conventions of the legal profession.
13. Reconciling profit-generating and pro bono endeavours.
14. Contributing socially beneficial services to the community.

Figure 7.1: Scales of Success: Concluding Propositions

ences in epistemological complexity and inclusiveness. Third, life-career success entails integrating social independence and interdependence with personally espoused ideals. Although these three propositions are perceived to be intertwined in an intricately dynamic interplay of many-stranded tensions, which constantly wax and wane, they are discussed separately for the sake of clarity.

### **Life-Career Success as a Dialectical Process of Paradox Resolution**

The eight co-participants' synthesized constructions of life-career success can be seen as an ongoing and reiterative dialectical process of paradox resolution when one looks at the fourteen themes through the lens of the metaphorical scales as a whole. The epitomization of life-career success during middle adulthood as a dialectical process is most obviously implied by the circularity of the boundary within which the scales are enclosed. That the dialectical process entails intrapsychic dialogues during which contradictory and juxtaposed issues and arguments are weighed and counterweighed until an acceptable form of reconciliation has been realized is insinuated by the position of the mirror-image silhouettes as frames defining the contours of the supporting shaft of the scales, within which themes 6, 7, and 8 are enfolded.

The proposition that constructions of what constitutes life-career success during middle adulthood call for acknowledgment and propitiation of contradictory and juxtaposed issues and arguments is supported by the way in which themes 1 to 5 and 9 through 14 lend themselves to assignment within the counter-poised but highly interactive clusters of continuously evolving themes. An orientation to perceiving life-career success as an elusive horizon, a fluid, bitter-sweet cyclical process that never truly expends itself, is evoked when the transparently contradictory issues encompassed by the themes entitled 'Enjoying social approval, recognition, or esteem' (1) and 'Experiencing a sense of freedom, autonomy, independence, or self-direction' (2) are examined as dynamically interactive presences. Similarly, when such themes as 'Challenging the male-dominated mainstream ethos of the legal profession' (11) and 'Conforming to established norms, expectations, and conventions of the legal profession' (12) are considered in terms of their patently antithetical content, the challenge of appropriating the struggle for resolution of the polarities of independence and interdependence to a personally meaningful yet socially constructive purpose is seen as presenting itself over and over again. But when the tensions

intrinsic to such themes as 'Reconciling profit-generating and pro bono endeavours' (13) and 'Contributing socially beneficial services to the community' (14) are reckoned into this exercise, the attainment of any entirely satisfactory or lasting equilibrium is observed to be precluded.

The themes entitled 'Integrating the personal and professional domains of one's existence' (10) and 'Reconciling profit-generating and pro bono endeavours' contain their own inherent contradictions and ironies, and underscore yet again the inexorability of the process of negotiation and renegotiation that is engaged in within the self and with others during middle adulthood. The juxtaposition of the superficially pragmatic theme of 'Performing well in the face of major challenges' (4) and the relatively arcane theme of 'Contributing to making our description of truth accurate' (5) within one thematic matrix accentuates the disparateness of the issues that arise, while the situation of these two themes within the context of the scales as a whole bespeaks the circuitous route that may have to be navigated to realize their eventual harmonization. Considered in conjunction with the concept of the iterative nature of the process of *deconstructing* and *reconstructing* pre-existing constructions of life-career success, epitomized by theme 8, these two themes further reinforce the trustworthiness of the proposition that life-career success during middle adulthood involves an ongoing and reiterative process of paradox resolution.

The notion that an intensely dialogical process is at play in attending to, assessing, and weighting the disparate and often antagonistic dimensions of life-career success during middle adulthood is inherent in the demarcation of the contours of the supporting shaft of the scales by means of the mirror-image silhouettes. This process is also intrinsic to the depiction of the strands of connection within each network of themes as incessantly subject to being gathered and conducted through either arm of the scales to its pivotal centre of confluence and calibration. Theme 8, 'Reconstructing one's constructions of what constitutes life-career success,' most concisely encapsulates the vision of restless, cyclical, *recyclical* motion that underlies the characterization of life-career success during middle adulthood as involving a dialectical process of paradox resolution.

The reiterative nature of this process of paradox resolution, as well as that of the alternation of the meaning-making focus from independence to interdependence and vice versa, is shown by the containment of the fourteen themes within the wavering scales. The tentative and transitory nature of the construction of life-career success formulated at

any given time is also tacitly conveyed by the manner in which the dynamic and multivariate strands of tension also lend themselves to being perceived as interflowing, tensile, and capable of being extended, contracted, repositioned, and reconfigured in innumerable ways.

The readiness with which theme 6, 'Experiencing a sense of contentment, happiness, or satisfaction,' is accommodated as a swirling repository of provisionally made meanings at the base of the vertical shaft, which supports the centre of reckoning where meaning is fashioned and refashioned, suitably underscores the reiterative and intimately collaborative interaction between themes 6 and 8 throughout the process of eliciting the person's most recent evolutionary balance, or order of consciousness. The location of theme 7, 'Acting in response to a sense of wanting something more, of something unfulfilled, of disillusionment, discontent, or distress,' further up on the supporting shaft and in even closer proximity to the hub of meaning-making follows logically and, in turn, serves to underscore the intimate connection between themes 7 and 8 in the process of mediating each phase of the person's next potential evolutionary transition. In addition, the concept of the persistent coexistence of a multiplicity of concerns and challenges, aspirations and gratifications, which at any given time compete for ascendancy and induce recalculation in the course of the adjudication process, is further strengthened by the susceptibility of themes 6 and 7 to being depicted as coiling, spiralling, and counter-spiralling within the supporting shaft of the scales. The specific locations of these two themes announce their special, complementary relationship to theme 8, the vortex of meaning-making where the ever-present tensions emanating from the two sides of the vacillating scales converge and interflow and, eventually, are rechannelled and reconstellated.

The metaphor of the scales also functions as a medium for exploring the relevance of basic propositions of Kegan's framework and those of other major researchers to the themes that had emerged from the collated constructions of the eight co-participants. The dynamic interaction presumed to exist between Kegan's two greatest yearnings in human experience is demonstrated explicitly. Also inseparable from the engagement of the dynamically vacillating scales as a vehicle for signifying the diverse assortment of themes is the aspiration to remain sensitive to the desirability of reaching for the ultimate ideal of an overarching, more inclusive paradigm of adult development which, in a gender- and culture-fair manner, could soundly and elegantly reconcile intrapersonal phenomena with interpersonal and social forces.

The metaphor of the scales also serves as a forum for endeavouring to subsume relevant propositions of other major theorists who address issues pertaining to psychological development during middle adulthood. What Gilligan terms the reiterative counterpoint in human experience, that is, separation and attachment, is taken as complementary to Kegan's concept of independence and inclusion and, therefore, as incorporated within this broad proposition that life-career success entails a dialectical process of paradox resolution. Reflected in the underlying premise that an ever-present tension operates between self and other throughout life, and symbolized by the all-encompassing outer circle of the scales, is Erikson's notion of the sense of 'I' as 'separateness transcended' and yet 'distinctiveness confirmed.' Also accommodated are the psychosocial crises of intimacy versus isolation and of generativity versus stagnation, which Erikson identifies as the crucial issues to be settled in adulthood.

The polarities of the masculine and the feminine, the conscious and the unconscious, the material and the spiritual, which, along with those of separateness and attachment, Jung depicts as clamouring for resolution during middle adulthood, are also embraced within the dialectic inherent in this proposition. Moreover, the prominence attributed by Levinson et al., Levinson, and Levinson and Levinson to the contradictions and complexities which they perceive as typifying the human life course is recognized, as is the advocacy by Levinson et al. of a more equal weighting of attachment and separateness. Maslow's characterization of highly evolved people as more likely to espouse and strive for 'dichotomy-transcending' values, which permit the disintegration and movement toward fusion of such conventional distinctions as self versus other, realism versus idealism, courage versus fear, duty versus pleasure, and work versus play, is also subsumed within the proposition that life-career success during middle adulthood entails a dialectical process of paradox resolution.

### **Life-Career Success as Associated with Gender-Linked Differences in Epistemological Complexity and Inclusiveness**

The proposition that life-career success during middle adulthood is associated with gender-linked differences in epistemological complexity and inclusiveness is unequivocally deduced upon reinspectng the gender-linked themes both as an aggregate and as discrete components within the context of the scales of success as a whole. No specific weight-

ing has been assigned to the individual themes within either of the two clusters, as their relative significance and potency is assumed to be situationally specific and subject to continual flux. However, the numerical discrepancy conspicuously revealed by the presence of five themes which are either female-specific or female-associated (10 to 14) and only one which is male-associated (9) attests to the comparative complexity of the agglomeration of elements enlisted by the female lawyers in formulating their conceptions of what constitutes life-career success.

When the actual content of the female-associated and female-specific themes is rescrutinized, it is found to reflect the asymmetrical influence exerted by male and female lawyers on the prevailing culture of the legal profession. The submission that female lawyers are confronted with more arduous epistemological as well as pragmatic and logistical challenges is especially cogently signalled by themes 10, 11, and 12 (see figure 7.1). Themes 10, 11, and 12 expose the pronounced tensions between the personal and professional realms of women lawyers' lives. These three themes also indicate many additional contradictions, clashes, and fissures between the preponderantly male ethos of the legal profession and the private experience, perceptions, and values of female lawyers. Thus, these themes strongly insinuate the greater complexity of the meaning-making in which women lawyers are required to engage in order to modulate the dissonances between their private experience, perceptions, and values and the heavily prescribed world view in compliance with which they are expected to conduct their professional lives.

The proposal that life-career success during middle adulthood is associated with gender-linked differences in epistemological inclusiveness, as well as complexity, is prompted by themes 13 and 14, 'Reconciling profit-generating and pro bono endeavours' and 'Contributing socially beneficial services to the community.' These two themes reveal that concerns about the deprofessionalization of the legal profession, corporatization of law firms, commodification of legal services, and relegation of pro bono legal services to an ever more expendable position within the value system endorsed by the profession are limited to the female lawyers. Examined together with themes 10, 11, and 12, themes 13 and 14 unveil the complexities intrinsic to women lawyers' experience of conforming to and challenging the male-dominated ethos of the legal profession, and also lament the demise of a professional spirit that was more socially embedded and responsive to the interests of the broader community. Considered compositely, these female-specific and female-associated themes decry the current professional culture which requires women, as



newcomers, to behave like men and, in so doing, to submit to a form of social-psychological assimilation through which their private experience, perceptions, and values are systemically denied or devalued.

In their incorporation of critiques of the male-dominated, individualistic ethos of the legal profession and their identification of pro bono legal services and other socially beneficial services as hallmarks of professionalism, the female lawyers' constructions prefigure a professional ethos that would regard different perspectives as assets to be cultivated and social responsiveness and inclusiveness as aspirations to be fostered. By contrast, the solitary male-associated theme (9) is by definition predominantly male in its derivation. Entitled 'Experiencing a sense of freedom, autonomy, independence, or self direction,' it is interpreted as a further manifestation of the independence-oriented value system that continues to be affirmed as orthodox by the mainstream culture of the legal profession. From one angle, the fact that this theme owes its genesis to the constructions of females as well as males may indicate a further zone of commonality between middle-aged male and female lawyers' conceptualizations of life-career success. But from another angle, it may illustrate gender-associated disparities in the extent to which the values fostered by the mainstream culture of the legal profession are internalized by its members. From yet another angle it may be interpreted as spotlighting again the desirability of thinking past dualistic, gender-aligned images when formulating a paradigm for life-career success.

The parallels with Gilligan's claims concerning the greater empirical association of women than men with a tendency to construct reality and morality in terms of interpersonal connectedness, care, and responsiveness are evident. Overall, the male lawyers in this inquiry subscribe to a greater degree than their female counterparts to what Gilligan terms the language of rights that protects separation. Conversely, the female lawyers subscribe to a greater degree than their male counterparts to what Gilligan terms the language of responsibilities that sustains connection. In harmony with Gilligan's critique of the longstanding practices of basing theories of human development exclusively on data collected from male subjects and selectively attending to principle- and rights-based moral reasoning, the male lawyers' constructions of life-career success afford data that could be expected to lead to relatively 'scanty representation of an adulthood spent in the activities of relationship and care' and to the identification of development with images of

detachment and separation (1982b: 209). Whether the female lawyers' seemingly more pronounced orientation to social inclusiveness may ultimately be attributable to the effects of female socialization into roles of subordination and service within sexist society remains an unresolved, highly contentious issue.

In its conception of the dialectical nature of the relationship between personal independence and social inclusion, and in light of its role as a theoretical frame of reference for this inquiry, Kegan's perspective may be credited with having facilitated a mode of analysing the dynamics of gender relations within the legal profession that 'is not defined by the dominant culture' and its individualistically centred notions of life-career success. Kegan's frame of reference has helped expedite the process of arraying the key constituents of life-career success during middle adulthood, as identified by my research co-participants, in configurations that illustrate clearly the many experiences, attitudes, allegiances, and values that successful male and female lawyers share, as well as several other experiences, attitudes, allegiances, and values that successful female and male lawyers do not hold in common.

Whether the apparently greater complexity and social inclusiveness of the women lawyers' constructions would, in accordance with the criteria for making epistemological discriminations within Kegan's framework, translate into a qualitatively more complex and inclusive epistemological equilibrium, or order of consciousness, than that typical of their male counterparts awaits definitive investigation. In so far as the individual co-participants' constructions of life-career success afford glimpses of the epistemological equilibrium at which they constructed those constructions, the indications are that most hovered somewhere along the continuum of evolutionary gradations that distinguishes the fourth from the fifth order of consciousness. A securely established fourth-order epistemological truce appears to be more typical of the male lawyers, while a less robustly evolved fourth-order equilibrium or varying gradations of transition toward the fifth order appear to be more prominent among the females. This is consistent with the assertions that the legal profession as a holding environment for its members reinforces the institutional, or fourth order of consciousness, and fails to nurture development to the inter-institutional, or fifth order of consciousness.

Bearing in mind that all of the inquiry co-participants are highly privileged, exceptionally successful, and middle-aged, the assertion that most of them would appear to function at the institutional, or fourth,

order of consciousness is also congruent with Kegan's contention that 'the fourth order of consciousness is demanded for success in contemporary adult life,' but that considerably less than half of the adult population, including those 'we generally see as most affluent, most sophisticated, best educated, and most "professional,"' even reach its threshold (1994: 196-7). The co-participants appear to be unusually efficacious at mastering what Kegan calls the mental demands of modern life. In addition, the observation that the co-participants appear to be vacillating somewhere along the continuum between the fourth and fifth equilibria clearly concurs with the interim findings of an ongoing longitudinal study on subject-object development being conducted by Kegan and his colleagues. This study indicates that it is rare to find people who move beyond the fourth order of consciousness, but that 'when they do, it is never before their forties' (352).

All the lawyers profiled may be regarded as powerful agents in shaping public discourse and legitimating the norms and values they embraced in contemporary Canadian society. However, the struggles pertaining to the advancement of social justice and social responsibility recounted by the women lawyers reveal the immensity of the challenge in store for those who aspire to transforming the epistemological underpinnings of legal discourse and practice. They coherently enunciate the degree to which voices that advocate ideals of social inclusion predicated upon assumptions of human interconnectedness and interdependence are not accorded a respectful response within the precincts of legal and legislative discourse.

Theme 3, 'Contributing to the realization of justice in Canadian society,' harbours a keen irony that is all the more incisive in that, despite its commonality to both genders, it exposes a palpable male-female dichotomy. This is demonstrated by the divergent conceptions of justice and jurisprudence implied or more directly expressed within the life-career constructions from which it derives. Particularly telling is the fact that, whereas the constructions of the male lawyers show no discomfort with the Canadian system of justice and jurisprudence or with the legal profession as currently constituted, the constructions of three of the female lawyers contain explicit critiques of the differential impact on women and men of the legal profession as currently structured. Themes 3, 10, 11, and 13 assume a quality of sharper trenchancy when considered in light of the fact that they originate with highly advantaged practitioners at the leading edge of the very profession entrusted with responsibility for sustaining ideals of justice in Canadian society.

## **Life-Career Success as the Integration of Independence and Interdependence with Ideals**

Revisited for a final panoramic survey, the wavering scales serve as a reminder of the tension assumed to abide between the fundamental human yearnings for independence and for interdependence. Yet, of the six themes assembled on the side of the scales aligned with independence, one is observed to be male associated, two to be female specific, and the remaining three common to both males and females. Of the five themes assembled on the side of the scales aligned with interdependence, three are seen to be female specific or female associated and two common to both males and females (see figure 7.1).

From the vantage point of Kegan's claim that the manner in which persons 'experience their experience is first of all a function of ... where they are in their evolution' (1982: 233), the co-participants' constructions of their experience of life-career success may legitimately be regarded as windows to where they are developmentally. The observation that two of the themes aligned with independence and three of those aligned with interdependence are derived either exclusively or primarily from the life-career constructions of the females further highlights the disproportionate intricacy and expansiveness of the meaning-making terrain that the female lawyers are required to traverse. The other many-stranded, gender-linked variations in orientation to independence and interdependence that are also graphically revealed upon scanning the scales as a whole reinforce the fact that the legal profession as a holding environment for its members differentially challenges male and female lawyers to engage in processes of integrating independence with interdependence during middle adulthood. The inherent conflicts between family-related and professional obligations with which female lawyers necessarily grapple, even if they ultimately choose to not have children, render them more predisposed to examine their holding environments critically. They are more likely to identify and question incongruities between their own private perceptions, experience, and values and the law's devotion to standards, norms, and practices premised on the model of the independent individual, the ethic of individual rights and noninterference, and the assumption that abstract rationality leads to objective solutions to problems involving conflicting rights.

The male lawyers' collective tendency to portray life-career success as inclined toward independence may be a reflection of their embeddedness in and apparent comfort with the polarized conceptions of self and

other, rights and responsibilities, the private and the public, the personal and the professional, the masculine and the feminine, that pervade the premises underlying the prevailing ideology of the legal profession. This, in turn, may be an indication that male lawyers are afforded fewer inducements than their female confreres to question their own assumptions and values and the independence-reinforcing ideological structure of their professional holding environment. Furthermore, the male lawyers' more marked allegiance to independence may be interpreted as an exposition of their vulnerability to being detained indefinitely at the institutional truce, or fourth order of consciousness, and concomitantly deprived of a professional holding environment that could nourish their yearning for interdependence and support their evolution to the fifth order of consciousness.

On the other hand, the female lawyers' collective propensity to depict life-career success as a more elaborately criss-crossed labyrinth of tensions between their yearnings for independence *and* interdependence may signify that the processes of reflection and reconstruction required for ongoing resolution of the conflicting aspects of women lawyers' life-career experience enable them to identify the dialectical interconnections between the personal and professional areas of their lives. Thus, ironically, although fraught with psychological risks and definitely not an intrinsically desirable state of affairs, cleavages between women lawyers' perceptions, experience, and values and the prevailing ethos of the legal profession may function as a catalyst for some women lawyers' epistemological evolution. For example, clashes engendered by the actuality of women lawyers' greater burden of domestic responsibilities and the legal profession's indifference to that actuality spur some women lawyers to make common cause with one another and collaborate in interrogating and reappropriating the ideological system that accords the professional very definite priority over the personal.

One result of such collaborative deconstruction of received ways of knowing and co-construction of alternative ways of ordering the world may be the collaborators' identification of an array of possible criteria for setting personal and professional priorities. This, in turn, may occasion their recognition of a multiplicity of possible selves and result in coincidental augmentation of their epistemological capacity to make the transition to the mode of form- and paradox-transcendence that characterizes meaning-making at the fifth order of consciousness. This rendition of the incapacity of the ideological system favoured by the legal profession to provide bridges between the fourth and fifth orders

of consciousness, and to thereby sponsor the ongoing epistemological evolution of its middle-aged and more senior members, accords with Kegan's claim that half a lifetime, if not more, of arduous transformative processes necessarily precede fifth-order consciousness, and that good company, in the form of truly sympathetic and supportive holding environments, is required every step of the way.

The pronounced proclivity of the female lawyers to tender a composite rendering of life-career success which embraces the polarities of independence and interdependence may also be interpreted, in concurrence with Gilligan, as pointing to the need for incorporation of the dual realities of separateness and connectedness into representations of adult development. The co-participants' awareness of the co-existence of both realities is expressed explicitly, though not exclusively, within the contexts of themes 1 and 9. While the image of adult development that this concluding proposition evokes is clearly responsive to Gilligan's admonitions, it is also manifestly sympathetic to Kegan's speculation that our experience of the fundamental ambivalence between the two great human yearnings may be 'our experience of the unitary, restless, creative motion of life itself' (1982: 107).

The proposition that life-career success involves the integration of independence and interdependence clearly pays homage to Erikson's idea of integrity, which he defines as the sense of coherence and wholeness that typify the dominant trait brought to fruition under favourable conditions toward the culmination of the life cycle. Also echoed in this proposition is Jung's concept of individuation and integration as co-existing complementary processes, which become more noticeable during the second half of life as they engage the transcendent function in laboriously fashioning a harmonious synthesis between the opposing trends within the personality. Resounding through this proposition are intimations of Maslow's characterization of more fully evolved persons as more easily holistic in their perceptions of the world and more likely to evince a natural tendency toward intrapsychic and interpersonal synergy.

The basic impetuses underpinning themes 2, 3, and 5, may be subsumed within the more comprehensive classification of implementing one's ideals. In the formulation of this third proposition, the impulse to translate one's ideals into practical action is merged with that of seeking to satisfy one's yearnings for independence and interdependence. The vision of adult maturity prefigured through this confluence of exalted ideals and fundamental longings is in harmony with Maslow's portrayal of more highly developed persons as 'metamotivated,' that is, as mainly

inspired in their striving by such eternal verities as the desirability of advancing justice, truth, unity, and the like. The proposition that life-career success during middle adulthood involves the integration of independence and interdependence with ideals is then perceived to resonate sympathetically with Maslow's vision of 'the farther reaches of human nature' as encompassing a form of transcendent spirituality through which self and other are appreciated as integral elements of the entire cosmos or as part of all that is 'under the aspect of eternity' (1971: 273).

### **Implications for Future Research**

#### *On the Relationship between the Evolution of Meaning-Making and Constructions of Life-Career Success*

To further clarify the relationship between the co-participants' constructions of life-career success and the unselfconscious epistemology, or order of consciousness, to which each has recourse, a follow-up study employing a standard Subject-Object Interview could be conducted with each. Preparation for such follow-up research would require intensive study of the manual compiled in collaboration with Kegan by Lahey et al. (1989) as a guide to the administration of the interview, and the analysis and interpretation of data it yielded. A formal analysis of the structure-revealing sections of each interview transcript would facilitate ascertainment of the degree to which 'the principles of meaning coherence' to which each co-participant has access conforms to a specific epistemological equilibrium, or order of consciousness, within Kegan's framework. The standard assessment procedure enables five gradations to be distinguished between each of the five increasingly complex epistemological equilibria hypothesized by Kegan. Over twenty distinctions, each exposing a principle of meaning organization that is slightly more inclusive and complex than the preceding one, can thus be discerned, and a score can be specified for each interviewee.

Although the Kegan-style interview which I designed specifically for this inquiry is based on the Subject-Object Interview, it does not seek to ascertain definitively the interviewee's location on the continuum of epistemological complexity delineated by Lahey et al. It does, however, strive to divine the rationale undergirding the interviewee's construction of life-career success. Therefore, it is assumed that the transcripts yielded by the integrated Kegan-style and profile review interviews I

have presented here might legitimately be re-examined to identify some effective entry points for conducting a formal Subject-Object Interview. This would systematically clarify my research co-participants' unself-conscious epistemologies, or meaning-making structures. Each co-participant's final profile of his or her construction of life-career success could then be aligned with his or her position on the epistemological continuum. All the final profiles and epistemological structures could subsequently be analysed comparatively to examine more closely the relationship between the co-participants' epistemological structures and constructions of life-career success.

The trustworthiness of my assumption that persons' constructions of life-career success reflect their unselfconscious epistemologies and evolve in accordance with their epistemological development can be affirmed only through a program of longitudinal research. This would entail following the co-participants from the inquiry presented here and/or a cohort of adults over several years, regularly conducting and reconducting the Kegan-style and Subject-Object Interviews, and carefully observing whether the interviewees' constructions of life-career success and/or epistemological structures change and, if they do, what form the changes take and how they are correlated. The results for the first four years of a long-range study designed to investigate whether the different orders of mental complexity are, in fact, developmental, which is being conducted by Kegan and colleagues at Harvard University, strongly suggest that a gradually unfolding but increasingly complex mode of constructing reality is being evinced by the twenty-two adults being followed (1994: 187–8). Other studies reported by Kegan show a remarkable degree of epistemological consistency within those persons studied across different domains of their personal and occupational lives. Taken compositely, these studies lend support to the hypothesis that a person's construction of life-career success is consistent with and mirrors his or her level of epistemological complexity, or order of consciousness.

*On Constructions of Life-Career Success of Members of  
Culturally Diverse and Excluded Groups*

A second follow-up study expressly designed to include the constructions of life-career success of lawyers who are members of groups that may be identified by sexual orientation, race, culture, class, ability, or other similar characteristics should be undertaken. Issues pertaining to



heterosexism, racism, classism, and the like are difficult to address, partly because of the dearth of information available, partly because of a general reticence to discuss them, and partly because of a widespread reluctance to acknowledge them as subjects of mutual interest over the long-term to the dominant as well as the non-dominant groups within the various theatres of legal discourse. Thus, a follow-up study designed to generate a broader exploration of eminent Canadian lawyers' constructions of life-career success, which would include the perspectives of members of several of the non-dominant groups, would entail supplementing an exhaustive review of the very limited store of directly relevant research literature available with a careful cross-disciplinary examination of the burgeoning collection of research literature on a range of pertinent themes. The literature on such topics as the experiences of marginalized and excluded groups in the existing legal process, proposals and prospects for law reform, feminist legal theory, feminist jurisprudence, theories of equality and of inequality, the costs of exclusionary practices in various contexts, and the role of culture in constructions of gender, race, class, and so on, would help elucidate different perspectives on issues of sexism, heterosexism, racism, and classism as they cross-fertilize conceptions of life-career success and self. Apart from ensuring maximum diversity by explicitly recruiting co-participants who could be identified by sexual orientation, race, class, culture, physical ability, and similar characteristics, as well as gender, the phenomenologically based research methodology, described in chapter 2, could be closely followed.

The problems that afflict highly accomplished and privileged women at the top echelons of some of Canada's leading law firms may well prove instructive for members of those groups identified above, for other members of the legal profession whose influence is circumscribed, and for those whose voices are otherwise muffled or excluded from legal discourse. If women such as the co-participants in this inquiry struggle to have their voices heard and accorded a serious response within the sanctuary of their own professional milieu, how much more widespread is this phenomenon likely to be among those less advantageously located within the hierarchy of the legal profession, or among those whose participation is, to all intents and purposes, precluded? It is plausible to assume that the voices of others who traditionally have been or currently are being marginalized, segregated, or shut out would be more easily ignored or dismissed.

The women lawyers profiled in this inquiry function at the vanguard

of non-dominant groups in the legal profession, including women at lower reaches of the profession, lawyers from racial minorities, and lawyers identified by their cultural or class origins, physical condition, sexual orientation, or other similarly distinguishing attributes. These women lawyers were all called to the bar before 1976. Although there were only 785 women lawyers in Canada in 1971, there were almost 10,000 by 1986. This means that the ratio of men to women in the legal profession in Canada, which was about 20 to 1 in 1971, had narrowed to about 3.5 to 1 by 1986. If current trends continue, gender parity in the composition of the profession may be reached as early as 2003 (Hagan, 1993). As pioneers at the leading edge of the momentous process of transforming the composition and, potentially, the culture of the legal profession, the women co-participants in this inquiry have provided salutary insights into what Menkel-Meadow (1987) terms the epistemology of exclusion.

The women lawyers' constructions of life-career success illustrate how newcomers' survival and upward mobility within the profession is contingent upon their willingness to acquiesce to its entrenched male-oriented norms, conventions, and practices. They also reveal the type of penalty likely to be incurred by those who dare to violate the long unquestioned protocol of legal practice. Mechanisms by which dissident voices are suppressed are palpably exemplified in Clara's profile, which depicts thoroughly conformist women lawyers being paraded around as paragons of propriety under the tutelage of those who would wish to preserve and reflect the privileged status quo. The manner in which the demands of conventional lawyering are shown to induce women lawyers to knowingly deny within the professional arena what they deeply know through their own private experience and perceptions parallels expositions by Gilligan, Belenky et al., and Mikel Brown and Gilligan of the centrality of the tension between knowing and having to not know that which is known in the lives of adolescent girls and women within patriarchal society.

Within the legal profession, as within other institutions created by privileged white males primarily to serve their own interests, women's private experience and perceptions get driven underground and their authentic voices become excised by conscious omission or suppression for the sake of sustaining the prevailing conventions and prescribed forms of relationship. The requisite self-censoring involved in maintaining the virtual reality or surface semblance of compliance results in intrapsychic dissociation, or a split in consciousness, that leaves females

at risk of depression, chronic exhaustion, and a range of psychosomatic illnesses. Such psychologically diminishing and debilitating coping strategies are likely to be resorted to by members of groups who are subjected to more invidious forms of discrimination, and/or who are less economically secure, or who have had fewer educational opportunities or sources of psychosocial support within the patriarchal system, of which the legal system is a central component.

Exclusion is transparently inconsistent with the ideals of justice in a democratic society. But practices of exclusion by which the pool of talent deemed admissible is narrowly circumscribed are also incongruent with the meritocratic ethos widely proclaimed by the legal profession. In addition, such practices may be seen as irrational when perpetuated by law firms seeking to maximize their profits in a highly competitive environment. It may be assumed that the constructions of life-career success espoused by members of groups who are less favourably placed relative to the patriarchal structure of the legal system would be more reminiscent of those of the females than of the males in the present inquiry. Members of such groups may be expected to enunciate constructions of life-career success which incorporate core features of the uniquely specialized knowledge and coping mechanisms engendered by their very experience of marginalization or exclusion.

As Menkel-Meadow points out, epistemologies developed through the experience of exclusion may be based not on intrinsic characteristics of those excluded, but rather 'on perverse oppositional knowledge that may be necessary for survival and adaptation to exclusion.' Nevertheless, worthwhile characteristics should not be rejected by the excluded themselves simply because they were borne of oppression (1987: 43). Nor should such qualities be spurned by the agents of exclusion. Refined capacities for attentive listening, empathy, compassion, and simultaneously entertaining alternate perspectives on truth and values, commonly cultivated precisely because of their practitioners' relegation to the periphery of mainstream culture, may prove to be fertile sources of epiphanic insight. Just as the life-career constructions of the women lawyers in this inquiry highlight different ways of viewing the realities of life in the law, and of constituting the idea of self and success, so may the life-career constructions of others who traditionally have been segregated within the legal profession, consigned to its margins, or excluded from it, be expected to illuminate a dappled array of alternative perspectives from which to comprehend or imagine life in the law and conceptualize the self and success.

*Across a Range of Professions*

The legal profession is at the forefront of integrating women into work milieux which were formerly male and majority group enclaves. Research modelled on the inquiry process reported here could be conducted to explore similarities and differences in conceptions of life-career success held by middle-aged men and women from culturally, racially, and economically diverse backgrounds across a range of professions, including architecture, medicine, the sciences, the arts, and the traditionally female professions of teaching and nursing.

The constructivist research methodology invoked in the present inquiry corresponds to the postmodernist philosophical stance which Savickas labels perspectivism and which, in his wide-ranging and penetrating review of current theoretical issues in vocational psychology, he advocates adopting as a means of refurbishing career development theories and rendering them 'more multidimensional and multiperspectival' (1995: pp. 18–29). With its attentiveness to particularity, multiplicity, context, and difference, the constructivist process followed in the present inquiry can be seen, in further concurrence with Savickas, as complementing the quantitative methods grounded in positivism traditionally employed in research related to career development.

In summarizing what has been learned about women's career development in the approximately twenty-five years that it has been a specialized field of research, Fitzgerald, Fassinger, and Betz contend that, since women's relationship to work is more complicated than that of men, its study demands the identification and inclusion of concepts and variables previously unnecessary or ignored in vocational psychology. The outcomes of the present inquiry, which expose a number of life-career issues specific to the women lawyers interviewed and the greater complexity of the meaning-making in which women lawyers generally are obliged to engage, clearly corroborate these assertions. Fitzgerald, Fassinger, and Betz maintain further that 'women's career development is *unique* because of the intertwining of work and family' in women's lives and that, 'paradoxically, its study can lead to more *general* insights about vocational behavior' (1995: p. 68; italics in original). Impressive parallels to these assertions are evident in the way in which women lawyers' constructions of life-career success recounted in this inquiry call attention to the significance of family-related issues for women generally and illustrate how marginalization or exclusion can, ironically, afford those who endure them a route to an expanded epistemological vision.

Against the backdrop of the methodological recommendations of Savickas and Fitzgerald, Fassinger, and Betz, the convergences and divergences identified among the constructions of life-career success of the men and women documented here appear to augur well for the future articulation of alternative, more expansive ways of appreciating the full complexity of the life-career experiences of members of culturally diverse groups in a multiplicity of settings. Through such expansive, multiperspectival approaches to the study of life-career development, the present preordained characterizations of male and female ideal types might eventually be supplanted and images of life-career success rooted in principles which affirm human dignity and worth might gain ascendancy.

### **Implications for Career Counselling and Psychotherapy, and for Education**

#### *Career Counselling and Psychotherapy*

The outcomes of this inquiry lend further support to existing research which indicates that middle-aged men and women are likely to reassess how they define life-career success in relation to their cumulative life experience. Insights and inspiration have been gleaned from the existing literature which have led to the generation of constructs with which middle-aged persons' experience of their evolving conceptions of life-career success can be more sharply elucidated. The clearly articulated interface between the personal and the professional domains in the life-career constructions of the middle-aged lawyers interviewed suggests that career counselling and psychotherapy be regarded as intimately intertwined enterprises. This implies that, although their focus and strategies may differ, career counsellors as well as psychotherapists engaged in counselling middle-aged persons should make provisions for attending to the complex web of dynamic interactions constantly operating between the various intrapsychic and social domains of their clients' lives. It suggests, further, that even short-term relatively superficial career-related interventions would be enhanced by the inclusion of subjectively constructed criteria for assessing success, along with the standard objective indicators used to measure career progress and satisfaction.

In addition to retaining cognizance of the kaleidoscopic array of factors at play in the lives of their middle-aged clients, career counsellors

and psychotherapists ought to remain sensitive to the developmental context within which the particular predicament that the client presents is located. In consonance with the conception of life-career development during middle adulthood encapsulated in the concluding propositions of this inquiry, career counsellors and psychotherapists working with middle-aged persons need to combine acute awareness of gender differences with a deep appreciation of the intrapsychic contradictions, ambiguities, and ambivalences that obtain in the process of paradox resolution that typifies mid-life development.

Effective career counselling and psychotherapy, informed by the constructive-developmental perspective as exemplified by Kegan, would view life-career transitions and crises, and the reconstruction of pre-existing constructions of success they involve, as 'natural emergencies of the self,' the recurrence of which is inevitable throughout the life cycle. The counsellor would painstakingly apply himself or herself to the stringent task of addressing the person with whom he or she is working in the throes of meaning-making, rather than addressing the meaning the person has already made. The central goal of the enterprise would be to nurture the person's capacity to make meaning at a qualitatively more inclusive and complex equilibrium, or order of consciousness.

The therapeutic process would involve supplying the person with ample opportunities to make non-conscious motives conscious by examining and re-examining the relationship of what is subject to what is object in his or her current evolutionary equilibrium. The counsellor would endeavour to provide a holding environment which would effectively perform the triple functions of 'confirmation' (or holding on to the person's made meaning), 'contradiction' (or letting that made meaning go), and 'continuity' (or staying put to reintegrate the part of the self that has been subject and has become object during the period of transformation and equilibration). If the therapist had assessed the person to be in the throes of emergence from embeddedness in the institutional truce, or fourth order of consciousness, for example, the goal would be facilitation of movement to the inter-institutional truce, or fifth order of consciousness. Promotion of expansion to the more complex and inclusive fifth order of consciousness would require the counsellor to function concurrently as the repository that preserves the fourth-order system of ideological forms, while the person surrenders identification with that very system of ideological forms and subsequently returns to reintegrate it into the supervening trans-systemic dialectic that characterizes inter-institutionalism.

Further enlightened by Ivey, who focuses on converting a number of models of developmental theory into a coherent framework for developmental therapy, the career counsellor would also conceptualize human development as always encompassing 'a oneness and multiplicity in increasingly complicated, but unifying patterns' (1986: 358). The counsellor would retain keen awareness of the following: (1) that all dimensions of development can be simultaneously active, but, in varying degrees; (2) that personal constructs are *co*-constructed in the context of relationships with others; (3) that consciousness develops in a dialectical relationship with the therapist; (4) that assimilation of new data and accommodation to them jointly impel development; (5) that the therapist and the client constantly play out this dialectic in their own relationship. The major goal in counselling would be that of transforming old, outworn schemata into new, more useful formulations and, in so doing, facilitating transformation of the client's consciousness to the next stage of development.

Dialectical thinking and deconstruction are the two highest levels identified in Ivey's framework of developmental stages. At issue in the case of a client at these levels would be the realization that every construction, idea, or behaviour contains its own intrinsic contradictions. Therefore, such constructs as gender, race, ethnicity, ability, disability, success, and failure, could all be subjected to systematic deconstruction and reconstruction. Full acceptance of the inherently flawed and ephemeral nature of all knowledge would necessitate a deep appreciation of paradox and irony, and a willingness to live with ambiguity and mystery.

A feminist career counsellor or psychotherapist working with female clients and adopting Gilligan's perspective as a primary frame of reference, would bear in mind that 'the central paradox of women's – and men's – psychological development' is that of 'the taking of oneself out of relationship for the sake of relationships' (1991: 26). The outcomes of the present inquiry intimate that two categories of middle-aged women lawyers, and perhaps of women generally, may be likely to be seen by therapists. Members of the first category may find themselves in counselling, as Gilligan suggests, 'for having gotten themselves into some combination of political and psychological trouble' by committing such transgressions as resisting the pressures to accept being silenced and subjected to the intrapsychic dissociations that are central to the experience of being female in our male-dominated culture (1991: 27). Members of the second category may find themselves in counselling,

conversely, for conforming to those same pressures so that their dissociations become manifest in such symptoms as anxiety disorders, depression, and varying degrees of psychic depletion or burnout.

The central aim of counselling for women in either category would be to unearth and recover their suppressed voices. Shunning the role of a modern-day incarnation of Woolf's 'Angel in the House,' as exhorted by Rogers, the therapist would be careful to not adopt practices that undermine the profundity of clients' knowledge of relationships. Such practices betray women by urging them to summon to the surface their 'deepest wishes and most vital truths' only to encourage them later, in the name of advancing their maturation, to mourn and then relinquish that which they most deeply desire, namely, 'a real and enduring relationship' (1991: 42). In striving not to break faith with women clients' deepest desires, the counsellor would, in consonance with Gilligan (1991), reframe the so-called trouble into which the first category had got themselves as evidence of healthy resistance that ought to be encouraged and strengthened. With both categories of women, the courageous resisters and the compliant conformists, the therapist would endeavour to be, as Gilligan advocates, 'good company' for them while helping them resist health-threatening disconnections and 'recover lost voices, and tell lost stories, and provide safe houses for the underground' (1991: 27).

But the lives of men are also circumscribed by the restrictive role prescriptions imposed on them within the patriarchal system, since men are both its instruments and its victims. The legal system is but one institutional expression of this overarching system. The central paradox of psychological development which Gilligan identifies, 'the taking of oneself out of relationship for the sake of relationships,' also applies to men (1991: 26). Men take themselves out of relationship for the sake of relationships, in so far as they continue to be, as Hollis observes, 'called to sacrifice their bodies and their souls for economic ends' and to be 'expected to collude in the silence that supports patriarchal values and estranges them from other men and from themselves' (1994: 115). Not only are men estranged from themselves and other men, they are also commonly quite patently estranged from women, their wives, and their children.

The outcomes of the present inquiry show that the male-female division of labour in the traditional family and the conventions of legal practice function in a complementary fashion for the benefit of male lawyers, and that as unwitting instruments of the patriarchal system



many male lawyers are, not surprisingly, reluctant to surrender their privileged status within the context of its prescribed arrangements. But the inquiry also unmasks the recurring motif of male private practitioners' vulnerability to the one-sidedness of over-identifying with the heroics of independence, objectivity, combativeness, and competitiveness that continue to dominate the ethos of the legal profession. Conventionally successful middle-aged male lawyers who find themselves in career counselling or psychotherapy are likely to do so because they are impelled, more or less consciously, to redress the imbalance between their fundamental human longings for social independence and interdependence, detachment and attachment, separation and intimacy.

The counsellor guided by the perspective of Jung would interpret the symptoms of neurosis or distress presented – whether in the form of depression, substance abuse, a vague sense of emptiness, meaninglessness, or purposelessness, or in some other guise – as the virtually ineluctable outcome of constricting the infinite possibilities and uniqueness of the individual within the straitjacket of narrow cultural dictates. The therapeutic focus would be on engaging the client in a re-examination of his life through the conduct of a dialectical dialogue between his 'persona' and 'shadow' – between his conscious mind and unconscious self. The potential concealed in the hitherto unconscious, underdeveloped side of his personality would thus be laboriously excavated. The more immediate goal would be to help him wrench himself out of his habitual attitudes and reflexive behaviours and rediscover and revivify his 'shadow' – those vital and unique dimensions of his personality which have been repressed and subordinated to the achievement of the outward trappings of conventional success.

In the case of a highly successful male private legal practitioner, whose daily immersion in the law's preoccupation with abstract reasoning and adversarial procedures is interwoven with the individualistic ethos of private practice, it should not be surprising if his 'anima' were revealed to have been repressed. In alternative Jungian terms, it should not be surprising if his psychic distress were revealed to emanate from an over-identification with his conscious mind at the expense of his unconscious self. The term 'anima' refers to a man's latent, internalized experience of the feminine principle and encompasses his relationship to his own body, his instincts, his intuitions, his emotions, and his capacity for authentic and intimate relationships with others. The more long-term goal of counselling would, therefore, be to help the client redress the imbalance between his 'persona' and 'shadow,' between his

conscious mind and unconscious self. By thus embracing and reactivating the underdeveloped aspects of his personality, the client would be deliberately engaged in facilitating his own unique process of 'individuation,' which, in turn, is intrinsic to the ideal of 'integration,' or fully realized wholeness.

In a woman, the counterpart to the anima is termed the 'animus,' which refers to her latent, internalized experience of the masculine principle and encompasses her impulses toward independence, assertiveness, aggressiveness, power, and ambition in the professional or public arena. To be conventionally successful in the male-dominated profession of law, a woman needs to consciously cultivate and exercise her animus. This may partially account for the more expansive forms of consciousness manifested in the constructions of the conventionally highly successful women lawyers featured in this inquiry.

### *Education*

The conceptual framework of the scales of success, or adaptations of it, may be useful for adult educators and specialists in human resource and organizational development who deal specifically with members of the legal profession and/or with middle-aged persons in the professions or in comparable positions in a range of organizations. It may inspire ways of further exploring life-career success during middle age which can extend the still potent, traditional definitions of masculinity beyond aggressive competitiveness and the attainment of power and material wealth and the equally potent, traditional definitions of femininity beyond subordinate supportive roles and vicarious achievement.

In his study of the mental demands of modern life, Kegan demonstrates that a review of the expert literature across a range of non-communicating disciplines, which offer prescriptions for contemporary adults' conduct of the private and public domains of their lives, reveals 'a remarkable commonality to the complexity of mind being called for' (1994: 10). What is demanded of the student within the field of adult education may be epitomized, Kegan suggests, in the image of 'the self-directed learner,' whose repertoire of attitudes and skills includes taking responsibility for one's own learning, direction, and productivity, as well as exercising skills in critical thinking, information-gathering, time management, project management, self-evaluation, peer critique, and using experts and other educational resources to pursue self-determined goals. These mental demands bear striking resemblance, Kegan argues,

to the demands that the hidden curriculum of modern culture as a whole implicitly places on adults as parents, as intimate partners, as citizens of a pluralistic society, as workers, and as clients in psychotherapy. These demands amount to claims for a level of epistemological complexity commensurate with the institutional equilibrium, or fourth order consciousness. As has been noted earlier in this chapter, mastering the fourth order of consciousness constitutes, for the majority of contemporary adults, the onerous challenge which Kegan identifies as 'the mental burden of modern life.'

But the epistemological underpinnings of legal and jurisprudential theory and methodology bear hallmarks of the over-identification with individual autonomy, individualistic competitiveness, and a single abstract ideological system, that are emblematic of the institutional truce, or fourth order of consciousness. This suggests that even relatively modest success within the legal profession requires the capacity to make meaning at the fourth order of consciousness. In addition, it has been suggested at various points in this study that each of the senior practitioners interviewed indeed evinces the capacity to make meaning at the institutionalist, fourth order of consciousness. Assuming, then, psychological development through liberation of the mind from assumptions previously taken for granted, rather than purely practical professional training, continues to be a central aim of education, an inter-institutionalist, fifth-order curriculum would be required to foster the psychological growth of those profiled in this inquiry and, probably, of a good portion of their professional colleagues as well.

Education by definition means 'to lead out.' As Kegan reminds us, training is essentially aimed at increasing our store of knowledge and skills, whereas education is aimed at leading us out of, or liberating us from, one way of constructing or organizing our experience in favour of another that is more expansive and inclusive. Were the epistemological foundations of legal and judicial education, especially those of continuing education aimed at the more senior members of the profession, designed to lead to a more expansive and inclusive order of epistemological complexity, they would need to be reconceived at the inter-institutionalist fifth order of consciousness. The teaching of legal and jurisprudential theory and practice would become, as Kegan suggests in the context of discussing academic disciplines generally, more than institutionalist fourth-order 'procedures for authorizing and validating knowledge.' The teaching of legal and jurisprudential theory and practice would then become 'procedures about the reconstruction of their

procedures' and, accordingly, would become more generative and truer to life (1994: 330).

In this circumstance, the potentiality for representatives of culturally diverse perspectives and those of the dominant culture to engage in genuine, mutually respectful dialogue would be considerably enhanced. Assumptions currently taken for granted would be rigorously questioned. Rather than focusing on procedures for authorizing and validating narrowly based assumptions about the nature of human development, legal education could become an enterprise routinely engaged in critically reflecting on the discipline of law itself, including the foundations underlying its own theory-making procedures. This would necessarily entail making judgments about those theory-making procedures that lack self-consciousness regarding their own inherent inclination toward absolutism. Theories of human development which offer alternative perspectives to those underlying and informing currently mainstream legal theory and practice would then be welcomed and embraced for their potential to shed light on the ideological nature and partiality of the epistemological foundations underpinning the theory-building procedures traditionally employed in the discipline of law. Theories of development premised on assumptions that presuppose the fundamental interconnectedness and interdependence of human beings and the priority of relationship, would then be welcomed and examined. They would seek to expose the limitations of traditional theories that presuppose individuals' full autonomy and human bonds forged through systems of contracts and rules. Through critical reflection, the discipline of law would aspire, as Kegan suggests, to 'subjecting its prevailing theories to analysis not just from the perspective of another contending theory but from a perspective "outside ideology"' (1994: 291).

Consistent with the more specific recommendations for diversity and gender equality in the Canadian legal profession in the reports of the Law Society of Upper Canada and the Canadian Bar Association, Schaf-ran recommends integrating gender-related issues under substantive law headings throughout legal and judicial training and continuing education. The director of the National Judicial Education Program to Promote Equality for Men and Women in the Courts (in the United States), Schafran points out that a major guidebook for developing judicial education curricula for judges, lawyers, and law students lists 'more than 50 substantive and procedural areas in which gender enters the legal arena' (1995: 23). The topics range widely, from abuse and

neglect, to medical negligence, to law and psychiatry, and the gender-related issues addressed within the spectrum of each topic are myriad. Integration of gender-related issues under substantive law headings within legal and judicial curricula is, Schafran argues, the most effective means of ensuring that men as well as women become informed about the innumerable ways the law has taken men's life experience and perspective as the norm. She asserts that gender-related issues should not be 'perceived as something tangential to the real work of the courts.' She maintains that if gender-related issues are integrated repeatedly into educational programs for law students, lawyers, and the judiciary, 'women's perspectives will eventually become integrated into the law and legal practice.' Specialized gender-focused programs will become obsolete, she prognosticates, 'once the diversity of human experience is fully recognized' (1995: 24). By extension, once the diversity of human experience has been acknowledged and those at the leading edge of the legal profession have reconceptualized legal theory and practice at the qualitatively more complex and inclusive inter-institutionalist order of consciousness, the way will have been substantially paved for the respectful integration of the perspectives of members of culturally diverse groups into legal theory and practice.

### **Implications for Law Firms and Other Organizations**

#### *Law Firms*

For decision-makers in law firms, the outcomes of this inquiry stress the importance of making available an enlightened, sensitive, and supportive holding environment for women and men who find themselves wrestling with the hazards of reconciling the polarities of personal and professional responsibilities in their lives.

Constructive-developmental theory suggests a framework for evaluating psychological supports which remains intellectually and psychologically consistent, whether applied to the supports of a five-year-old or a fifty-year-old, and whether the supporting system is a single individual (like a mother or spouse) or a complex organization (like a law firm). The quality of the holding environments that law firms provide for all of their employees, including managing and senior partners, more junior lawyers, and support personnel, may be assessed in terms of their 'capacity to nourish and keep buoyant the life project of their "evolutionary guests"' (Kegan, 1982: 257). This inquiry indicates that a suc-

cessful career in law ought to be characterized by a judicious and honourable balance between personal and professional life. This implies that law firms should not unduly hamper their employees' ability to achieve and sustain such a balance. In turn, this means that the current norms and conventions of private practice need to be revised and reorganized in recognition of the reality that lawyers have private as well as professional commitments and that an intimate interaction persists between these two domains of their lives. It is therefore incumbent on law firms to reconsider expectations which seriously impede lawyers' fulfilment of their personal commitments and the maintenance of a reasonable personal-professional balance.

As major employers within the very profession which is entrusted with responsibility for upholding justice and law in Canadian society, law firms have a unique obligation to take a lead in instituting policies which allow for an assortment of flexible career patterns that respect the child-bearing and child-rearing roles of women lawyers and accommodate their greater burden of family-related responsibilities. While women in their middle years also frequently bear the greater burden of caring for elders, the more pervasive and ubiquitous challenge confronting the profession is that of ameliorating and eventually redressing the effects of conventions that hinder the life-career development of women lawyers with child-rearing responsibilities.

The Canadian Bar Association report provides recommendations for large and small law firms. Especially pertinent to the present inquiry are those concerning the representation of women on influential committees and the number of billable hours that a lawyer is expected to generate each year. The authors advocate the establishment of in-house equity committees on a permanent basis and appeal for the promotion of women partners to leadership positions on executive committees, compensation committees, and other powerful committees. Having noted that billable hours are the predominant criterion used to measure worth, especially in large law firms, the authors argue that the target of sixteen hundred billable hours per year, which seems to be the norm, does not constitute a neutral measure of worth, because it is less easily attained by those with child-care responsibilities. They urge firms to set realistic targets of billable hours for such lawyers, so that these targets do not affect normal compensation or eligibility for partnership. Other family friendly arrangements proposed in the Canadian Bar Association report and cited elsewhere as alternatives to the traditionally male-defined norm include such options as flexible schedules, job-

sharing, part-time employment, maternity leave, paternity leave, parental responsibility leave, child-care support, single-parent support, alternative criteria for determining promotability, alternative routes to partnership, and different types of partnership.

Large law firms have grown rapidly in recent years. Assuming that the epistemological undergirding of the prevailing culture of such firms, and of the legal profession in general, is actually the institutionalist, fourth order of consciousness, and that middle-aged male lawyers especially are susceptible to becoming indefinitely embedded at the institutionalist truce, it is incumbent upon the powerful leaders of talent and vision within those firms to seek to promote qualitatively more complex and inclusive ways of conceptualizing what constitutes knowledge, what constitutes being human, and what constitutes justice. Not least among the desirable effects of such expanded ways of knowing would be the advent of more creative and inclusive ways of imagining life-career success in the law and, accordingly, of organizing legal practice for the benefit of all members of the legal profession. But, ultimately, the desirable effects may extend to envisioning more humane ways of administering the entire justice system and of orchestrating access to it for the benefit of all Canadians.

### *Other Organizations*

The desirability of constructing organizations which promote not only optimal productivity, but also personal development for both genders, is strongly implied by the outcomes of this inquiry. Like law firms, other organizations, including educational institutions, hospitals, and non-profit as well as profit-oriented corporations, may be considered psychologically significant support systems and may be evaluated in terms of the psychological supports they provide for 'the life project' of their particular 'evolutionary guests.' This inquiry also suggests, by extension, that other organizations have an obligation to not preclude their employees' ability to maintain a reasonable balance between the personal and professional domains of their lives. They should also make provisions to accommodate those with family-related responsibilities. While law firms bear uniquely serious obligations to take a lead in exemplifying respect for women's experience and in accommodating to their child-bearing role and family-related responsibilities, other organizations are under equivalent obligations. Thus, the flexible work arrangements and more broadly based criteria for determining employees'

worth and worthiness of promotion, have applicability to other organizations.

Hospitals and schools, which traditionally employ large numbers of women, may be considered as cases in point. These institutions might be expected to be in the forefront in articulating a professional ethos that respects women's experience and ways of knowing, and in instituting work arrangements that are exemplary in accommodating women's family-related responsibilities. Although they profess devotedness to the holistic wellbeing and development of all, schools continue to operate primarily from the perspective of the male-dominated educational and governmental establishment. Thus, the norms and practices that govern learning and teaching are attuned to patriarchal modes of ordering the world. Accordingly, teachers' daily schedules and working conditions are notoriously rigid and insensitive to women. The severe curricular and scheduling constraints to which teachers are required to adhere may also render them vulnerable to succumbing to the arbitrary expectations of others and, because of the lack of a developmentally supportive work-based holding environment, vulnerable to an unduly protracted moratorium at the interpersonal truce, or third order of consciousness.

Similarly, the rigid schedules and handmaiden roles by which nurses in hospital settings are typically compelled to conform to the dictates of the male-dominated medical and governmental establishment fail to respect female nurses' perspective on what constitutes responsive patient care and to accommodate their family-related responsibilities. The patriarchal ethos of the hospital may also leave nurses psychologically susceptible to over-identification with the prescriptions of others and susceptible to being detained at the interpersonal truce, or third order of consciousness.

The outcomes and implications of this inquiry also call into question the validity of presenting 'competitive relationships and hierarchical modes of social organization as the natural ordering of life' (Gilligan, 1982b: 210). This inquiry has documented extensively the manner in which competitive relationships and hierarchical modes of social organization can crystallize into an absence of concern for others on the part of those in positions of advantage or authority within law firms. The indifference and unresponsiveness with which the perspectives of highly accomplished women lawyers, such as those interviewed, tend to be regarded within their profession appear to be the common experience of women and of members of other non-dominant groups in similar



work settings, which, whatever their purpose, seem inevitably to benefit some workers at the expense of many.

Nevertheless, the benefits of the higher level of education enjoyed by the women lawyers interviewed may be assumed to have enabled them to exercise to a greater extent than average a critical stance toward their environment. In addition, their professional participation in a traditionally male domain of public life may be presumed to offset some of the other deleterious conditions to which members of the traditionally female professions of teaching and nursing and women more generally are subjected in a culture still dictated by patriarchal values. Therefore, women, such as those whose constructions of life-career success are examined in this inquiry and others who enjoy the benefits that accrue to a higher education, bear special obligations to expose and ameliorate the effects of those deep-seated institutional arrangements that obstruct the full life-career development of many, men as well as women.

### **Re-visioning Success**

What constitutes career success needs to be radically *re*-envisaged. As middle-aged persons are increasingly confronted with life-career challenges occasioned by the ever-accelerating pace of change, traditional routes to career success are disintegrating. New, immensely more expansive definitions of the enterprises of work and occupational achievement, which are both socially constructive and personally meaningful, need to be articulated.

As employed here, the term 're-visioning' echoes both Gilligan (1991), who engages it to denote a new seeing and naming of experience, and Hillman (1975, 1999), who uses it to refer to a vision of the enterprise of psychological inquiry that attends to those elusive regions of human imagination where meaning is made possible. Fashioned, as it has been, through the process of concentrating systematically on meaning-making and the paradoxical tensions that epitomize the zone of mediation where meaning is brought into existence, the metaphor of the scales of success signifies an alternative vision of success.

Upon interweaving into a single framework the images of adult development inspired by Kegan's helix of evolutionary truces and Gilligan's expanding web of relationships with insights offered by other major theorists, the conventional conception of career success as synonymous with the attainment of wealth, power, and prestige succumbs to a different mode of thinking about life-career success. It now begins with the

premise that a fecund constellation of imperatives may compete to hold sway at any given point in a given life-career and that, therefore, no stable, secure, or irrefutable point of attainment of success can be readily identified. Embedded within the imagery of the scales, therefore, is a reimagined life-career scenario within which success during middle adulthood is envisioned not as a pinnacle, or even a specific point to be reached on a continuum, but as an ever-evolving cyclical process that is many-stranded, dynamic, polymorphous, and destined to go on as long as life itself goes on. This process is characterized by continuous motion rather than stability, precariousness rather than security, transience rather than permanence, evanescence rather than tangibility.

Thus, the inquiry method adopted has added fresh imagery to our understanding of the values and motivations underlying the meaning-making of highly influential members of the legal profession. The insights generated may prove fruitful if also seen as a frame of reference for understanding and symbolizing the paradoxical life-career strivings and vicissitudes of middle-aged men and women across a range of professional domains.

By juxtaposing points of complementarity between the insights of Gilligan and Kegan, the inquiry has also gone some way in illustrating the potential benefits of taking a jointly relational and structural approach to studying gender differences in our ways of knowing. The constructions of life-career success expounded particularly by the women lawyers have revealed how it is entirely possible to take command of one's most authentic self without taking leave of one's valued social connections. The women lawyers' constructions have helped elucidate how it is feasible, for example, to find a considerable measure of personal authority and autonomy by relativizing the prescriptions of external, publicly based sources of authority emanating from the orthodox conventions of one's own profession without necessarily severing ties to one's mainstream professional colleagues.

The bi-theoretical, bi-focal viewpoint has also permitted surveillance of a developmental vista that encompasses a more complex, inclusive, and nuanced rendering of life-career success during middle adulthood than is readily seen through the lens of either Gilligan's or Kegan's theory on its own. Graphically highlighted in the vision of life-career success during middle adulthood that has unfurled is the essentially cyclical, rhythmic and contextually responsive nature of life-career development. Vividly accentuated, too, is the persistence in the lives of middle-aged persons of a dynamic, dialectical tension between their yearnings for

independence and for interdependence, which reveals itself through a diverse assortment of recurring motifs elaborated in endlessly evolving variations. The metaphoric scales of success, as conceived, is intended to respect the complexity of these human yearnings and, accordantly, to portray independence and interdependence not as oppositional poles, but as irony-laden, intricately interactive twin presences.

As advocated by Levinson in relation to adult development theory, and by Savickas in relation to career development theory, the framework of the scales of success encompasses insights garnered by peering through multiple lenses, among them the bi-focal lens of Kegan's and Gilligan's respective frames of reference, as well as the lenses of Jung's archetypal, Erikson's sociodynamic, and Maslow's humanistic perspectives. Conceived in the course of panoramic inspection of adult development and career development theories, the metaphor of the scales of success endeavours to span the boundaries of psychology and philosophy, while encapsulating key aspects of the vibrant interplay perceived to endure between subject and object, self and other, separation and attachment, work and love. In so doing, it seeks to gather within one capacious conceptual vessel emblematic expressions of the evolutionary rhythms deemed intrinsic to the flow of life itself during middle adulthood.

# Appendices

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## APPENDIX A

### Interview Agreement Form

#### INTERVIEW AGREEMENT FORM

I agree to participate in two tape-recorded interviews for a study about ways people make meaning of their own personal experience. I understand that I will be asked about ordinary experiences (like feeling successful, or being anxious about an impending decision, etc.) and that I will not be required to answer any questions which I choose not to answer. I understand that any excerpts taken from these interviews, written or spoken, will disguise all names of persons and places, so as to maintain confidentiality and preserve my anonymity and privacy. I understand that I will receive feedback on my interviews and that, although most people find these interviews very engaging and worthwhile, I reserve the right to withdraw from the study at any time and to have all data provided by me returned to me.

---

Signature of Interviewee

Thank you for your generosity in making time available for my research.

---

Date                      Signature of Interviewer

Sheelagh O'Donovan-Polten

*Note:* This Interview Agreement Form has been adapted from *The Guide to the Subject-Object Interview: Its Administration and Interpretation* (p. 426), by L. Lahey et al. (1989), Cambridge, MA: Subject-Object Research Workshop, Harvard Graduate School of Education. Unrestricted permission to copy the Interview Agreement Form is granted on p. 423 of the Guide.

## APPENDIX B

### *The Kegan-Style Interview Protocol*

#### MATERIALS

Ten (10) index cards (3" × 7"), pencil, tape recorder, and 90-minute tape.

#### PREPARING THE CO-PARTICIPANT

The co-participant has been advised previously but is reminded that:

- (1) he or she is participating in a one- to two-hour interview.
- (2) he or she is not obliged to talk about anything he or she wishes not to discuss.
- (3) that the interviewer's goal is that of learning 'how *you* make sense of *your own* experience, particularly, how *you* think about success in relation to your own professional and personal life.'

#### *Part I: Generating Content: The Inventory*

The co-participant is handed the ten (10) index cards. Each card has a title printed on it, to wit:

1. SUCCESS
2. CHANGE
3. ANGRY
4. ANXIOUS, NERVOUS
5. STRONG STAND, CONVICTION
6. SAD
7. TORN, IN CONFLICT
8. MOVED, TOUCHED
9. LOST SOMETHING
10. IMPORTANT TO ME

*Note:* Excepting Part III, the Kegan-style interview protocol is adapted from Lahey et al., *The Guide to the Subject-Object Interview: Its Administration and Interpretation* (1989: 428–33), Cambridge, MA: Subject-Object Research Workshop, Harvard Graduate School of Education. Unrestricted permission to copy the Subject-Object Interview Protocol is granted on p. 423 of the Guide.

The co-participant is told that the cards are for his or her use only, that the interviewer won't see them, and that he or she can take them or throw them away after the interview. The cards are just to help the co-participant to jot down things we might want to talk about in the interview.

The co-participant is told, 'We will spend the first 10 to 15 minutes with the cards and then talk together for an hour or so, about those things you jotted down on the cards which *you* choose to talk about. We do not have to discuss anything you don't want to talk about.'

- (1) 'Now let's take the first card' (SUCCESS). 'If you were to think back over the last several weeks, even the last couple of months, and you had to think about times when you felt kind of triumphant – or that you had achieved something that was difficult for you, or especially satisfying, that you were afraid might have turned out another way, or a sense that you had overcome something – are there two or three things that come to mind? Take a minute to think about it, if you like, and just jot down on the card whatever you need to remind you of what they were.' (If nothing comes to mind for a particular card, skip it and go on to the next card.)
- (2) (CHANGE). 'As you look back at your past, if you had to think of some ways in which you think you've changed over the last few years – or, even months, if that seems right – are there some ways that come to mind?'
- (3) (ANGRY). 'If you had to think about times you felt really angry about something, or times you got really mad or felt a sense of outrage or violation – are there two or three things that come to mind?'
- (4) (ANXIOUS, NERVOUS). 'If you were to think of some times when you found yourself being really scared about something, nervous, anxious about something.'
- (5) (STRONG STAND, CONVICTION). 'If you were to think of some times when you had to take a strong stand, or felt very keenly "this is what I think should or should not be done about this"; times when you became aware of a particular conviction you held.'
- (6) (SAD). '... felt really sad about something, perhaps something that even made you cry, or left you feeling on the verge of tears.'
- (7) (TORN, IN CONFLICT). '... felt really in conflict about something, where someone or some part of you felt one way or was urging you on in one direction, and someone else or some other part of you was feeling another way; times when you really felt kind of torn about something.'



- (8) (MOVED, TOUCHED). ‘... felt quite touched by something you saw, or thought, or heard, perhaps something that even caused your eyes to tear up, something that moved you.’
- (9) (LOST SOMETHING). ‘... times you had to leave something behind, or were worried that you might lose something or someone; “good-bye” experiences, the end of something important or valuable; losses.’
- (10) (IMPORTANT). ‘If I were just to ask you, “What is it that is most important to you?” or “What do you care deepest about?” or “What matters most?” – are there one or two things that come to mind?’

*PART II: Revealing Construction of Success and the  
Meaning-Making Structure*

The co-participant is told, ‘Now we have an hour or so to talk about some of these things you’ve recalled or jotted down. I’d like to start with “success,” but you can decide where we proceed from there. Among the remaining cards, is there one about which you felt more strongly than the others?’ The tape recorder is switched on and the part of the interview which seeks to reveal the co-participant’s construction of success and meaning-making structure begins. Except for the ‘success’ card, the co-participant introduces the content by selecting the cards to be discussed.

**WHAT THE INTERVIEWER SHOULD KEEP IN MIND**

1. The interviewer should not worry about getting through all the cards; one never does. The idea is to let the co-participant introduce personally salient content, and for the interviewer to try to understand it. It doesn’t matter how many cards are discussed. (But it can be useful to know *which* cards are most salient.)
2. The co-participant will provide the ‘*whats*’ (what is important, what felt successful); the interviewer must endeavour to also learn the ‘*whys*’ (why is it important, why does that constitute success?). The answer to the whys helps the interviewer to understand how the person’s subject-object construction is shaping his or her concept of success.
3. Since the interviewer is seeking both content and structure, she needs to ask why (as for any structure-revealing interview) but since she is probing real-life experience, often deeply felt, care must be taken to frame the whys in a way that does not seem to suggest the person is somehow wrong to be caring so deeply. For example, the co-participant might say ‘I’m worrying that I might lose the X-versus-Y

case.' The interviewer wants to know what is at stake in this possible loss (e.g., maybe the co-participant thinks that, if she loses, her colleagues' respect for her will diminish; or, maybe he feels that, if he loses, his family will be disappointed; or, perhaps she feels that, if she loses, she will be letting herself down – all *conceivably* different structures). In any case, the interviewer should not ask a question like 'Why are you so worried about that?' because it can unintentionally suggest she has doubts about the appropriateness of worrying about such a thing. The interviewer must find her own way to convey that she is not trying to understand why it should be that the co-participant has this worry but *in what sense* it is a worry.

4. The interviewer must wear 'two hats' in the conduct of the interview – that of empathic, receptive listener and that of active inquirer. Ignoring the first on behalf of the second leaves most co-participants feeling that they have been subjected to excessively intense questioning and have not been well understood; the interview will become unpleasant at best, and unproductive at worst. Ignoring the second on behalf of the first leaves most interviews epistemologically vague; people rarely spontaneously speak in an epistemologically unambiguous fashion.
5. The central activities going on in the interviewer's own head are active listening and the *forming of hypotheses* during the interview itself. The more familiar the interviewer is with the 21 epistemological distinctions the Subject-Object Interview can make the easier it is to generate hypotheses.

### *PART III: Closing the Kegan-Style Interview and Checking Trustworthiness*

During the last ten minutes or so of the interview, the interviewer asks the following questions:

1. Considering our time together is running out, do you think that anything important has been omitted from our interview?
2. As I see it, the main points you have made are ... Are there any further comments, reflections, or clarifications you would like to offer?
3. Do you feel comfortable about closing now?
4. What is your understanding of the purpose of this interview?
5. Did you feel at ease and free to express your own thoughts and feelings?
6. At any point during the interview, did you feel that a right or wrong answer was implied by my question?

## APPENDIX C

### *Letter Accompanying Preliminary Profile*

Date \_\_\_\_\_

Lawyer's name \_\_\_\_\_

Lawyer's address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Dear Mr/Ms (lawyer's name),

The preliminary profile resulting from our interview on your conception of what constitutes success, (month, day, year), is now ready for review. Please find a copy enclosed. I invite you to consider any changes or additional observations you might wish to make.

As discussed previously, I would appreciate receiving your reactions and comments during a second interview. Although it is desirable that this interview be conducted as soon as possible, it can be arranged to accommodate your scheduling needs. This interview lasts forty to fifty minutes and its purpose is that of reviewing, refining, and validating the preliminary profile. Subsequently, I will compile a final profile and will have a copy delivered to you for your approval.

I will call your office during the next few days to make arrangements for our second interview. Meanwhile, should you wish to receive any additional information, please feel free to call me at telephone # — — during daytime or # — — during evening hours.

Thank you for your generosity in making time available for my research.

Sincerely,

Sheelagh O'Donovan-Polten

## **APPENDIX D**

### *Profile Review Interview*

**MATERIALS.** Two copies of the co-participant's Preliminary Profile, pencil, tape recorder, and 90-minute tape.

**PREPARING THE CO-PARTICIPANT.** The co-participant has been advised previously but is reminded that:

- (1) he or she is participating in a 30- to 50-minute interview,
- (2) he or she is not obliged to talk about anything he or she wishes not to discuss,
- (3) the interviewer's goal is that of checking 'how well the Preliminary Profile represents your thinking about success in relation to your own professional and personal life.'

### *PART I: Generating Content*

The co-participant has received a copy of the Preliminary Profile a few days, or weeks, earlier and has been invited to consider any changes or additional comments he or she might wish to make. Nevertheless, the interviewer begins by telling the co-participant to 'Please feel free to take a few minutes to examine my profile of your thinking about success. Please jot down reminders of your reactions and of any changes or additional comments you may wish to make.'

### *PART II: Clarifying the Content and Meaning-Making Structure*

The co-participant is told, 'Now, we have forty minutes or so to talk about your reactions to this profile and about any changes or comments you may wish to make.' The tape recorder is switched on and the content- and structure-clarifying part of the interview begins. The interviewer asks five standard questions, as indicated below. Every standard question is followed, as required, by appropriate and relevant probes, each of which varies – as in the first interview – with the co-participant's unique meaning-making content and structure. The standard questions presented are as follows:

1. (a) What was your initial reaction upon reading this profile of your thinking about success?  
(b) Probes, as required.
2. (a) How accurately does this profile represent what you intended to communicate during our initial interview?  
(b) Probes, as required.
3. (a) Has your thinking changed since our initial interview?  
(b) Probes as required.
4. (a) Has anything important been omitted from this profile?  
(b) Probes, as required.
5. (a) Has anything significant been distorted?  
(b) Probes, as required.
6. Are there any further comments or reflections you would like to add?

*PART III: Closing the Profile Review Interview and Checking Trustworthiness*

During the last 5 minutes or so, the interviewer asks the following questions:

1. Do you feel comfortable about closing now?
2. What is your understanding of the purpose of this interview?
3. Did you feel at ease and free to express your own thoughts and feelings?
4. At any point during the interview, did you feel that a right or wrong answer was implied by my question?

## APPENDIX E

### *Letter Accompanying Final Profile*

Date \_\_\_\_\_

Lawyer's name \_\_\_\_\_

Lawyer's address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dear Mr/Ms (lawyer's name),

The final profile resulting from our interviews on your conception of what constitutes success is now in the form in which it will appear in my publication. Please find a copy enclosed.

I have made the changes we discussed during our review of the preliminary profile. I have also been obliged to slightly edit your profile, in the interests of achieving a reasonable degree of balance between the various sections of my research. However, all of the key dimensions of your conception of success have, I believe, been retained in this final profile. I trust you will find it satisfactory.

I will call your office during the forthcoming week to check that confidentiality has been maintained and that the overall profile is acceptable to you. Meanwhile, should you wish to receive any additional information, please feel welcome to call me at telephone # — — at any time which is convenient for you.

Also enclosed is a brief summary of my research findings. Should you desire a more detailed summary of my findings or a copy of my publication, I will be happy to have one delivered to your office.

Thank you again for your generosity in making time available for my research and for your kindness during the interviews. Please accept my best wishes for every success in all of your future endeavours.

Sincerely,

Sheelagh O'Donovan-Polten

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