

1996

## **You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and by Educated Women Twenty Years Ago**

Jackie Slotkin  
*California Western School of Law*, [jhs@cwsl.edu](mailto:jhs@cwsl.edu)

Follow this and additional works at: <https://scholarlycommons.law.cwsl.edu/fs>



Part of the [Legal Profession Commons](#)

---

### **Recommended Citation**

Slotkin, Jackie, "You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and by Educated Women Twenty Years Ago" (1996). *Faculty Scholarship*. 133.

<https://scholarlycommons.law.cwsl.edu/fs/133>

This Article is brought to you for free and open access by CWSL Scholarly Commons. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of CWSL Scholarly Commons. For more information, please contact [alm@cwsl.edu](mailto:alm@cwsl.edu).

# You Really Have Come a Long Way: An Analysis and Comparison of Role Conflict Experienced by Women Attorneys Today and by Educated Women Twenty Years Ago

JACQUELYN H. SLOTKIN\*

---

## INTRODUCTION

During the 1960's and 1970's, a steadily growing number of women were raising and discussing crucial issues about the role and place of women in the United States. Women of my generation were feeling dissatisfied. Women wanted to be more than housewives and mothers. Women wanted equal status in the workplace. They were setting new goals, returning to school, and looking for satisfying jobs. Twenty years ago, I studied college educated women and role conflict.<sup>1</sup> I predicted then, with great optimism and based upon research data, that succeeding decades of women would break out of traditional roles and participate fully as

professionals and leaders throughout the country without experiencing role conflict.<sup>2</sup>

The Women's Movement of the 1960's and 1970's became the protagonist of equal opportunities for women and men, equal pay for equal work, and equal opportunity for hiring and advancement. Many factors contributed to the movement: in the mid-1960's, the maturing of the first generation of children born after World War II and many of these young adults questioning and often rejecting traditional patterns of life such as the nuclear family, traditional sexual patterns, and sex role stereotypes;<sup>3</sup> the 1963 publication of the report of President Kennedy's Commission on the Status of Wo-

---

\*I would like to thank Darren Ward, my research assistant, for his invaluable help with the statistics for this article and his helpful comments. I would also like to thank California Western School of Law for its financial support of this project. Last but not least, I would like to thank Bob Slotkin who has supported and encouraged my research and teaching.

1. Jacquelyn H. Slotkin, *Role Conflict Among Selected Anglo and Mexican-American Female College Graduates* (1976) (unpublished Ph.D. dissertation, University of Arizona) (on file with the University of Arizona Library). Role conflict is conceptualized, defined, and measured specifically for this research study. Role conflict is a statistically significant difference between a woman's actual expressed role score on the Fand Inventory of Feminine Values Form A (a measurement on the rating inventory of how a woman perceives herself) and a

woman's expressed role preference score on the Fand Inventory of Feminine Values Form B (a measurement on the rating scale of how a woman perceives her "ideal" woman). *See also* Appendix A.

The term role conflict has many underlying conceptualizations which include: divergent role conceptions held by the same individual, inconsistencies between role expectations, incompatible role behavior, and role strain. Margaret M. Poloma, *Role Conflict and the Married Professional Women*, in *TOWARD A SOCIOLOGY OF WOMEN* 187 (Constantina Safilios-Rothschild, ed. 1972). *See also infra* section II.

2. *See* Slotkin, *supra* note 1, at 105-15.

3. GROUP FOR THE ADVANCEMENT OF PSYCHIATRY, *THE EDUCATED WOMAN: PROSPECTS AND PROBLEMS*, Rep. 92, 134-39 (Mental Health Materials Center, Inc., 1975).

men,<sup>4</sup> Betty Friedan's, *The Feminine Mystique*,<sup>5</sup> and Simone DeBeauvoir's, *The Second Sex*;<sup>6</sup> the formation of the National Organization for Women in 1966 which gave structure to the individual women's voices; Kate Millett's, *Sexual Politics*;<sup>7</sup> Masters and Johnson's, *Human Sexual Response*,<sup>8</sup> which was interpreted to mean that women have greater interest in and more potential for response to sex than men; and improvement of contraceptive techniques, legalization of abortion, and attention focused on population control as a worldwide concern.

Though all roles are theoretically open to educated women who may choose to be wives, mothers, and active professionals, this does not mean that, in fact, educational opportunities or occupational opportunities are equal for men and women. In the 1970's, women made up only 8% of law school students.<sup>9</sup> Less than 1% of women were engineers, 2% executives, and 7% physicians.<sup>10</sup> Women faculty at the university level were a minority.<sup>11</sup> Women constituted about 18% of the faculty in higher education, distributed mainly at small colleges and universities and in the lower ranks of other institutions.<sup>12</sup> In the 1970's most

women were employed in elementary school education, the nursing profession, and office and sales.<sup>13</sup>

Women in the 1990's have more freedom and alternatives open to them than women in previous decades. At the present time over 53% of all college graduates are women<sup>14</sup> and 42.5% percent of all law students are women.<sup>15</sup> Today 24.8% of licensed lawyers are women.<sup>16</sup> Forty-five percent of the labor force is female, two-thirds of all new work force recruits are women, and only one of every three mothers stays home to provide full-time child care.<sup>17</sup> In 1994, 8.3% of engineers, 22.3% of physicians, 13.3% of dentists, 42.5% of college and university teachers, and 43% of executive, administrative, and managerial positions are held by women.<sup>18</sup> But increase in opportunity does not necessarily equate with happiness.

Women have been studied from many different perspectives, individually and as a group. Studies have indicated that women aspiring to combine marriage, a family, and a rewarding career in our society continue to face uncertainty in defining the appropriate feminine role and are experiencing role conflict.<sup>19</sup>

4. PRESIDENT'S COMMISSION ON THE STATUS OF WOMEN, AMERICAN WOMEN: REPORT OF THE PRESIDENT'S COMMISSION 2-43 (1963).

5. BETTY FRIEDAN, *THE FEMININE MYSTIQUE* (Dell Pub. Co. 1974) (1963). Friedan emphasized the "mystique" of the idea of total fulfillment as wife and mother. She believed the educated woman has been diverted from realizing her potential through the influence of Freudian theory. *Id.* at 96.

6. SIMONE DEBEAUVOIR, *THE SECOND SEX* 464-97 (H.M. Parshley ed. & trans., Bantam Books 1963) (1949). DeBeauvoir was concerned with the failure of women to be free and equal. She argued against motherhood as all fulfilling unless this role was freely chosen. *Id.*

7. KATE MILLETT, *SEXUAL POLITICS* 23-58 (Avon Books, 1971) (1970). Millett described the relationship between the sexes as a political one in which woman is sometimes idolized, sometimes patronized, but always exploited. The bias against women is a cultural bias, and she defended this point of view through a review of and dissection of classic literature. *Id.*

8. WILLIAM H. MASTERS & VIRGINIA E. JOHNSON, *HUMAN SEXUAL RESPONSE* (1966).

9. Sandra Janoff, *The Influence of Legal Education on Moral Reasoning*, 76 MINN. L. REV. 193, 196 (1991).

10. *Id.*

11. Patricia Albjerg Graham, *Women In Academe*, in *TOWARD A SOCIOLOGY OF WOMEN* 262 (Constantina Safilios-Rothschild, ed., 1972).

12. *Id.*

13. U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, 1970 CENSUS OF POPULATION, CHARACTERISTICS OF THE POPULATION, UNITED STATES SUMMARY, 718-19, 772-73 (1973).

14. U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS, STATISTICAL ABSTRACT OF THE UNITED STATES 1995, THE NATIONAL DATA BOOK, 189 (115th ed., 1995). These are

projected numbers for 1995; the 1993 figures are approximately the same. The projected number of women earning bachelor's degrees in 1995 is 630,000 women, master's degrees, 195,000 women, and doctor's degrees, 17,000 women.

15. AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, A REVIEW OF LEGAL EDUCATION IN THE UNITED STATES: FALL, 1990, LAW SCHOOLS AND BAR ADMISSION REQUIREMENTS 66 (1990); see also Janoff, *supra* note 9.

16. Anee McKim, Comment, *The Lawyer Track: The Case For Humanizing The Career Within A Large Law Firm*, 55 OHIO ST. L.J. 167, 172 (1994). See also STATISTICAL ABSTRACT, *supra* note 14, at 411.

17. Peter Cattani, *Childcare Problems: An Obstacle to Work*, MONTHLY LAB. REV., Oct. 1991, at 3, 3.

18. See STATISTICAL ABSTRACT, *supra* note 14, at 411. The numbers of women college faculty includes 2-year institutions as well as public and private 4-year universities and colleges. The executive category includes: public officials and administrators, financial managers, purchasing managers, managers in marketing, advertising, and public relations, administrators in education, managers in medicine, health, real estate, and accountants and auditors. *Id.*

Women, however, still make up 85.6% of the teachers in elementary education, 93.8% of the registered nurses, and 69.3% of the social workers. *Id.*

19. There are numerous articles and dissertations discussing the feminine role and role conflict. For an overview of sex role research, all of which use the Inventory of Feminine or Fand) of Feminine Values as one assessment of the feminine role. See e.g., Sheila P. McKenzie, A Comparative Study of Feminine Role Perceptions, Selected Personality Characteristics, and Traditional Attitudes of Professional Women and Housewives (1974) (unpublished Ed.D. dissertation, University of Houston) (on file

This paper continues my 1975-76 cross cultural research of college graduate women. Twenty years ago I found respondents in the study were experiencing significant role conflict, defined as a statistically significant difference between the actual expressed role<sup>20</sup> as measured by the Inventory of Feminine Values Form A<sup>21</sup> and the expressed role preference<sup>22</sup> as measured by the Inventory of Feminine Values Form B.<sup>23</sup> This population perceived the female role moving away from the traditional wife/mother role toward that of a more self-actualizing, career-oriented woman.

The 1995-96 respondents were women attorneys, white and women of color, living and working in San Diego, California, the sixth largest city in the United States. According to 1990 census figures, the population of the City of San Diego is nearly 40% nonwhite.<sup>24</sup> Yet only 3% of San Diego attorneys identify themselves as members of any traditionally underrepresented racial groups.<sup>25</sup>

The purpose of this study was to analyze and compare women's actual expressed roles with their expressed role preferences as measured by the Inventory of Feminine Values to determine if a randomly selected sample of female lawyers was experiencing role conflict. The respondents of the original study were college graduates, not law school graduates. Most were employed, if at all, in education, nursing, and social work. All were experiencing significant role conflict. I assumed women lawyers today would be content with their roles, both professional and personal.

This paper is divided into four parts. Part I reviews the theoretical and empirical literature on sex roles, sex role theory, and role conflict and examines the literature on women lawyers and the conflicts and problems in a profession which is only slowly changing to adapt to the substantial numbers of women in the field. Part II discusses and summarizes the purpose, the research procedures, and the findings and recommendations of the

---

with the University of Houston Library); Barbara Powell, *Role Conflict and Symptoms of Psychological Distress in College Educated Women* (1976) (unpublished Ph.D. dissertation, Fordham University) (on file with the Fordham University Library); Barbara E. Phillips, *Fear of Success and the Female Doctoral Student: A Study of the Influence of Age and Marital Status on Women's Experience of Graduate School* (1978) (unpublished Ph.D. dissertation, California School of Professional Psychology, San Francisco) (on file with the California School of Professional Psychology Library); Sandra M. Feldman, *The Competent Woman: A Multivariate Investigation of Sex Roles, Achievement Motivation, Self-esteem, and Locus of Control* (1980) (unpublished Ph.D. dissertation, California School of Professional Psychology, Fresno) (on file with the California School of Professional Psychology Library); Jean Christensen, *Feminine Sex Role Conflict: A Study of Colorado Women Public School Administrators* (1980) (unpublished Ph.D. dissertation, University of Colorado at Boulder) (on file with the University of Colorado at Boulder Library); Marilyn J. Davis, *A Comparison of Traditional and Non-traditional Identities in Women* (1981) (unpublished Ph.D. dissertation, Brigham Young University) (on file with the Brigham Young University Library); B.E. Liss, *Life Satisfaction: A Comparison of Retired and Employed women* (1983) (unpublished Ph.D. dissertation, University of Texas H.S.C. at Houston School of Public Health) (on file with the University of Texas H.S.C. at Houston School of Public Health).

20. Slotkin, *supra* note 1, at 12. Actual expressed role is defined as how a woman perceives herself and her role, perceived from the phenomenological point of view of each individual. *Id.*

21. Alexandra Fand, *Sex Role and Self Concept: A Study of the Feminine Role as Perceived by Eighty-five college Women for Themselves, Their Ideal Woman, the Average Woman, and Men's Ideal Woman* (1955) (unpublished Ph.D. dissertation, Cornell University) (on file with the Cornell University Library). Alexandra Fand developed the Fand Inventory of Feminine Values [will be referred to as the "Inventory of Feminine Values" or the "Inventory" for purposes of this paper] for her thesis research in partial fulfillment of her Ph.D. at Cornell University.

Anne Steinmann and Alexandra Fand copyrighted the Inventory in 1973 and renamed it the Maferri Inventory of Masculine and Feminine Values.

For purposes of this study, the following assumptions were made: 1) Each woman has a perception of her own female role which she can identify. Similar assumptions have been made in other studies (*see* Steinmann *infra* note 58; *see also supra* note 19); 2) The Inventory of Feminine Values for investigating female roles and measuring the degree of other-orientation (women who fulfill themselves through others) and self-orientation (women whose fulfillment in life is by self-actualization) was appropriate to and inclusive for this study of role perception and role conflict.

22. Slotkin, *supra* note 1, at 12-13. The expressed role preference is the "ideal" woman each woman would like to be. This role does not have to coincide with the actual expressed role (how a woman perceives herself), but may be the same as actual expressed role. *Id.*

23. Fand, *supra* note 21, at 110-11.

24. Calculated from the U.S. DEPARTMENT OF COMMERCE, ECONOMICS AND STATISTICS ADMINISTRATION, BUREAU OF THE CENSUS, 1990 CENSUS OF POPULATION AND HOUSING, SUMMARY POPULATION AND HOUSING CHARACTERISTICS, CAL. 52-53 (1990). Population figures for the City of San Diego by race and ethnicity are: total population 1,110,140; African American 104,259; Native American 6,798; Asian/Pacific Islander 130,943; Hispanic 229,341. *Id.*

25. Traditionally underrepresented racial groups are defined as African American, Hispanic, Asian/Pacific Islander, and Native American. These are the identified categories in Bureau of the Census, U.S. Department of Commerce population figures. There has been no official count of minority lawyers in San Diego. Experienced representatives of the local minority bar associations (Pan Asian Lawyers of San Diego, Earl B. Gilliam Bar Association of San Diego County, La Raza Bar Association) have estimated these numbers from their organizations' directories. *See* SAN DIEGO TRANSCRIPT, 1994 SAN DIEGO COUNTY ATTORNEY DIRECTORY (37th ed. 1994).

research conducted in 1975-1976,<sup>26</sup> which defined the role perceptions of college educated women and analyzed conflict in a selected white and Mexican-American population of female college graduates. Part III summarizes and explores the role perceptions and demographic data collected in 1995 from a selected sample of female attorneys in San Diego of multiple ethnicities.

In order to examine the role ambiguities empirically, I administered two forms of the Inventory<sup>27</sup> to a randomly selected population of African American, Asian American, Hispanic and white female lawyers in San Diego in an attempt to define the role or roles each woman has chosen for herself (actual expressed role or personal view of self) and to determine the preferred or ideal roles of the same population (expressed role preference or personal view of the ideal woman). For this research, a difference in the scores of actual expressed role and expressed role preference was defined as role conflict. I analyzed role conflict both on an individual level and on a group level. I compared relationships between achievement-oriented goals or family-oriented goals and ethnic group affiliation. With a personal questionnaire, I examined variables in specific categories—personal, educational, marital, and professional—to determine whether the variables correlated to role conflict.

Finally, in Part IV, I conclude with recommendations for further study of role conflict and suggestions for a better, more satisfying, balanced future for women professionals.

## I. REVIEW OF THE LITERATURE ON SEX ROLES, ROLE THEORY, AND ROLE CONFLICT

The section reviews the literature pertinent to role theory, sex roles, and role conflict. The categories include a brief overview of: the development of sex role theory, the theoretical and empirical research on sex roles from the 1950's to the present, the cross-cultural perspective, and the literature on women lawyers and role conflict.

### A. Development of Role Theory

The precursors of role theory contributed a perspective to role theory from three specialized fields: sociology, psychology, and anthropology. What emerged from the early writers and thinkers was a language and an area of study consistent with concepts that exist today.<sup>28</sup>

Noted sociologist, George Herbert Mead, discussed role on many levels including the self, interaction, and socialization.<sup>29</sup> Jacob Moreno pioneered work in role playing by using psychodrama and sociodrama.<sup>30</sup> Anthropologist, Ralph Linton, proposed the concept of social role and the distinction between status and role.<sup>31</sup> Linton, Moreno and Mead helped to establish the term and the concept of role in the social sciences.

Sex roles tend to determine behavior in every society. Three schools of theory prescribe the sex roles of women: psychology, cultural anthropology, and sociology.

The traditional view of female psychology emphasized the innate biological factors. The most influential formulations of personality development come from Freud's psychoanalytic theory. Freud's world was male dominated; he was not a Feminist.<sup>32</sup> A neo-Freudian, Karen Horney's ideas on

26. See Slotkin, *supra* note 1.

27. See Fand, *supra* note 21, at 106-15.

28. See Jay M. Jackson, *Structural Characteristics of Norms*, in *ROLE THEORY: CONCEPTS AND RESEARCH* 113-14 (Bruce J Biddle and Edwin J. Thomas eds., 1966).

29. GEORGE HERBERT MEAD, *MIND, SELF, AND SOCIETY* (1937).

30. J. L. MORENO, *WHO SHALL SURVIVE?* 6-7 (1934).

31. RALPH LINTON, *THE STUDY OF MAN* 113 (1936). "Every individual has a series of roles deriving from the various patterns in which he participates and at the same time a role, general, which represents the sum total of these roles and determines which he does for his society and what he can expect from it." *Id.* at 114.

32. See generally 19 SIGMUND FREUD, *THE STANDARD EDITION OF THE COMPLETE PSYCHOLOGICAL WORKS OF SIGMUND FREUD* 243-258 (James Strachey, ed. and trans., 1961). Freud's

formulations reflect his experience with patients from Victorian, middle-class nineteenth century Vienna. Psychoanalytic theory is an evolutionary theory that begins with the development of the child through infantile sexuality (oral, anal, and phallic phases, culminating in the Oedipus-Electra complex), the latency period from seven to twelve years (resolution of the Oedipus complex and establishment of the superego), to puberty at ages twelve to fourteen (leading to genital maturity and heterosexual object choice). Freud discussed women who "refuse to accept the fact of being castrated" and hope someday to obtain a penis in spite of everything. *Id.* He further elaborated that "we must not allow ourselves to be deflected from such conclusions by the denials of the feminists who are anxious to force us to regard the two sexes as completely equal in position and worth." *Id.* at 258.

Freud's world was dominated by man and by a point of view which emphasized the penis as a source of power. He described the processes that take place in the psychosexual development of

feminine psychology developed from her commitment to psychoanalysis and the discrepancies she found between Freud's theories and their application, especially his theories of psychosexual development.<sup>33</sup> Eric Erickson defined the feminine role by describing children's play activities.<sup>34</sup> Though Erickson stressed that biological differences exist between the sexes, he emphasized the cultural and psychosocial factors influencing sex roles.<sup>35</sup>

The second theoretical perspective concerning female sex roles came from anthropology. Margaret Mead ascribed the differences in female roles not to the fundamental biological sex differences, but to cultural conditioning.<sup>36</sup> She discussed the patterns of sexual behavior from a standpoint of temperament of individuals within different societies. She determined that every culture has in some way institutionalized the roles of men and women.<sup>37</sup> Ashley Montagu concluded that women are superior to men based on fundamental biological differences between the sexes: women are superior because of their ability to bear children.<sup>38</sup> He said that "discontent is almost a necessary condition of the life of the average educated woman . . . changes will come gradually but inevitably."<sup>39</sup>

The theories of Ralph Linton, Talcott Parsons, and Mirra Komarovsky shaped the sociological view of sex roles. Linton explained that in every society, an individual must, in the course of life, perform different roles, portions of which are prescribed on the basis of age-sex category membership.<sup>40</sup> Adult woman's roles are initiated at an early age.<sup>41</sup> Parsons believed it was impossible for

adult woman to choose a masculine pattern in a career in direct opposition with men of the same social class; however choosing a male-patterned career was possible "with profound alterations in the structure of the family."<sup>42</sup> He believed marriage determined women's status—her husband's wife, mother of his children—and that women should perform what is expected of them.<sup>43</sup>

Mirra Komarovsky studied cultural conflicts and the feminine sex role.<sup>44</sup> Her research on role conflict and female sex roles found those women most satisfied with traditional female roles would show less role conflict when confronted by contradictory expectations than women who hoped to have both a rewarding career and a good marriage. Komarovsky's position favored change and improvement of family life through a wider variety of options open to women and better use of their training and talent.<sup>45</sup>

## B. Theoretical and Empirical Sex Role Literature from the 1950's to the Present

Liberation of women was not a new idea of the 1960's. The Woman's Movement has 150 years of history in the United States.<sup>46</sup> The period during and after World War II brought dramatic social changes and increased freedom for women, particularly in education and labor force participation. The patterns began changing in the 1940's with women past thirty-five entering the labor force.<sup>47</sup> By 1970, 50% of American women eighteen to sixty-

---

girls: envy (penis envy), fear of loss (castration complex), and an increase in passivity as girls become women.

See also JULIET MITCHELL, *PSYCHOANALYSIS AND FEMINISM* 22 (Vintage Books 1975) (1974); JUDITH M. BARDWICK, *PSYCHOLOGY OF WOMEN* 122 (1971); HELENE DEUTSCH, *THE PSYCHOLOGY OF WOMEN* 5 (1944).

33. KAREN HORNEY, *FEMININE PSYCHOLOGY* (London 1967).

34. ERIC H. ERICKSON, *CHILDHOOD AND SOCIETY* 106 (1950). Boys built high towers; girls rarely built towers. Girls build simple enclosures with low walls. He equated the spatial tendencies governing children's play as paralleling "the morphology of the sex organs." *Id.*

35. *Id.*

36. See generally MARGARET MEAD, *MALE AND FEMALE, A STUDY OF THE SEXES IN A CHANGING WORLD* (1949); MARGARET MEAD, *SEX AND TEMPERAMENT IN THREE PRIMITIVE SOCIETIES* (1963). Mead has stated that male and female roles in our culture are merging as the female role becomes masculinized and the male role feminized.

37. *Id.* at xi.

38. ASHLEY MONTAGU, *THE NATURAL SUPERIORITY OF WOMEN* 42 (1953).

39. *Id.* at 165.

40. Ralph Linton, *Age and Sex Categories*, 7 *AM. SOC. REV.* 589, 601 (1942).

41. See Talcott Parsons, *Age and Sex in the Social Structure of the United States*, 7 *AM. SOC. REV.* 604, 605 (1942).

42. *Id.* at 608-10.

43. *Id.* at 612.

44. Mirra Komarovsky, *Cultural Contradictions and Sex Roles*, 52 *AM. J. SOC.* 184, 184-85 (1946). Women at an eastern college suffered uncertainty and insecurity because their motivation toward academic and occupational success conflicted with the traditional female role.

45. *Id.* at 189.

46. For a thorough historical perspective, see Group for the Advancement of Psychiatry, *supra* note 3, at 124-39. See also JoEllen Lind, *Symbols, Leaders, Practitioners: The First Women Professionals*, 28 *VAL. U. L. REV.* 1327, 1329-347 (1994) for a description of demographic and political changes that resulted in the first organized demands for improvement in women's situation.

47. See generally Valerie Kincade Oppenheimer, *Demographic Influence on Female Employment and the Status of Women, in CHANGING WOMEN IN A CHANGING SOCIETY* 184-85 (Joan Huber ed., 1973).

four were in the labor force compared with 30% in 1940.<sup>48</sup>

The second important trend after World War II was the increased numbers of women, especially of the middle class, entering college.<sup>49</sup> The two trends, increased job participation by women and increasing numbers of women entering and completing college, have had major effects on roles, status, and aspirations of American women.

In 1953, Komarovsky suggested that women had become a social problem due to society's conflicting and contradictory expectations.<sup>50</sup> She saw a special need to study the educated woman and her perception of feminine roles because generally the educated woman had been prepared for more than the traditional role of wife and mother.<sup>51</sup> Komarovsky's 1946 study of cultural contradictions and sex roles, women college seniors perceived themselves faced with mutually exclusive alternatives: the homemaker and the career woman.<sup>52</sup> Women felt obligated to choose one role at the expense of the other.<sup>53</sup>

In 1955, Alexandra Fand conducted a significant sociological study of perceived female roles.<sup>54</sup> Fand's research verified her hypothesis that the self-concept of a woman is dependent upon her choice between the traditional and the liberated concept of the feminine role or a combination of the two.<sup>55</sup> She developed the Inventory of Feminine Values to study the role perceptions of eighty-five freshman college women, most of whom were ma-

joring in home economics. Fand observed that "while the virtues of domesticity were upheld on a verbal level, social practice confers all the prestige upon the man's achievement oriented role."<sup>56</sup> The role of wife and mother, with very few exceptions, was incompatible with an occupational role.<sup>57</sup>

Following Fand's study, Steinmann in 1957 did further empirical research into perceived feminine roles.<sup>58</sup> Her study emphasized education in "preparing women for the time when their children are grown—a period in which many women find themselves at a loss for meaningful fulfilling activities."<sup>59</sup> Steinmann hoped her research of men's and women's concepts of the feminine role would lead to better family adjustment, better husband-wife understanding, and better parent-child relationships.<sup>60</sup>

After two years of study on feminine roles, Steinmann, Levi, and Fox hypothesized, in 1964, that, despite differences in socioeconomic class, ethnic background, educational level, and professional status, women share a set of life values.<sup>61</sup> Data indicated that women perceived themselves and their ideal woman as essentially alike.<sup>62</sup> Steinmann's follow-up research conducted on male and female perceptions of the feminine role in the United States, England, Czechoslovakia, Brazil, Greece, and Israel showed a possible shift in social values from her earlier research.<sup>63</sup> Her 1957 research had shown a more family-oriented woman as the ideal. After 1968, there was a shift to a more self-achieving ideal (self-oriented) and a self-per-

48. *Id.*

49. See Group for the Advancement of Psychiatry, *supra* note 3, at 134. College became a more routine expectation. As the emphasis on credentials escalated, a B.A. became almost a necessity for the more interesting jobs; however, the expectations of college continued to be different for women than for men. College was not automatically thought to be preparation for a career. Women entering professions continued to lag. The numbers of women in law and medicine remained small and did not significantly increase until the mid-1960's.

50. See generally MIRRA KOMAROVSKY, *WOMEN IN THE MODERN WORLD* 67-76 (1953). See also Komarovsky, *supra* note 44, at 182.

51. See KOMAROVSKY, *supra* note 50, at 94-95.

52. *Id.* at 182-89.

53. *Id.*

54. See Fand, *supra* note 21.

55. *Id.* at 97.

56. *Id.* at 16.

57. *Id.*

58. Anne Steinmann, *A Study of the Concept of the Feminine Role of 51 Middle Class American Families*, 67 *GENETIC PSYCHOL. MONOGRAPHS* 275, 345 (1963) (published doctoral dissertation, New York University 1957). The study was an investigation of the concept of the feminine role held by college-age daughters, mothers, and fathers in 51 middle-class American

families. The female roles defined by the college-age population studied in 1957 were an integration of the nurturing (traditional) role and the achieving (liberated) role of women. The average woman, however, was seen as more nurturing by the college-age daughters. The mothers in the study also saw the feminine role as equal amounts of nurturing and achieving, though they perceived themselves closer to the average woman who is more liberal than their daughter's picture. Fathers as a group considered the feminine role approximately equal amounts of other-orientation and self-orientation.

59. *Id.* at 348.

60. *Id.* at 280.

61. Anne Steinmann et. al., *Self Concept of College Women Compared with Their Concept of Ideal Woman and Man's Ideal Women*, 11 *J. COUNSELING PSYCHOL.* 370, 375 (1964).

62. *Id.* at 370.

63. Anne Steinmann, *Female and Male Concepts of Sex Roles: An Overview of Twenty Years of Cross Cultural Research Paper presented to the meetings of the American Psychological Association, Chicago (September 1975)*. In all cross-cultural samples, women seemed to be saying they were pretty much what they would like to be, but not what men would like them to be. Men questioned stated that their ideal woman was either strongly self-achieving (United States and Czech professional men) or balanced between intra-family and extra-family striving (all other samples except for Greek men).

ception which was becoming more self-achieving over the years.

This study suggested there was a preoccupation in both lay and professional circles with role confusion as women move into new areas of interest and activity.<sup>64</sup> The data revealed that most women expressed a strong desire to combine both family-related duties and worthwhile self-achieving activities outside the family context.<sup>65</sup>

Numerous researchers have analyzed and described the development of sexual identity and sex role perceptions.<sup>66</sup> The research has stressed that roles are learned, that role behaviors are reinforced through the environment, and that identification with parents and other models is psychologically healthy. In contemporary American society, the terms masculinity and femininity are relative; and the research indicates that current sex role definitions are changing.<sup>67</sup>

64. *Id.* at 13.

65. *Id.* at 14.

66. See generally JEAN PIAGET, *THE RULES OF THE GAME* 76 (1932). Piaget observed marked gender differences when children played games. Boys stick to the rules; girls constantly reinvent new rules to suit their play and to maintain their relationships with the other players.

See generally Ruth E. Hartley, *Children's Concepts of Male and Female Roles*, 6 MERRILL-PALMER Q. 83 (1959-1960); Ruth E. Hartley & Armin Klein, *Sex Role Concepts Among Elementary School Age Girls*, 21 MARRIAGE & FAM. LIVING 59, 59 (1959); Ruth E. Hartley, *A Developmental View of Female Sex-Role Definition and Identification*, 10 MERRILL-PALMER Q. 3 (1964). Hartley studied female sex roles in childhood development. Her studies emphasize the complexity of sex-role differentiation and that class-based differences in female role exist. The Hartley research reported two types of sex-role information: cognitions which indicated knowledge of what girls do that boys do not and preferences which indicate what girls like to do.

See also JUDITH M. BARDWICK, *PSYCHOLOGY OF WOMEN* (1971); Barbara B. Polk & Robert B. Stein, *Is the Grass Greener on the Other Side?*, in TOWARD A SOCIOLOGY OF WOMEN (Constantina Safilios-Rothschild ed., 1972); R. SEARS et al., *PATTERNS OF CHILD REARING* (1957); ELIZABETH DOUVAN & J. ADELSON, *THE ADOLESCENT EXPERIENCE* (1966). The researchers agree on many points: that from the time of the pink or blue blanket in the nursery, the infant gets differential treatment and reinforcement from the environment; that little boys are expected to behave within the definition of the label masculine and little girls are expected to display behaviors that are aligned with the feminine label; that the structure of present day society gives high status for being male and lower status for being female; and that there should be a fusing and has been a fusing of sex roles.

Bardwick believes children impose traditional role definitions on maleness and femaleness because this is cognitively simpler. The simplification is further aided by the content of children's books and television. Bardwick, *supra* at 142.

Douvan and Adelson interviewed 1045 boys aged fourteen to sixteen and 2005 girls aged eleven through eighteen and summarized the different types of female development found in their study. Feminine patterns were characterized by unambivalent feminine girls who preferred security to success, have low educational goals, dream of marriage and family goals, and the ambivalent, feminine girls who are interested in marriage, family and in achievement and individual development. The non-feminine patterns are described as the achievement-oriented girls, boyish girls, neutral girls, and anti-feminine girls.

Polk and Stein gathered information from 250 students, ages nineteen to fifty, many ethnic backgrounds and social classes, and both sexes. The male role was seen as more prestigious and advantageous to both sexes.

67. See Laurence L. Falk, *Occupational Satisfaction of Female College Graduates*, 28 J. MARRIAGE & FAM. 177 (1966). Falk

studied (subjects were 248 male and 209 female graduates of a small midwestern liberal arts college) the woman's use of her academic training and compared men's and women's satisfaction with the uses of their education. Falk found that satisfaction with present occupation and use of education were lowest for females who were housewives. Women who worked outside the home were more content with the uses of their degrees, but less content with their chosen occupations.

See Janice P. Gump, *Sex-Role Concepts, Their Relationship to Psychological Well-Being and to Future Plans in Female College Students* (1967) (unpublished Ph.D. dissertation, University of Rochester) (on file with author). Gump explored the sex role concepts of 162 senior college women in terms of ego strength, happiness, and achievement plans. For the women participating in the study, the wife-mother combined with career was the most acceptable. Her population chose careers traditional for women with few exceptions. She studied demographic variables such as age, socioeconomic class, parent's education, religion, and sex role attitudes, psychological well being, the relationship with a man.

See ALVA MYRDAL & VIOLA KLEIN, *WOMEN'S TWO ROLES HOME AND WORK* (Routledge and Kegan Paul Ltd. 1968). In their study, Myrdal and Klein reviewed the shift to feminine discontent with housewives becoming a discontent class due to social progress, technical advances, and attitude changes. They concluded women need to plan for a long, full life with three phases: getting an education, raising a family, then putting training to social use.

See Shirley S. Angrist, *The Study of Sex Roles*, 25 J. SOC. ISSUES 215 (1969). Angrist reviewed sex role definitions and usage in terms of their meanings of role either as position, behavior, or relationship. Her longitudinal research of 87 college women's role aspirations showed extensive shifting in occupational preferences during freshman and sophomore years. Angrist emphasized the changing sex role norms in contemporary society.

See Helen I. Below, *Life Styles and Roles of Women as Perceived by High School Girls* (1969) (unpublished Ph.D. dissertation, Indiana University) (on file with author). Below investigated the anticipated life styles of 220 freshman and 194 high school girls. Below stressed the need for counseling and help through curriculum planning in perceiving life styles, goals, and future roles women will play. She found the college bound girls viewed women's roles as more egalitarian as opposed to traditional.

See Catherine Arnott & Vern Bengston, *Only a Homemaker: Distributive Justice and Role Choice Among Married Women*, 54 SOC. AND SOC. RES. 495 (1970). One hundred seventy-eight educated, middle-class women were interviewed to test the hypothesis that those women who felt deprived of status as homemaker, chose the homemaker plus role (such as homemaking plus employment). Where occupation is key to role status,



### C. Cross-Cultural Perspective of Sex Roles

There are some cross-cultural universals in sex differences even though each culture has its own definition of male and female roles. In the majority of societies, males are more aggressive and dominating, are the authority figures, are more likely to engage in conflict and do dangerous tasks. Women's roles are usually nurturing, emotional, responsible, affectionate, and sociable.<sup>68</sup>

Margaret Mead's classic study of three New Guinea tribes in 1935 was the first cross-cultural study of male and female roles.<sup>69</sup> She described the differences between cultures in specific activities and personality characteristics that are ascribed to males and females through cultural conditioning. Other cultures mold men and women differently from our ideas of differentiated sex roles. Among the Arapesh, both men and women are responsive to needs, cooperative, unaggressive—roles we assign to the feminine role in our culture.<sup>70</sup>

The Mundugumor would be considered masculine by our cultural standards, for men and women are ruthless, aggressive, severe, and fierce.<sup>71</sup> Thus, there is little emphasis on sex differences in either of these two cultures. In the third tribe, the Tchambuli, men and women are different: the men are emotionally dependent, wear curls, are catty, graceful, charming, while the women are energetic, managing, impersonal, unadorned, and dominating.<sup>72</sup>

In Steinmann and Fox's 1969 cross-cultural study of South American and North American women, the ideal woman was described as "traditionally submissive and place[s] home and family above outward achieving striving."<sup>73</sup> North American women differed: they felt a career could be integrated into family life, and they were more aggressively achievement-oriented.<sup>74</sup> In a follow-up study, Steinmann summarized cross-cultural per-

---

educated women feel relative deprivation in the homemaker only role.

See Sheila McKenzie, *A Comparative Study of Feminine Role Perceptions, Selected Personality Characteristics and Traditional Attitudes of Professional Women and Housewives* (1971) (unpublished Ph.D. dissertation, University of Houston) (on file with author). Using the Fand Role Inventory, McKenzie studied 120 adult females in four subsample groups: housewives with bachelor's degrees, elementary education majors at the junior level, doctoral students in education, and medical students. Housewives and elementary education majors were classified as conformistic; medical and doctoral students were classified as non-conformistic. There was a significant difference among the four subsample groups in terms of female role perceptions: conformistic group viewed feminine roles as more traditional; the non-conformistic perceived feminine roles as more "modern." The study did not control for sample variation in marital status, number of children, or economic level, but did differentiate by occupational orientation, age, and ethnic group membership.

See JUDITH BARDWICK, *PSYCHOLOGY OF WOMEN* (1971). Bardwick defined role conflict for a woman as "the feeling of having been arbitrarily shut out from where the action is—a reaction to a romanticized concept of work and a reaction against the reality of the repetitive world of child care." *Id.* at 156. When achievement motives in college women were studied, the most relevant variables were sex-role identity and sex-role conflict. Females were known to have consistently higher anxiety scores which Bardwick explained as fear of failure. *Id.* at 179.

See Matina S. Horner, *Woman's Will to Fail*, 3 *PSYCHOL. TODAY* 36 (1969). In response to the Thematic Apperception Test, college women showed more fear of success imagery than their male classmates. *Id.* at 36-38. Horner gave the same story to males and females, and each story was scored for motive to avoid success, if negative imagery was expressed. Horner defined fear of success: Any achievement situation is competitive and achievement is equated as aggression. Aggression is negatively sanctioned by society as unfeminine. Thus any woman who finds herself competing successfully in achievement situations would be considered unfeminine. Rather than fearing failure, women

fear success (success = loss of femininity). This conflict in the female is evidenced by a higher level of anxiety. *Id.* at 38.

See Esther M. Westervelt, *Femininity in American Woman: The Influence of Education*, 35 *J. OF NAT'L ASS'N. WOMEN DEANS & COUNS.* 2 (Fall 1971). Westervelt described the obligation of women and educators "to help young women move toward richer and more various conceptions and expressions of femininity." *Id.* at 11. She predicted changes for women in terms of rejecting traditional patterns of family life and femininity because women "are more conscious of how constricted women's lives and personalities have been . . ." *Id.* She stressed the importance of educating women for individuality and full development of their capabilities.

See Sandra S. Tangri, *Determinants of Occupational Role Innovation Among College Women* 28 *J. SOC. ISSUES* 177 (1972). Tangri investigated 200 college women through extensive questionnaire and projective measures of achievement for a relationship between non-sectypical occupational choices and background and college experience. She tested the hypothesis that role innovative women have better relationships and feel more similar to their fathers than their mothers. *Id.* at 182. The evidence did not back up this hypothesis but rather showed that educated mothers in male dominated occupations are role models for daughters. She also found that role innovative women did not reject traditional female roles of wife-mother though they expected to postpone marriage and to have fewer children than more traditional women. *Id.* at 196.

68. See generally MEAD, *supra* note 36; ERICKSON, *supra* note 34.

69. MARGARET MEAD, *SEX AND TEMPERAMENT IN THREE PRIMITIVE SOCIETIES* (1963). See also MEAD, *supra* note 36.

70. See MEAD, *supra* note 36, at 76-77.

71. *Id.* at 393.

72. *Id.* at 395-6.

73. Anne Steinmann & David Fox, *Perception of Men's Ideal Woman in Two South American Urban Communities and an Urban Community in the United States*, 11 *J. COUNS. PSYCHOL.* 270, 281 (1969).

74. *Id.*

ceptions of the feminine role.<sup>75</sup> Subjects from fourteen cluster samples in six countries took the Maferr Inventory of Feminine Values. Findings included: 1) most women believed they balanced self-achieving and family-oriented values; 2) generally, the more education women had, the more emphasis placed on self-achieving values; 3) all women saw men wanting their ideal woman to be more family-oriented; and 4) the more educated men and women were, the less each sex understood the other's expectations of their own role.<sup>76</sup>

In a study of Mexican-American children growing up in the United States, forty-two males and forty-seven female adolescents revealed differences in the concept of male and female roles and differences in American and Mexican value systems.<sup>77</sup> The study concluded that girls more closely identify with the white female and mother roles while boys identify more closely with the macho role of Mexican culture. Many of these children were experiencing role conflict.<sup>78</sup>

In the United States, many culturally divergent ethnic groups are at all stages of acculturation; therefore, it is difficult to generalize about minority populations because all groups are heterogeneous.<sup>79</sup> Education has brought change in sex roles, in role perceptions, and in a departure from the traditional roles of wife and mother toward a female role that combines the homemaker with a career. Sex role

stereotypes are incorporated into the self-concepts of both men and women and are deeply ingrained in the attitudes of American society. Much of the literature on stereotypes of what is masculine and what is feminine concentrates on the existence of persistent sex-role stereotypes.<sup>80</sup> Sex roles stereotypes have been and continue to be studied and researched on many levels. That sex-role stereotypes exist is evidenced by the body of literature. Sex-role standards exert pressure on the individual to behave in prescribed ways in our society and these standards are changing. The research continues in anthropology, sociology, psychology, and in the popular literature.

#### D. Women Lawyers and Role Conflict

As the numbers of women lawyers have increased dramatically in the past twenty years,<sup>81</sup> there has been a proliferation of educational programs, reports, empirical studies, law review articles, and essays on gender differences and gender bias, the female role, self esteem, the professional role and professional relationships, status inequality, promotion and compensation inequality, marriage and career, decision-making, and level of contentment.

Though over 20% of all lawyers are women, only 11% are partners in the nation's 250 largest firms, 16% are full professors in law schools, 7%

75. Anne Steinmann, *Female and Male Concepts of Sex Roles: An Overview of Twenty Years of Cross-Cultural Research*, 17 *TRANSNAT'L MENTAL HEALTH RES. NEWSL.* 8 (Winter 1975.)

76. *Id.* at 8-11. The author discussed the findings relative to cultural trends and recommended that social institutions help improve male-female communication and understanding.

77. ROBERT DERBYSHIRE, *Adolescent Identity Crisis in Urban Americans in East Los Angeles*, in, *MINORITY GROUP ADOLESCENTS IN THE UNITED STATES* (Eugene Bracky ed., Williams and Wilkins 1968).

78. *Id.* at 102-109.

79. See generally PAUL M. SHELDON, *LA RAZA: FORGOTTEN AMERICANS* (Julian Samora ed., University of Notre Dame Press 1966); Celia Heller, *MEXICAN-AMERICANS IN THE UNITED STATES: A READER* (John Burma ed., Schenkman Publishing 1970); Celia Heller, *MEXICAN-AMERICAN YOUTH* (1969).

80. Physiological factors seem to have an influence on sex-role stereotyping. Girls enter school developmentally ahead of boys of the same age. J. Kagan & M. Lewis, *Studies of Attention in the Human Infant*, 11 *MERRILL-PALMER Q.* 95 (1965). Girls have a tendency to begin talking in short sentences earlier. L.M. TERMAN & LEONA TYLER, *A MANUAL OF CHILD PSYCHOLOGY* (L. Carmichael ed., Wiley 1954). At the beginning of school, there are no significant differences in vocabularies of boys and girls. ELEANOR MACCOBY, *THE DEVELOPMENT OF SEX DIFFERENCES* (1966). Before the age of five, girls learn concepts faster; boys do better on tasks that require spatial or mechanical reasoning. Males did better on all spatial discrimination tests after age eight.

Diverse studies show that girls are more dependent, more conforming, more suggestible than boys; possibly this is the reason that girls lack the ability to break a mind set and restructure the problem necessary on these spatial discrimination tasks. HERMAN A. WITKIN ET AL., *PSYCHOLOGICAL DIFFERENTIATION* (Wiley 1962).

Teachers make more supportive remarks to girls and more critical remarks to boys. R. LIPPITT & M. GOLD, *Classroom Social Structures as a Mental Health Problem*, 15 *J. SOC. ISSUES* 40 (1959). Teachers also reward the creative behavior of boys three times more than the creative behavior of girls. See E.P. TORRANCE, *GUIDING CREATIVE TALENT* (1962).

81. Over 40% of law students are women. See ABA, *supra* note 15. See also Anee McKim, *The Lawyer Track: The Case for Humanizing the Career Within a Large Law Firm*, 55 *OHIO ST. L.J.* 167 (1994). Nationally, 80% of the women lawyers have entered the profession since 1970. More than 70% of the women are under forty years of age (compared with 43% of the men.) More than 92% have graduated since 1975 (comparable numbers for male: 31.5% graduated 1975-1989). See Ann J. Gellis, *Great Expectations: Women in the Legal Profession, A Commentary on State Studies*, 66 *IND. L.J.* 943-45 (1991). Her Indiana demographics mirror data reported in the 1988 ABA report and statistical data from other states, e.g. California, Maryland, Massachusetts, and New Hampshire.

For a history of America's first female lawyers, see JoEllen Lind, *Symbols, Leaders, Practitioners: The First Women Professionals*, 28 *VAL. U. L. REV.* 1827 (1994).

are law school deans, and 8% are members of the federal bench.<sup>82</sup> Women have advanced: there are two women on the U.S. Supreme Court; the U.S. Attorney General and her top deputy, the head of Health and Human Services, and the president of the ABA are women.

However, female lawyers earn substantially less and express more dissatisfaction with practice than their male counterparts,<sup>83</sup> and women still find themselves experiencing conflicts between career and family.<sup>84</sup> Though women are entering the associate ranks in law firms in greater numbers, many are leaving before reaching the partnership level.<sup>85</sup> Women lawyers with children are a minority.<sup>86</sup> Some have argued that "the work cycle of the typical lawyer, particularly the big firm lawyer, is incompatible with the birth-fertility-child-rearing cycles of most women's lives."<sup>87</sup> The legal system seems geared toward lawyers with little or no family responsibilities.<sup>88</sup>

The Jacks' study identified the problem for care-oriented lawyers, particularly women, who must adjust to the practice of law which is "still a man's game."<sup>89</sup>—and which includes dressing like a lawyer. "A general social devaluation of femininity prepares women entering law to separate from the disliked characteristics of their sex and to align with the culture against feminine attributes within themselves . . . traditional feminine traits are unacceptable."<sup>90</sup> The image of the advocate—aggressive, argumentative—are the antithesis of feminine. The women interviewed for the study acknowledged conflict in practicing law: attempting to integrate the care orientation in the professional as well as the personal role or adjusting by splitting one's roles.<sup>91</sup>

The American Bar Association's Commission on Women in the Profession<sup>92</sup> found gender discrimination endemic.<sup>93</sup> The report recognized that the legal profession was stratified by sex, with wo-

82. See Deborah L. Rhode, *Gender and Professional Roles*, 63 *FORDHAM L. REV.* 39, 58-60 (1994). See also Robert L. Nelson, *The Futures of American Lawyers: A Demographic Profile of a Changing Profession in a Changing Society*, 44 *CASE W. RES. L. REV.* 345 (1994); Miriam Goldman Cedarbaum, *Women on the Federal Bench*, 73 *B.U. L. REV.* 39, 42 (1993); Judith Resnik, *Ambivalence: The Resiliency of Legal Culture in the United States*, 45 *STAN. L. REV.* 1525, 1534-35 (1993); Judith Resnik, *Gender Bias: From Classes to Court*, 45 *STAN. L. REV.* 2195, 2207 (1993) (who reports that women are invisible in the federal courts). See also *Win-Win Billing Strategies That Satisfy You and Your Client*, 1992 *A.B.A. SEC. L. PRAC. MGMT.* 6 (1992).

83. Deborah K. Holmes, *Structural Causes of Dissatisfaction Among Large-Firm Attorneys: A Feminist Perspective*, 12 *WOMEN'S RTS. L. REP.* 9, 20-23 (1990).

84. See generally Deborah L. Rhode, *Gender and Professional Roles*, 63 *FORDHAM L. REV.* 39, 60 (1994). See also Ann J. Gellis, *Great Expectations: Women in the Legal Profession, A Commentary on State Studies*, 66 *IND. L.J.* 941, 972 (1991). Gellis summarizes the contents and findings gathered by Indiana Bar from a survey of members of the Indiana bar. "Disparate treatment of men and women is found in the courtroom, in salary levels, in opportunities for advancement, and in the day-to-day interchange among colleagues. Most women perceive gender bias; most men do not." Significant numbers of women report overt discrimination—including physical and verbal sexual harassment and more subtle forms of discrimination in terms of attitudes and perceptions about women lawyers. See also Nancy E. Dowd, *Work and Family; The Gender Paradox and the Limitations of Discrimination Analysis in Restructuring the Workplace*, 24 *HARV. C.R.-C.L. L. REV.* 79 (1989). See Cynthia F. Epstein et al., *Glass Ceilings and Open Doors: Women's Advancement in the Legal Profession*, 64 *FORDHAM L. REV.* 291 (1995).

85. See Laura Mansnerus, *Why Women Are Leaving the Law*, *WORKING WOMAN*, April 1, 1993 at 64, 66. Women are quicker to leave big city law firm jobs than men. The stock explanation that women quit to stay home with children is not borne out by the data. Ninety-five percent of women lawyers return to work in one year after having a child. Family life is a strong incentive;

however something more fundamental is making women walk away—women want social purpose in their work. See generally Abramson, *infra* note 86. See also Holmes, *supra* note 83, at 13. Women are also dissatisfied because of overwork, the hierarchy, bureaucracy and specialization in law, and moral conflict. See also Jodi S. Coviello, *Family and Career: Part-Time Work Can Provide the Balance*, 20-*NOV. MONT. LAW.* 13 (1994).

86. See generally Jill Abramson, *For Women Lawyers, An Uphill Struggle*, *N.Y. TIMES MAG.*, March 6, 1988 for a description of women's progress and the career-family conflicts at Skadden, Arps, Slate, Meagher & Flom in New York City.

87. See Carrie Menkel-Meadow, *Culture Clash in the Quality of Life in the Law*, 44 *CASE W. RES. L. REV.* 621, 647 (1994). See also N. Dowd, *supra* note 84, at 126.

88. See generally McKim, *supra* note 81, at 175, which describes the lawyer's struggle and stress to balance work and family.

89. See RAND JACK & DANA CROWLEY JACK, *MORAL VISION AND PROFESSIONAL DECISION* (1989) at 132. The authors, an attorney and a developmental psychologist, based their ideas on interviews with practicing attorneys. The rapid increase of women into the legal profession lead the authors to ask what the relationship is between a lawyer's personal morality and the way that person practices law, encounters and deals with conflicts in legal work, and adjusts to being an attorney.

See also Lynn H. Schafran, *Is the Law Male?: Let Me Count the Ways*, 69 *CHI.-KENT L. REV.* 397 (1993).

90. JACK, *supra* note 89, at 133.

91. *Id.* at 136-155.

92. The ABA Commission on Women in the Profession was established in August 1987 to study the progress and status of women lawyers. The Commission's chair was Hillary Rodham Clinton. The Commission's report first documented endemic gender bias throughout the profession. See Stephanie Benson Goldberg, *Women in Law: ABA Resources for Women Lawyers*, 74 *J. A.B.A. J.* 55 (1988).

93. See ABA COMMISSION ON WOMEN IN THE PROFESSION, *LAWYERS AND BALANCED LIVES: A GUIDE TO DRAFTING AND IMPLEMENTING WORKPLACE POLICIES FOR LAWYERS* (1990). This report includes discussions of and sample policies for parental

men on the lower levels.<sup>94</sup> In response to this information, more than thirty states and two federal jurisdictions have commissioned Gender Bias Task Forces to study bias and discrimination in the practice of law. The ABA has developed a Commission on Minorities in the Profession<sup>95</sup> to identify problems encountered by minority lawyers.<sup>96</sup>

If being a women in law creates conflicts, being a woman of color in law has additional challenges.<sup>97</sup> Diversity women lawyers believe they are at the bottom of the heap, that white women lawyers discriminate as much as men,<sup>98</sup> that diversity women lawyers are "ghetto-ized" into certain areas of the law while other options are closed or unavailable, and that being an attorney of color and a women is a double negative in the marketplace.<sup>99</sup> "For women of color, there is a Plexiglas ceiling. It gives the illusion of flexibility, but you can't get through it."<sup>100</sup> Women, particularly women of color, are overrepresented in the least impressive, least compensated areas of law practice.<sup>101</sup>

In a 1992 study, twelve Asian American women described role conflict between their personal values and the legal system's values.<sup>102</sup> Their concerns centered around the tension between their traditional cultural values—quiet, humble, modest, retiring, more polite, respectful—and the adversarial role—aggressive, assertive, hostile, combative, and outspoken.<sup>103</sup>

While female and male lawyers must work hard to be successful, society still places most of the responsibilities for child-care and homemaking on the woman; therefore, women in their role as lawyers come into conflict with their personal perspective.<sup>104</sup> In my dissertation summary twenty years ago, I concluded that role conflict seemed to be a reality for college educated women. "If the pressures of society, the attitudes of men and women, and the values of education and of the chosen profession do not coincide with the interests of women, then women will continue to experience role conflict."<sup>105</sup>

leave and alternative work schedules. See also Steven Keeva, *Bias As Usual for Women*, 82 M. A.B.A. J. 103 (1996).

94. ABA Report, *supra* note 93, at 7.

95. This commission was modeled on the ABA Commission on the Status of Women in the Profession.

96. According to a 1991 National Law Journal survey, 44 of the largest 250 firms had no partners of color and 61 had only one. Rita Hensley Jensen, *Minorities Didn't Share in Firm Growth*, NAT'L L.J. 1 (Feb. 19, 1990). See also Evantheia Schibsted, *Out In the Cold: Minority Attorneys Are Last-Hired, First-Fired*, 14-A. CAL. L. 22 (April 1994).

97. See Vicki Quade, *There Is No Sisterhood*, 22-W. HUM. RTS. 8 (1995), discussing a report compiled by the ABA Multicultural Women Attorneys Network and cosponsored by the ABA's Commission on Women in the Profession and the Commission on Opportunities for Minorities in the Profession. The report details difficult issues for the multicultural women attorney. "An Asian-American women might by culture have been trained to be less aggressive. A Latina might by culture have been taught to respect her elders and might not question the advice being given by an older white male." *Id.* at 9. See also Linda E. Davila, *The Underrepresentation of Hispanic Attorneys in Corporate Law Firms*, 39 STAN. L. REV. 1403 (1987); Berta Esperanza Hernandez Truyol, *Building Bridges—Latinas and Latinos at the Crossroads*, 25 COLUM. HUM. RTS. L. REV. 369, 400 (1994); Wilma Williams Pinder, *When Will Black Women Lawyers Slay the Two-Headed Dragon; Racism and Gender Bias?*, 20 PEPP. L. REV. 1053 (1993).

98. See Philip Goldberg, *Are Women Prejudiced Against Women?*, in TOWARD A SOCIOLOGY OF WOMEN (Constantina Safilios-Rothschild ed., Xerox College 1972). Goldberg's study found that women tend to downgrade the work of professionals of their own sex. And even when the professional field is one traditionally reserved for women such as nursing or dietetics, the women favored male authors.

99. See Quade, *supra* note 97, at 8-9. See also Valerie Fontaine, *Progress Report: Women and People of Color in Legal*

*Education and the Legal Profession*, 6 HASTINGS WOMEN'S L.J. 27 (1995).

100. Juliet L. Gee, vice president of the National Conference of Women's Bar Associations' in testimony before the ABA Commission of Women in the Profession, Miami 1995 midyear meeting, reported in Steven Keeva, *Standing Up for Women: Commission Hears Testimony for New Report on Gender Bias in Profession*, 81 A.B.A. J. 118 (1995).

101. See Rhode, *supra* note 82, at 58.

102. See Carolyn Jin-Myung Oh, *Questioning the Cultural and Gender-Based Assumptions of the Adversary System: Voices of Asian-American Law Students*, 7 BERKELEY WOMEN'S L.J. 125 (1992). She explored whether ethnic cultural values affected perceptions about specific aspects of the legal world: law school, choice of litigation or transactional work, beliefs about the adversary system, and role conflict. The striking difference between Asian culture and American culture is the view of self. *Id.* at 136. While American culture emphasizes autonomous, independent individuals, the emphasis in the Asian family is on interrelationships within the family and community. *Id.* In the traditional Asian family, parents and elders are viewed with respect; the primary family unit is strong and influential; and emphasis is placed on education, obedience to parents, and giving the family a good name. *Id.* at 136-37.

103. *Id.* at 156-57.

104. See Suzannah Bex Wilson, *Eliminating Sex Discrimination in the Legal Profession: The Key to Widespread Social Reform*, 67 IND. L.J. 817, 842-44 (1992). Wilson offers solutions such as parental leaves, flexible work schedules (abandoning the "mommy track"), and child care to enable workers of both sexes to better combine work and personal lives and to reduce dissatisfaction among attorneys. See generally Jack & Jack, *supra* note 89.

105. Slotkin, *supra* note 1, at 114.

## II. ROLE CONFLICT IN 1976

The purpose of my original study was to determine role conflict in a randomly selected sample of female Mexican-American and Caucasian college graduates from The University of Arizona, 1966-1975 by measuring and comparing the actual expressed roles (the role or roles each woman has chosen for herself) with the expressed role preferences (the preferred or ideal roles of the same population). I analyzed the relationships between achievement-oriented goals or family-oriented goals and ethnic group affiliation.

I will describe the procedures used in the 1976 study in four sections: 1) a description of the sample population of the study and the methodology for selection of the population; 2) the methodology of the study; 3) the instrumentation used in the study; and 4) the treatment and summary of the data.

### A. Description of the Population

I randomly selected two hundred women to participate in the study from lists of 1966-1975 graduates and assigned them to two groups by surname for each graduation year. I sent letters to selected participants informing them of the purpose of the study and requesting they complete the enclosed Inventory, Form A and Form B,<sup>106</sup> and a personal data form developed for the research. A follow-up letter was mailed three weeks later to encourage those who had not responded to the initial mailing, and additional packets were mailed to the non-respondents. A pilot study was not necessary due to the reliability<sup>107</sup> and validity<sup>108</sup> of the Inventory and

because the instrument had been used for research purposes for more than twenty years.<sup>109</sup> Anonymity was preserved with only the investigator having access to the statistical data gathered on each individual.

Seventy-four women responded completely to the mailed inventories, fifty-three white and twenty-one Mexican-American. This was a total return rate of 37%.

### B. Methodology

This study of was an investigation of role conflict based upon a difference between an individual's perception of her actual expressed role and her expressed role preference. To implement the study, the following steps were taken:

1. Random sampling was undertaken from lists furnished by the Alumni Office of the University of Arizona. The population for the study became those women who returned the instruments.
2. Each returned set of instruments was scored using the Maferr Foundation scoring form for Forms A and B (see Appendix C). The difference between the scores on Form A and Form B was the role conflict score.
3. The Statistical Package for the Social Sciences (SPSS), an integrated system of computer programs for the analysis of social science data available at The University of Arizona Computer Center, was used for the processing and statistical treatment of the data.<sup>110</sup>

106. See Fand, *supra* note 21, at 108-11

107. The reliability of the Inventory has been estimated through the split-half technique of reliability and when corrected through the Spearman-Brown Coefficient is .81 for Own-Self and .85 for Ideal-Self. See Fand, *supra* note 21, at 39.

108. Most items on the Inventory have face validity. The statements were submitted to validation by seven judges, then counterchecked by clinical interviews. See Fand, *supra* note 21, at 39.

109. See Fand, *supra* note 21. Since Alexandra Fand developed the Fand Inventory of Feminine Values for her doctoral research in 1955, dozens of doctoral dissertations and published research projects have incorporated the inventory. See generally Anne Steinmann, *A Study of the Concept of the Feminine Role of 51 Middle Class American Families*, 67 GENETIC PSYCHOL. MONOGRAPHS 275 (1963) (published doctoral dissertation, New York University, 1957), where Steinmann, using Fand's inventory, did further empirical research into perceived feminine roles. See also Anne Steinmann & David J. Fox, *Male-Female Perceptions of the Female Role in the United States*, 64 J. PSYCHOL. 265 (1966). Eight hundred thirty-seven American women responded to the Inventory of Feminine Values. Women

perceived themselves and their ideal woman as essentially similar in the area of desired activities and beliefs; Anne Steinmann & Alexandra Botwin, *Maferr Inventory of Feminine Values, the development of a program for the psychological study of the perceptions of sex roles* (Maferr Foundation, New York 1968) (22 pp. test); Anne Steinmann & David J. Fox, *Maferr Inventory of Masculine Values, the development of a program for the psychological study of the perceptions of sex roles* (Maferr Foundation, New York 1968) (22 pp. test).

110. The hypotheses were tested using the t-test and the matched pairs t-test to determine if the performance differences on The Inventory between the two groups of subjects were significant. The t-test was used as a statistical treatment of those hypotheses which required testing of whether or not the differences between the sample means under investigation were significant. Mean differences between various measures of actual expressed role, expressed role preference, and role conflict scores were examined as a function of ethnic group membership. A matched pairs t-test was used for intragroup comparisons where each subject was compared with herself on two variables.

Where statements are made that two given population means are different, statistics tell you the likelihood of erroneously

### C. Instrumentation

The Inventory of Feminine Values, developed by Alexandra Fand to assess college women's perceptions of the female role,<sup>111</sup> consists of a list of thirty-four items which are value-charged statements bearing on women's needs, rights, and obligations in her relationship with men, children, and the world in general. Half of the items were formulated in a way which would meet with agreement of other-oriented women (traditional housewife mother family-oriented role). The other half was stated to correspond with self-oriented women (the achievement, career-oriented role).

A validity check was built into the instrument.<sup>112</sup> The same idea is expressed in two different ways. Some items are presented as axioms ("marriage and children should take precedence over anything else in a woman's life"; others as "substantiated statements" ("it is a matter of common observation that the women who are less attracted to men are the ones who are more ambitious in their careers"); others again are presented as feelings ("I sometimes feel that I have to do everything myself, that I can accept nothing from others").<sup>113</sup>

A respondent indicates on the Inventory the strength of her agreement or disagreement to each statement on a five-point Likert scale. The five categories of possible response include: strongly agree, agree, don't know/no opinion, disagree, or strongly disagree. Two of Fand's four forms, A and B, were used in the study. Form A measures the concept of one's own self (actual expressed role); Form B measures the concept of one's own ideal self (expressed role preference). Two scores were calculated for each woman.

The score on the Inventory represents the difference in strength of agreement to the seventeen family or other-oriented items and the seventeen self-achieving or self-oriented items. A respondent who took equal but opposite positions each time

would have a score of zero; a respondent who consistently took diametrically opposite positions on each item would have a score of -85 if she always took the strongest possible other-oriented position, and a score of +85 if she always took the strongest possible self-oriented position. Positive scores between zero and +85 represented degrees of self-orientation; negative scores between zero and -85 represented degrees of other-orientation.

Forms A and B of the Inventory included the same questions; the questions were reordered with a different heading. Form A's instructions are: "Please respond to the following questions with your true opinion. Keep in mind the way you really are." Form B's instructions are: "Think of the woman you would prefer to be, your ideal woman, and respond to each statement as you believe she would." The order of the questions was scrambled on the two forms to discourage comparisons between the responses to the same item on Forms A and B. The content order was the same: one other-oriented question, then a self-oriented question.

Fand's Inventory was standardized on a college-age population. Anne Steinmann<sup>114</sup> piloted her study with women whose ages ranged from twenty-eight to fifty-three in order to determine the Inventory's applicability to an older population.<sup>115</sup> A t-test was utilized to determine the significance of the difference between the means of the Fand college group and the means of the pilot group.<sup>116</sup> On the basis of statistics, the test appeared appropriate for older populations.<sup>117</sup>

I designed the personal questionnaire to secure data relevant to the variables under investigation. The personal data form contained four categories of variables: personal, family, education and employment, and Mexican-American cultural orientation (traditional folk, mixed barrio, or dominant culture).<sup>118</sup>

---

making such a statement. Where there is a small likelihood of error (for example less than 1%) in stating that two means are different, the difference in the population means is statistically significant. The likelihood of error or probability factor that the difference was due to chance is represented by p. The lower the p value, the more confidence one may have in saying that the two means are different.

Where small differences in means are seen or large standard deviations are present, it takes larger samples to detect statistically significant differences. Where large samples are not available, one readily states that the difference in means is not statistically significant thereby possibly dismissing the chance that the means do in fact differ.

111. See Fand, *supra* note 21, at 106-16. Fand developed four forms for her research.

112. See ANNE STEINMANN & DAVID J. FOX, *THE MALE DILEMMA: HOW TO SURVIVE THE SEXUAL REVOLUTION* 64-66 nn.2-4 (Jason Aronson, Inc. 1974).

113. See Fand, *supra* note 21, at 37.

114. See Steinmann, *supra* note 58.

115. *Id.* at 304.

116. *Id.*

117. *Id.*

118. The four categories were:

D. Analyses of the Data

The data were first analyzed descriptively to furnish a profile of the population. I described such variables as age, religion, marital status, generation American, level of schooling, area of academic specialization, number of children, and work status and compared white female college graduates and the Mexican-American female college graduates by means of frequency counts and percentages.

The ages of respondents ranged from twenty-two to fifty-seven years for the white women and twenty-two to fifty-three years for the Mexican-American women, with the majority of all respondents in the age range of twenty-two to twenty-eight years. The majority of respondents resided in Arizona and California. Ninety-five percent of the respondents were born in the United States.

While 56.6% of the White subjects were married, only 38.1% of the Mexican-American subjects were married.<sup>119</sup> A much larger percentage of the white college graduates were married before and during college (over 28%) than Mexican-American college graduates (14%). A larger percentage of white subjects (26.4%) were married zero to one year after graduation as compared with the Mexican-American subjects (9.5%). The Mexican-American women seemed to wait a longer period of time after graduation before marriage, and twelve

(57%) of the Mexican-American women were not married.

Thirty-one percent of the respondents had children. Approximately equal numbers of married white and Mexican-Americans had no children.<sup>120</sup> The Mexican-American females had fewer children (0 - 1); the white females had zero to two children in larger percentages. The largest family in both ethnic groups was three children.

The data identified differences in religious affiliation.<sup>121</sup> More than 66% of Mexican-American and 22% of whites were Catholic, 19% of Mexican-Americans and 40% of whites were Protestant, and 9.5% of Mexican-American and 17% of whites expressed no preference in the religion category.

In terms of educational specialization, 39.6% of white women and 72.6% of Mexican-American women majored in education and nursing.<sup>122</sup> No Mexican-Americans graduated in liberal arts, fine arts, or music; 37.7% of white respondents graduated in fine arts, liberal arts, and music. In terms of highest degree, four white (7.6%) and six (28.6%) Mexican-Americans had earned masters degrees. One woman was a pharmacist. Two women were full time law students.

Using the Warner, Meeker, Eels occupational rating scale for socioeconomic status of husband,<sup>123</sup> 80% of the white subjects' husbands and 78% of

1. Personal: ethnic identity, age, marital status, number of children, present employment, religion, residence, place of birth, occupation of husband, when married;
2. Family: birthplace of parents, what generation American;
3. Educational experiences: date of college graduation; highest degree held and field of specialization, undergraduate degree from what college within The University of Arizona, extracurricular activities while in college, plans for further education;
4. Mexican-American orientation (traditional fold, mixed barrio, or dominant culture): while in college, with own family today, in professional capacity.

119. Subjects' Marital Status

	White (n=53)	Mexican-American (n=21)
Single	21	12
Married	30	8
Separated	0	1
Divorced	2	0

120. Size of Family

Number of Children	White	Mexican-American
0	13	5
1	5	3
2	12	
3	2	1
Not married or N/A	21	12

121. Religious Denomination of Subjects

Religion	White (n=53)	Mexican-American (n=21)
Protestant	21	4
Catholic	12	14
Jewish	6	0
Mormon	2	0
Other	3	1
No Preference	9	2

122. Area of Educational Specialization

College	White n=53	Percentage	Mexican-American n=21	Percentage
Education	17	32.1%	11	52.4%
Nursing	4	7.5%	5	23.8%
Business/Pub. Administration	5	9.4%		
Fine Arts	5	9.4%		
Home Economics	6	11.3%	1	4.8%
Liberal Arts	13	24.5%		
Pharmacy			1	4.8%
Music	2	3.8%		
Social Work	1	1.9%	2	9.5%
Urban Planning			1	4.8%

123. W. LLOYD WARNER ET AL., SOCIAL CLASS IN AMERICA, A MANUAL OF PROCEDURE FOR THE MEASUREMENT OF SOCIAL STATUS 140-41 (Harper Torchbooks 1960).

the Mexican-American subjects' husbands were in categories 1, 2, and 3. (See categories in Appendix D).

Nine white women (17%) were housewives only and only one (4.8%) Mexican American woman identified herself as a housewife only.<sup>124</sup> Twenty years ago, more than 64% (thirty-three women) of whites and over 71% (sixteen women) of Mexican-Americans were employed. Eighty-three percent of the whites and 85.75% of the Mexican-Americans had been employed at other times in their lives.

This study concluded that both groups were experiencing significant role conflict as defined by the study. There were statistically significant differences between white female college graduates' actual expressed roles (score on Form A) and expressed role preferences (score on Form B).<sup>125</sup> There were statistically significant differences between Mexican-American female college graduates' actual expressed roles and expressed role preferences.<sup>126</sup>

There were no statistically significant differences between white and Mexican-American female college graduates' actual expressed roles,<sup>127</sup> expressed role preferences,<sup>128</sup> or role conflict scores.<sup>129</sup> There were no significant differences in role conflict scores due to age, marital status, number of children, religion, job status, area of educational specialization, or earlier or later years of college graduation.

From the data examined in this study, certain trends were supported: that women were shifting away from traditional toward more self-actualizing female roles; that women tended to be more career-oriented than housewife-oriented; that high percentages for each group were employed, intended to be employed in the future, and were planning for further education.

There were differences in the populations in many categories: the Mexican-American women were more self-oriented than the white respondents and even more self-oriented in their preferred or ideal role (though not at a statistically significant level); a higher percentage of Mexican-American respondents majored in education and nursing while white respondents majored in education, fine arts, and liberal arts; fewer Mexican-American women were married and were housewives only; and more Mexican-American women were employed at the time of the study and held more graduate degrees. Over 82% of the total respondents were employed in traditional fields for women: education, nursing, and social work (the majority in categories two and three on the Warner, Meeker, Eells occupation rating scale<sup>130</sup>).

These data describe differences in individual and group demographics. The important findings of this study were 1) that the population of white and Mexican-American female college graduates were experiencing statistically significant role conflict, and 2) that the perceptions of female roles of

124. Respondents' Socioeconomic Status

Rating Assigned to Occupation*	White n=53	Mexican-American n=21
0	2	
1		1
2	13	10
3	16	5
4	3	
5	1	
6		
7		
8	9	4
9	9	1

Rating 0: not specified; Rating 8: student; Rating 9: subject is housewife, not employed, not in school  
\*See Appendix D for WARNER ET AL. ratings 1 - 7 for specific categories

125. Caucasian Subjects: \*role conflict

Respondents n = 53	Mean AER		Mean ERP		Mean Difference	Significance
	Range (Self)	Standard Deviation	Range (Ideal)	Standard Deviation		
White	-25 to +49	15.0377 11.902	-26 to +58	21.4151 12.103	6.3774	*.000

\*T-value: significant at a level of probability of less than 1% (p<.01).

126. Mexican-American Subjects: \*role conflict

Respondents = 21	Mean AER		Mean ERP		Mean Difference	Significance
	Range (Self)	Standard Deviation	Range (Ideal)	Standard Deviation		
Mexican-American	-9 to +51	17.9048 13.476	+10 to +65	24.4762 12.979	6.5714	*.007

\*T-value: significant at a level of probability of less than 1% (p<.01).

127. See *supra* text accompanying notes 125-26. The means for each group were not significantly different (White, 15.0377 and Mexican-American, 17.9048).

128. See *supra* text accompanying notes 124-25. The means for each group (White 21.4151 and Mexican-American, 24.4762) were not statistically significant.

129. See *supra* text accompanying notes 125-26. There was no significant differences between White (mean 6.3774) and Mexican-American (mean 6.5714) female college graduates' role conflict scores.

130. See WARNER ET AL., *supra* note 123.



college educated woman were toward a more self-oriented woman whose future plans included marriage, family, and full-time career commitment.

### III. THE 1996 STUDY

I promised myself twenty years ago that I would continue my research into adult feminine roles: to include a more ethnically diverse population and to focus on professional women, their conflicts and solutions. The procedures used in this present study will be described in four sections: 1) a description of the sample population of the study and the method of selecting the population; 2) the research methodology for the study and the instruments used in the study; 3) the treatment summary of the demographic data; and 4) a summary and comparison of the data collected in 1995 and the data twenty years ago.

#### A. Population Description

On April 24, 1995, 241 sets of instruments, the modified Inventory of Feminine Values Forms A and B<sup>131</sup> and a personal data form (see Appendix A), were sent to female attorneys in San Diego, California, randomly selected from membership lists of various minority bar associations (Earl B. Gilliam Bar Association, La Raza Bar Association, Pan Asian American Bar Association) and from the 1995 San Diego County Attorney Directory.<sup>132</sup> The subjects included women of all ages and ethnicities; graduates of various law schools with differing years of graduation, diverse areas of legal employment including: judges, law school professors, firm practice, sole practitioners, of counsel, corporate in-house counsel, and public agencies, banking, business, and industry.

131. The Maferr Foundation, Inc., in New York City copyrighted the Fand Inventory of Feminine Values in 1973. My modified forms of the Inventory consisted of substantively the same 34 statements devised by Alexandra Fand for her 1955 doctoral thesis. I simplified and updated the language of the questions. Karen Bogard, Ph.D., director of the Maferr Foundation, gave me permission to use the simplified, politically corrected, and updated Maferr Inventory of Masculine and Feminine Values. See also *infra* text accompanying note 137.

132. 1995 ATTORNEY DIRECTORY OF SAN DIEGO COUNTY (Michèle Taylor, ed., San Diego Daily Transcript Pub. Co., 38th ed. 1995). The Directory lists members of the bench and the California Bar practicing in San Diego County giving pictures, law school, and employment information.

133. Though I had randomly chosen women based on surname and photographs from the Attorney Directory, the ethnic group categorization (African-American, Asian-American, Hispanic, and White) was self identified by each respondent.

A cover letter informed women of the purpose of the study and requested them to complete and return the enclosed materials in the stamped, addressed envelope. Anonymity was promised to all participants. Only I had access to the statistical data gathered on each individual. The estimated time to complete the questionnaire and inventories was twenty minutes.

Thirty-nine sets were returned unopened because of incorrect addresses or because of no forwarding address which reduced the population to 202 attorneys. One hundred thirteen attorneys (55.9%) returned the completed inventories and questionnaire: nine African American women, thirteen Asian American women which included two Filipina attorneys, eleven Hispanic women, and eighty white women.<sup>133</sup> Seven additional responses were received after data collection and statistical tests had been run, for a total return of 59.4%.<sup>134</sup>

#### B. Research Methodology and Instruments Used

Like the 1976 study, this was an investigation of an individual's perception of her actual expressed role as measured by the Form A of the Inventory and her expressed role preference as measured by Form B of the Inventory. A statistically significant difference in the scores on the two forms of the Inventory would be an indicator of role conflict.<sup>135</sup> My first hurdle was getting copyright permission to use the Inventory. Twenty years ago, Anne Steinmann<sup>136</sup> had given me permission to use the updated Fand Inventory of Feminine Values, the Maferr Inventory of Feminine Values.<sup>137</sup> I re-

134. Given the population (working women) and the response to the mailing (almost a 60% return), I did not send follow-up letters or additional instruments to non-respondents.

135. For the 1996 population, the t-test and the matched pairs t-test were used to evaluate the significance of the differences between the means obtained from Form A and Form B of the Inventory. See also *supra* text accompanying note 110.

136. See Steinmann, *supra* note 58.

137. See Fand, *supra* note 21.

Just finding the appropriate person for permission to use the Inventory was an adventure in private investigation. Though California Western's copyright professor informed me I could use the Inventory for scholarly purposes under the "fair use" doctrine, I felt compelled to find the women who had created and revised the original Inventory. I tried to contact Alexandra Fand and Anne Steinmann. I searched property assets for both woman in most of the Northeastern states and Florida, Arizona, and California. I searched: obituaries and news stories through

drafted the questions on the Inventory to make the content and vocabulary more politically correct.<sup>138</sup>

After the instruments were returned, I coded each set by ethnicity, then scored each set of instruments using the Maferr Foundation scoring form.<sup>139</sup> I calculated three scores for each respondent: a score for Form A, a score for Form B, and a score calculated by subtracting the scores on Form A from Form B. All demographic information was entered onto spread sheets.<sup>140</sup>

### C. Summary of the Demographic Data

One area of analysis focuses on the demographic data collected. The 113 respondents ranged in age from twenty-seven to sixty-six years.<sup>141</sup> One hundred women (88.4%) were born in the United States.<sup>142</sup> Sixteen mothers and nineteen fathers of

respondents were born outside the United States. Thirty-two of the women were Catholic (28%), thirty-eight Protestant (33.6%), eighteen Jewish (16%), and twenty-five "other" (22%).<sup>143</sup> Prior to their legal careers, nine women stated they had never worked. Many women had been teachers and college professors (13), secretaries (13), paralegals (6), nurses (4), accountants (4), and social workers (4) before law school.<sup>144</sup>

All respondents were female lawyers with earned juris doctorates who had graduated from law school from 1965 to 1992. In addition, four had earned master of laws (LL.M.) in taxation and one in international law. Seven had masters degrees in non-law areas (M.A., M.S., M.Ed., M.B.A.). The majority of the women had majored in political science, English, history, sociology, and psychology as undergraduates.<sup>145</sup>

LEXIS, a dialog search through WESTLAW, Marquis' Who's Who. I called the American Psychological Association in Washington and the New York Psychological Association since both women had earned Ph.D.'s in psychology and both had started the Maferr Foundation in New York City. I called the New York Corporations Commission to search for an address or phone number for the Maferr Foundation (no listing according to the long distance operator). The non-profit corporation had not been dissolved, but there was no forwarding address or phone number for the corporation.

I then asked Linda Weathers, a Ca. Western research librarian, to search interlibrary loan for Anne Steinmann and David Fox's book, *THE MALE DILEMMA* (Jason Aronson, Inc. 1974). I tried the publisher who was no longer in business. I did a LEXIS asset search of a number of the persons thanked in the acknowledgments. I called one of the persons named who owned property in New York and the daughter of this deceased psychiatrist told me the Maferr Foundation, Inc. had affiliated with the Postgraduate Center for Mental Health. She gave me a number and the name of a contact person.

I talked to John McMasters who directed me to the Anne Steinmann Institute for the Maferr Foundation located in Virginia. Both Alexandra Fand and Anne Steinmann were deceased. Karen Bogart, Ph.D., director of the Foundation, gave me permission to use the instrument and approved my updated and politically corrected Inventory.

138. See *infra* Form A for a more politically corrected Inventory in Appendix B. For example, every time the word "marriage" was used in the original Inventory, I added "domestic partnership." "Husband" was changed to "spouse/equivalent." I also simplified many of the original statements.

139. See *supra* text section II,C for a description of the Inventory and the scoring.

140. Donna Vella, one of California Western's valued faculty support staff, collated the data and prepared spread sheets.

141. African American respondents ranged in age from 32 to 62 years, Asian American women between 32 and 64, Hispanic women between 27 and 51, and white women between 27 and 66 years.

142. One African American woman (1 of 9) was born in Italy. Five Asian American women (5 of 13) were born outside the U.S., one each in Korea, Japan, Hong Kong, China, and the Philippines. Three Hispanic Women (3 of 11) were born outside the U.S., two

in Mexico, one in Mexicali, and one in El Salvador. Three white women (3 of 80) were born outside the U.S., one in the United Kingdom, one in Canada, and one in Sweden.

#### 143. Respondents' Degree of Participation in Religious Life by Ethnicity

	Catholic	Protestant	Jewish	Other
Af. Am.-Active	1	4	0	1
Af. Am.-Passive	1	1	0	1
Af. Am.-Indifferent	0	0	0	0
Asian-Active	1	1	0	1
Asian-Passive	3	4	0	2
Asian-Indifferent	0	0	0	1
Hispanic-Active	3	0	0	0
Hispanic-Passive	5	0	0	1
Hispanic-Indifferent	1	0	0	1
White-Active	5	13	6	4
White-Passive	12	12	7	6
White-Indifferent	0	3	5	7

Protestant includes: Episcopal, Lutheran, Methodist

Other includes: Church of Jesus Christ of Latter Day Saints, Born Again Christian, New Thought

Other indifferent includes: no response or "indifferent" only

144. In addition, women worked full and part time in clerical positions (4), in real estate (3), laboratories (2), banks (4), and sales (7). Prior employment included: government employee (3) tutor, x-ray tech, Avon lady, engineer, waitress (3), restaurant manager, tax preparation, oil and gas exploration, technical writing, computer operator (2), data entry, financial analyst, research analyst, public relations (2), pension plan administrator, airline ticket agent, travel agent, financial analyst, financial consultant, copy editor, criminal investigator, army officer, farmworker, loan collector, office manager, research biologist, counselor: mentally ill, physically disabled, and residential drug treatment, day labor, dairy supervisor, hair stylist, lifeguard, bartender, bellydancer, and a windsurfing instructor.

145. Of the 113 respondents, 18 did not indicate an undergraduate major. Undergraduate majors included, in addition to the specified categories: accounting, anthropology, economics, nursing, telecommunications and communications, business administration, government, dairy science, public administration, criminal justice, food service, engineering, Latin American studies, various languages, liberal arts, mathematics, theater arts,

Seventy-five women (66% of respondents) identified themselves as married or domestic partners;<sup>146</sup> their relationships ranged from one to forty-eight years.<sup>147</sup> Of those who identified their status as married/domestic partnership, forty-three were married (or had been married) or were in a domestic partnership with an attorney, judge, or law school professor.<sup>148</sup> Twenty-four of the respondents who identified themselves as married/domestic partners, remarried, or divorced had no children; 63.7% of all respondents had children—twenty-six had one child (and two were expecting their first child), twenty-six had two children, eleven had three children, four had four children, and only one had five children.<sup>149</sup>

Asked whether she had taken significant time away from her legal career, five African American (5/9), six Asian American (6/13), five Hispanic (5/11), and thirty-nine (39/80) white respondents said "no." The majority of those who took time off did so for family reasons: maternity leave, child and grandchild care, care for elderly parent(s). One woman took a year and one half to perform a church mission. Some said they took time away: "to spend important time with children because that time [wa]s precious," to enjoy grandchildren, to see children grow up, "because she'll only be young once," and "to escape." One law school professor said

children affected her career choice: she switched from private practice to teaching.

Ninety-nine percent (112/113) of respondents are working.<sup>150</sup> All African American, Asian American, and Hispanic respondents work full time (at least thirty-five hours per week). Fourteen white respondents work part time (from eight to thirty hours per week). Nine women worked part time to care for children and one to care for an elderly husband. Only one woman was not working in law; she volunteers in her children's school and in her church. Three white respondents who stated they worked fewer than full time were sixty-four, fifty-seven, and fifty-five years old; however, all continued to work (from eight hours to "somewhat less" than forty-hour weeks).

Most respondents (86.7%) work from thirty-five to sixty hours, volunteer from two to ten hours (mediation, AIDS Foundation, community boards, speeches, editing newsletters, church activities, special education, delinquency), consult, take required continuing legal education, and spend anywhere from "as little as possible" to 128 hours per week as wives/domestic partners and mothers.

One African American, three Asian American, two Hispanic, and thirteen white respondents felt

philosophy, international relations, journalism, chemistry, biology, American studies, and marketing.

146. When Respondents Married (first time)

	Before College	During College	After College	During Law School	After Law School
African Am.	0	1	4	0	2
Asian Am.	0	1	4	2	3
Hispanic	1	1	4	2	3
White	3	21	25	2	18

147. Marital Status by Ethnicity

	No. Respd'g	Married/Domes. Partner	Di-vorced	Remar-ried	Separ-ated	Wid-owed	Single
African-Am.	9	6	7-38	1	0	0	2
Asian-Am.	13	8	4-20	1	1	0	3
Hispanic	11	10	2-39	1	0	0	0
White	80	51	1-48	7	10	1	3

148. The majority of respondents' spouses/domestic partners are attorneys. In addition, spouses/domestic partners are: medical doctors (7), university professors (3), teachers (2), land use planners (2) electrician, real estate broker, commercial real estate, video technician, sales (2), business owners (2) entrepreneur, nursery person, criminal investigator, construction (2), engineers (2), government manager, manager of a company, CPA, director of biology research, training director, social worker, law enforcement, carpenter, student, retired military (2), federal agent, television producer, administrator, water quality specialist,

computer programmer, clinical psychologist, union organizer, publisher, parts counter person, and park engineer.

Spouses'/Domestic Partners' Occupations by Ethnicity

	Resp'd'g	1	2	3	4	5-7
African American	7	3	1	2	1	0
Asian American	9	8	0	0	1	0
Hispanic	11	5	3	3	0	0
White	68	48	14	4	2	0

\*See Appendix D.

149. Respondents' Family Size by Ethnicity

Number of Children	0	1	2	3	4	5
African American	2	0	2	2	0	0
Asian American	1	3	3	1	1	0
Hispanic	4	2	5	0	0	0
White	17	23	16	10	3	1

150. Legal Employment by Ethnicity

	Num-ber	Pro-fessor	Public Law Firm	Sole Practitioner	Corporate/In House	Other*
African America	9	2	1	2	1	0
Asian American	13	2	0	3	5	2
Hispanic	11	1	1	4	4	1
White	80	2	13	24	17	16

\*Other includes: an attorney working as a property manager and an attorney presently not working.

closer to fathers than mothers.<sup>151</sup> I assumed these fathers would be attorneys; I was wrong. Only three white respondents' fathers and one Hispanic respondent's father were attorneys. The mothers of the women, who identified their relationship with fathers closer than with mothers, were mostly housewives (six of thirteen white mothers, all Asian American mothers, and one of two Hispanic mothers). The remainder of the mothers in this category were identified as teachers (three), a manager, a salesperson, a postal clerk, and a store owner.

The majority of the respondents chose to become lawyers either during or after college (56% African American, 82% Asian American, 67% Hispanic, 88% white). Other women decided to become lawyers in elementary school, in junior high school, and in high school. Two women reported they decided to become lawyers while in law school; one decided after law school; another still has not decided.

The reasons women became lawyers varied: a respected profession (though one respondent chose law because lawyers were not respected and she wanted to change that perception) (8), interesting work (intellectually challenging) (12), to help others (make a difference, save the world), (9) challenge (4), worked as legal secretary (or paralegal) (9), power to change (4), knowledge is power (or empowerment) (5), always wanted to be a lawyer (8), love writing, research, analysis (6), earning potential (6), talent for and temperament (5). There were others who were influenced by spouses and other family members (6). One woman was inspired by Atticus in *To Kill a Mockingbird*. An Asian American lawyer wanted to help the poor; another wanted to help her family and set an example. An Hispanic woman chose law to represent

her community. An African American woman wanted to be a professional; another wanted to understand contracts.

It was interesting to compare the demographics of women experiencing no role conflict and those experiencing significant role conflict. Seventeen of the 1996 respondents (15%), two African American, two Asian American, two Hispanic, and eleven whites, were experiencing no role conflict.<sup>152</sup> Fourteen are married (eight to lawyers or judges, two to doctors); eleven women have children.<sup>153</sup> There are three judges, three law school professors, three family law attorneys, and three specializing in criminal law, either defense or prosecution.<sup>154</sup>

Twelve women (10.6%), one African American, two Asian American, two Hispanic, and seven white, were experiencing substantial role conflict.<sup>155</sup> All were married/domestic partners or had been married (one woman was divorced and another a widow). Five women were married to attorneys. Five have no children. Legal employment includes: one judge, two law school professors, three public law attorneys (deputy Attorney General, District Attorney, and County Counsel), and attorneys in varied areas such as corporate securities, consumer litigation, family law, and worker's compensation. A striking feature of these data is that the groups experiencing no role conflict and those experiencing significant role conflict are comparatively homogeneous.<sup>156</sup>

#### D. Data Analyses: Summary of 1996 Data and Comparison with 1976 Data

A comparison of the 1996 respondents' range of scores indicates that most scores are on the self-

151. Closeness to Parents by Ethnicity

	Mother	Father	Both	Neither
African American	8	1		
Asian American	6	2	5	
Hispanic	6	2	3	
White	53	13	11	3

152. As defined by this study, no role conflict means no difference in the score on Form A (actual expressed role) and Form B (expressed role preference) of the Inventory. In addition to a zero difference in scores, I included those women who scored a +1 or -1 difference. In 1976, four women (5%) were experiencing no role conflict.

153. One is a judge who is "very involved in the children's activities." Two are professors, both mothers. Two others work fifty to sixty hour work weeks (family law and deputy district

attorney). Two work part time; one does business and transactional law twelve hours a week spending the majority of her time with her children because "these years are precious." Another works part time (seventeen to twenty hours a week) in estate planning to have the "flexibility for family."

154. In addition one woman practices estate planning, another tort litigation, and a third business transactional. One respondent is a Deputy Attorney General and another works at the Legal Aid Society.

155. This would be defined as a more than a twelve point difference in the scores on Form A and Form B (and at least twice the 1976 mean difference). In this category, the two largest score differences were women whose scores moved toward other-orientation from Form A to Form B (from +26 to +4, another from +22 to -2).

156. See generally *supra* note 79.

oriented side of the continuum.<sup>157</sup> The range of all scores on actual expressed role (self perception/Form A) was -6 to +38. The range of all scores on expressed role preference (ideal role/Form B) was -8 to +45. With the exception of four white respondents (4/113 or 3%) on actual expressed role and five white and one Asian American respondent (6/113 or 5%) on expressed role preference, all subjects scored on the positive or self-oriented side of the continuum (all African American and all Hispanic respondents' scores were on the self-oriented side of the continuum on both forms of the Inventory).

Three African American, three Asian American, three Hispanic and twenty-five white attorneys' scores (30% of respondents) moved in the direction of other-orientation.<sup>158</sup> One Asian American and two white attorneys moved into other-orientation (22 to -2, 0 to -12, 8 to -4) on the continuum.<sup>159</sup>

In the 1976 sample<sup>160</sup>, more respondents had negative or other-oriented scores: six of seventy-four respondents (8% of total), (4/53 white and 2/27

Mexican-American) had negative scores (other-oriented) on actual expressed role. Eighteen of seventy-four (24% of total) (14/53 White and 4/27 Mexican-American) had negative scores on expressed role preference. On both forms of the inventory, the 1976 respondents scored toward the more extreme ends of the continuum.

The mean score for actual expressed role for the nine African American respondents was 19.33, a score on the self-oriented side of the continuum.<sup>161</sup> The mean expressed role preference score was 22.44, a score further toward the self-oriented side of the continuum. The mean score for actual expressed role for the thirteen Asian American respondents was 14.46; the mean expressed role preference score was 16.85. The mean score for actual expressed role for the eleven Hispanic respondents was 21.18; the expressed role preference mean score was 23.64. Each group's mean differences were tested at the .01 level of significance for role conflict. Because of the small sample size for each group, the differences were not statistically significant.<sup>162</sup>

157. Range of scores on Inventory by Ethnicity

	No. Responding	Self Perception	Ideal Perception
African American	9	+5 to +34	+3 to +45
Asian American	11	+10 to +32	+4 to +42
Hispanic	13	+1 to +29	-2 to +38
White	80	-6 to +38	-8 to +41

158. The score on Form A (actual expressed role or own self) is subtracted from the score on Form B (expressed role preference or "ideal" role). A negative score shows a difference in scores moving closer to the zero and toward the other-oriented side of the continuum.

159. See Section II,C which describes the continuum and explains positive and negative scores.

160. See white subjects' range of scores, *supra* note 125. See Mexican-American subjects' range of scores, *supra* note 126.

161. MAFERR Inventory: Means, Mean Differences, Statistical Significance

Respondents	Mean AER (Self)	Mean ERP (Ideal)	Mean Difference	Significance	
African American	9	19.33	22.44	3.11	N.S.
Asian American	13	14.46	16.85	2.38	N.S.
Hispanic	11	21.18	23.64	2.45	N.S.
*White	80	17.49	19.91	2.43	p<.01
*All Respondents	113	17.65	20.12	2.48	p<.01

\*Significant role conflict at p<.01 means this finding would occur by chance alone no more than one time in a hundred.

162. This does not mean there was no role conflict. Statistical significance is affected by sample size, how far the means are separated, and dispersion of individual standard deviations. I ran a smaller, randomly selected sample of white respondents. The subset consisted of eleven surveys. The range of scores on actual expressed role were 0 to +30 with a mean of 17.73. On expressed role preference, the range was -12 to +27 with a mean of 16.18. The results of the t-test were, like the tests run for African American, Asian American, and Hispanic respondents, not significant. If all African American, Asian American, and Hispanics (33 total) were grouped for demonstration purposes only, the mean on actual expressed role was 18.03, mean on expressed role preference was 10.64, for a mean difference of 2.61. Given the increased sample size, analysis showed statistically significant role conflict (p<.01 which means that the observed finding would occur by chance alone no more than one time in a hundred).

The mean score for the eighty white respondents was 17.49 for actual expressed role and 19.91 for expressed role preference. Due to the increased number of respondents, the t-value indicated role conflict (significant difference in the scores on actual expressed role and expressed role preference) at the probability level of .01 ( $p < .01$ ). The total group of respondents (113) were experiencing statistically significant role conflict.<sup>163</sup>

T-test analyses indicated no significant differences in role conflict due to dependent variables: age, marital status, years married/domestic partnership, area of legal employment, dates of law school graduation, closer parent, years in practice, and spouse/equivalent's occupation.<sup>164</sup> In 1976 there were also no significant differences in role conflict scores by dependent variable.

Both groups of respondents, 1976 and 1995, were experiencing role conflict. The population in 1976 was experiencing statistically significant role conflict. The mean differences between the scores were greater (6.3774 for white respondents, 6.5714 for Mexican-American) than for the 1996 respondents of all ethnicities.<sup>165</sup> The 1996 population was experiencing significantly less conflict than the 1976 population. (The mean role conflict score in 1976 was 6.43; the mean role conflict score in 1996 was 2.51.)<sup>166</sup> As a group, these 113 women lawyers perceive their feminine sex roles as self-oriented, their ideal only slightly more self-oriented with significantly less conflict and discontent than educated women were experiencing twenty years ago.

## CONCLUSIONS AND RECOMMENDATIONS

Women are assimilating conflicting roles: the traditional, nurturing role expected of them as a wives and mothers and the achieving role where women fulfill themselves by realizing their own potential.<sup>167</sup> Women are adjusting their self concepts and redefining their sex roles. Educated women, and specifically women lawyers, are encountering the stresses and demands of combining the roles of parent, spouse, and professional.

There are similarities in the populations of the 1976 and 1996 studies: the sample sizes were fairly equivalent (200 and 202 women); all are educated women; and all respondents took the same Inventory, Forms A and B (with variations for political correctness) and were scored on the same scale.

There were differences as well: number of respondents (a 37% return or 74/200 in 1976 and 59.4% return or 120/202 in 1996); age (twenty-two to fifty-seven years in 1976 and twenty-seven to sixty-six years in 1996); marital status<sup>168</sup> (51% of 1976 study participants and 66% of 196 sample were married/domestic partners); religion;<sup>169</sup> level of schooling and academic specialization;<sup>170</sup> number of children (31% had children in 1976 and 63.7% in 1996);<sup>171</sup> and work status.<sup>172</sup> The 1976 respondents were college graduates; all 1996 respondents were lawyers.

The 1976 population, white and Mexican-American, was experiencing statistically significant role conflict. In 1976 and in 1996, none of the variables (e.g., marital status, religion, area of employment) related to differences in experienced role

163. *Id.* Sample size influences significance.

164. Statistical Significance Based Upon Dependent Variables

Variables	Means	Low/High	Standard Deviation	Significance
Legal Employment Category 4 and All Others	3.81	-7 to +18	6.20	N.S.
Closest to Mother	2.11	-24 to +18	7.80	N.S.
Closest to Father	2.11	-12 to +20	9.15	
Graduation prior to 1982 and 1982 to 1992	2.06	-24 to +20	8.09	N.S.
Married Lawyers and Single Lawyers	3.28	-12 to +18	7.03	
Spouses in Category 1 and Spouses in all other categories	2.06	-22 to +18	7.34	N.S.
Female lawyers married 10 years or more and all other lawyers	2.62	-7 to +10	5.12	
	2.23	-22 to +20	7.50	N.S.
	2.80	-24 to +17	7.69	
	1.97	-24 to +18	7.68	N.S.
	3.02	-22 to +20	7.44	

165. Compare *supra* charts at notes 125, 126, and 157.

166. 1996 Role Conflict Compared With 1976 Role Conflict

Variable	Mean	Low/High	Standard Deviation	Significance
1996 Conflict n = 113	2.51	-24 to +20	7.59	p < .01
1976 Conflict n = 74	6.43	-14 to +37	10.26	

167. See Fand, *supra* note 21, at 97-98.

168. See *supra* notes 119, 146, 147.

169. See *supra* charts in notes 121 and 143.

170. See *supra* notes 122 and 145.

171. See *supra* pp. 34-35 and chart in note 149.

172. See *supra* chart in note 124.

conflict. The 1996 population was experiencing role conflict, though for the individual ethnicities (African American, Asian American, and Hispanic), statistical analyses demonstrated no significance. Any differences between white lawyers and the lawyers of color could be explained by small sample size. Like the 1976 population, the majority of the attorneys' actual and ideal roles were more self-oriented than other-oriented but more centered and less extreme on the continuum than the 1976 population.<sup>173</sup>

It is important to look beyond the statistical analyses to trends indicated by the data. In San Diego where only 3% of attorneys identify themselves as members of any traditionally underrepresented racial group,<sup>174</sup> the response from diversity attorneys was overwhelming (29% of respondents were African American, Asian American, or Hispanic). Significant, too, was the difference in number of respondents in 1996 compared with 1976: with 99% of the 1996 study population employed, 59.4% of the pool returned instruments.

Women lawyers are super women:<sup>175</sup> women lawyers are managing career and family responsibilities. The majority work full time in a variety of legal jobs, participate in continuing education, and consult—self-oriented activities—then “work” as wives and mothers, and community volunteers—other-oriented activities. Twenty years ago I predicted women would become successful professionals combining work with marriage and family with no role conflict. The statistics and demographic comparisons from this research support this prediction. There is role conflict but significantly less than twenty years ago.

This study describes a specific population of women lawyers. My recommendation for future study would include:

1. Conducting this study with a significantly larger population of women lawyers—including women who live and work in large and smaller cities in and outside of California—of all ethnicities. There was no statistically significant role

conflict in the diversity populations because of the small sample size.

2. Expanding the present study to include follow-up interviews of selected participants in order to more definitely identify the areas of role conflict, whether personal, situational, or sociocultural.

3. Expanding the research population to include women in other professions. It is possible that women who have chosen careers that were traditionally male dominated, such as law and medicine, are less conflicted because these career choices combine other-orientation—nurturing, helping others, saving the world, “mothering clients,” providing comfort—and achieving self-orientation.

4. Studying a population of men to determine if they, too, are experiencing role conflict.

5. Studying a population of spouses/equivalents of highly self-oriented women to determine their concept of the feminine role and their “ideal” female role.

The lowering birth rate, more egalitarian marriages with less sexual division of labor in the home, more dual career marriages, later age of marriage and child-bearing are reflected in changing role perceptions. Though role conflict continues to be a reality for women lawyers today, women are slowly achieving equality of educational and occupational opportunity.

Changes in woman's roles will be nourished by change in the wider society and by change in the educational enterprise. The opportunities for women have increased; the discontent, though lessened, continues. Legal education and the legal profession need to continue to change by incorporating the “care perspective;”<sup>176</sup> by eliminating gender bias and racial discrimination; by offering equality of occupational opportunity to all women, including women of color; and by helping women professionals to balance the multiple roles of spouse, mother, and career. The continuing and dramatic increases in the numbers of women in law today (42.5% of

173. Compare *supra* charts in notes 125, 126, and 157.

174. See *supra* notes 24 and 25.

175. See MEAD, MALE AND FEMALE, *supra* note 36, at 33.

How are men and women to think about their maleness and their femaleness in this twentieth century? . . . Have we cut women off from their natural closeness to their children, taught them to look for a job instead of the touch of a child's hand, for status in a competitive world rather than a unique place by the glowing hearth? In educating women like men, have we done

something disastrous to both men and women alike, or have we only taken one further step in the recurrent task of building more and better on our original human nature?

176. For a look at the future for women and minorities in the legal profession, the good and the bad news, see Carrie Menkel-Meadow, *supra* note 87, at 653-62. See also Jack & Jack, *supra* note 89, at 157; Sandra Janoff, *The Influence of Legal Education on Moral Reasoning*, 76 MINN. L. REV. 193, 233-38 (1991).

law students, 24.8% of licensed lawyers<sup>177</sup>) should increase women's gains to "power positions."<sup>178</sup>

Femininity is being redefined to include not only the traditional wife/mother roles but also to include the intelligent, independent person who is

content and satisfied with success, achievement, and fulfillment as a woman. Though professional success and accomplishment (self-orientation) may conflict with other-orientation, personal fulfillment is possible both professionally and personally.

---

177. See *supra* notes 15 and 16.

178. See Miriam I Pickus, *The Legal Process and Profession*, 84 Mich. L. Rev. 1052 (1986). Pinkus reviews the book by PROFESSOR RONALD CHESTER, *UNEQUAL ACCESS: WOMEN*

*LAWYERS IN A CHANGING AMERICA* (1985). Chester includes in "power positions" senior partnerships, tenured professors, important judicial appointments, and upper level government jobs. *Id.* at n.6.



**APPENDIX A  
DEMOGRAPHIC QUESTIONNAIRE**

1. Name, address (optional): \_\_\_\_\_  
\_\_\_\_\_
2. Age: \_\_\_\_\_
3. What do you consider yourself to be (circle one): African-American; Asian American; Hispanic; Mexican-American; Native American; White; Other \_\_\_\_\_
4. Marital Status (circle): single; married/domestic partnership; remarried; widowed; divorced; separated.
5. Number, ages, sex of children: \_\_\_\_\_  
\_\_\_\_\_
6. Number of years married (or in a domestic partnership): \_\_\_\_\_
7. Occupation of your spouse/equivalent: \_\_\_\_\_
8. When were you married (or in a domestic partnership) for the first time (e.g., before college, during college, after college)? \_\_\_\_\_
9. Religious affiliation (circle one): Catholic; Protestant; Episcopal; Jewish; Other \_\_\_\_\_  
 Check appropriate response:  
 Active (church attendance and activities)  
 Passive (personal religion with little or no church participation)  
 Indifferent (no religious interests)
10. Date of law school graduation:
11. Highest degree held and in what field of specialization: \_\_\_\_\_
12. Undergraduate major (for B.A. or B.S. degree): \_\_\_\_\_
13. Were you born in the United States? (circle one) Yes                  No
14. Were your parents born in the United States? (circle one for each)  
 Mother:                  Yes                  No                                  Father:                  Yes                  No
15. Occupation of mother: \_\_\_\_\_  
 Occupation of father: \_\_\_\_\_

16. Education of mother: \_\_\_\_\_  
Education of father: \_\_\_\_\_

17. Which parent do you (or did you) feel closer to? (circle one) Mother                  Father

18. Number of brothers: \_\_\_\_\_ older                  \_\_\_\_\_ younger  
Number of sisters: \_\_\_\_\_ older                  \_\_\_\_\_ younger

19. At present, in which of the following activities are you engaged? (describe the kind of law you practice and estimate the number of hours per week you devote to each classification)

Salaried employment: \_\_\_\_\_

Self-employment: \_\_\_\_\_

Consulting, free lance, independent research (please specify): \_\_\_\_\_

Volunteer and organizational work: \_\_\_\_\_

Housewife/mother: \_\_\_\_\_

Further education: \_\_\_\_\_

20. Have you taken significant amounts of time away from your legal career (e.g. to be with your children, to take care of an elderly parent, to try another career track)? If so, how much time and why? \_\_\_\_\_

21. Have you been employed at other times (for example, before and/or after marriage(s), after college and before law school), and in what type of employment? \_\_\_\_\_

22. Why did you choose law as a profession? \_\_\_\_\_

When did you decide to become a lawyer? \_\_\_\_\_

Why did you choose the kind of law you're practicing? \_\_\_\_\_

24. May I call you for follow-up anecdotal information? If so, please provide your phone number and the best time(s) to call. \_\_\_\_\_

**APPENDIX B**  
**MAFERR INVENTORY OF FEMININE VALUES\***

[When this inventory was developed by Alexandra Fand in 1955, the term used to describe one's spouse was "husband." I have edited the language of the inventory to include term(s) which describe one's spouse/equivalent in today's traditional and non-traditional relationships.]

**FORM A**

Please read the instructions carefully. You are asked to indicate your opinion on each item by filling in the space from 1 to 5 using the following scale:

1. Strongly Agree
2. Agree
3. No Opinion/Don't Know
4. Disagree
5. Strongly Disagree

Please respond to the following questions with your opinion. Keep in mind the way **THE WAY YOU REALLY ARE:**

	Strongly Agree	Agree	No Opinion/ Don't Know	Disagree	Strongly Disagree
1. An ambitious and responsible spouse/equivalent does not want his/her wife/partner to work.	1	2	3	4	5
2. I usually pay no attention to other's feelings.	1	2	3	4	5
3. A woman who works cannot possibly be as good a mother as the one who stays home.	1	2	3	4	5
4. I would like to create or accomplish something that everybody knows is valuable and important.	1	2	3	4	5
5. I try to do what I think people want me to do.	1	2	3	4	5
6. A woman experiences conflict in what she has to do as a woman and what she wishes to do for herself.	1	2	3	4	5
7. A woman should be married (or be in a domestic partnership) even if her spouse/equivalent does not measure up to all her hopes.	1	2	3	4	5
8. I sometimes feel I do everything myself and that I can accept nothing from others.	1	2	3	4	5
9. The needs of a family come before a woman's personal ambitions.	1	2	3	4	5
10. I am not sure the joys of motherhood make up for the sacrifices.	1	2	3	4	5
11. I like listening to people better than talking.	1	2	3	4	5
12. I argue with people who try to give me orders.	1	2	3	4	5
13. Marriage/domestic partnership and children should come first in a woman's life.	1	2	3	4	5

	Strongly		No Opinion/ Don't Know		Strongly Disagree
	Agree	Agree	Disagree	Disagree	
14. When I am with a group, I usually become the leader.	1	2	3	4	5
15. I worry about what people think of me.	1	2	3	4	5
16. I express my ideas strongly.	1	2	3	4	5
17. Single woman need personal success; a married woman needs only her spouse's/equivalent's success.	1	2	3	4	5
18. I would not marry (or be in a domestic partnership) if I had to give up what I really believe in order to get along with my spouse/equivalent.	1	2	3	4	5
19. It is up to the woman to make her marriage/domestic partnership work.	1	2	3	4	5
20. A working mother can establish just as strong and secure a relationship with her children as a mother who stays home.	1	2	3	4	5
21. The greatest help a woman can give her spouse/equivalent is to encourage his/her progress.	1	2	3	4	5
22. It is unfair that women have to give up more than their spouses/equivalents to have a good marriage/domestic partnership.	1	2	3	4	5
23. I can put myself in the background and work hard for a person I admire.	1	2	3	4	5
24. The woman's opinion should be as important as her spouse's/equivalent's opinion.	1	2	3	4	5
25. My main goal is to raise normal, well-behaved children.	1	2	3	4	5
26. How I develop as a person is more important to me than what others think of me.	1	2	3	4	5
27. If we disagree, I would give in to my spouse/equivalent more often than I would expect my spouse/equivalent to give in to me.	1	2	3	4	5
28. The greatest satisfactions in life come from what you do yourself.	1	2	3	4	5
29. I would like to marry (or be in a domestic partnership with) a person whom I could really look up to.	1	2	3	4	5
30. A woman should have interests outside the home.	1	2	3	4	5
31. I am sure that what a woman gains from marriage/domestic partnership makes up for the sacrifices.	1	2	3	4	5
32. Modern mothers should bring up their girls and boys to believe in equal rights, opportunities, and freedoms for both sexes.	1	2	3	4	5
33. A woman's place is in the home.	1	2	3	4	5
34. I would rather be famous, admired, and popular than have the constant affection and devotion of my spouse/equivalent.	1	2	3	4	5

## MAFERR INVENTORY OF FEMININE VALUES\*

### FORM B

Please read the instructions carefully. You are asked to indicate your opinion on each item by filling in the space from 1 to 5 using the following scale:

1. Strongly Agree
2. Agree
3. No Opinion/Don't Know
4. Disagree
5. Strongly Disagree

Think of the woman you would ***PREFER TO BE, YOUR IDEAL WOMAN***, and respond to each statement as you believe you would.

	Strongly Agree	Agree	No Opinion/ Don't Know	Disagree	Strongly Disagree
35. I worry about what people think of me.	1	2	3	4	5
36. A woman's opinion should be as important as her spouse's/equivalent's opinion.	1	2	3	4	5
37. A woman's place is in the home.	1	2	3	4	5
38. I am not sure the joys of motherhood make up for the sacrifices.	1	2	3	4	5
39. The greatest help a woman can give her spouse/equivalent is to encourage his/her progress.	1	2	3	4	5
40. A woman should have interests outside the home.	1	2	3	4	5
41. My main goal is to raise normal, well-behaved children.	1	2	3	4	5
42. I argue with people who try to give me orders.	1	2	3	4	5
43. Single women need personal success; a married woman needs only her spouse's/equivalent's success.	1	2	3	4	5
44. It is unfair that women have to give up more than their spouses/equivalents to have a good marriage/domestic partnership.	1	2	3	4	5
45. I can put myself in the background and work hard for a person I admire.	1	2	3	4	5
46. I would like to create or accomplish something that everybody knows is valuable and important.	1	2	3	4	5
47. It is up to the woman to make her marriage/domestic partnership work.	1	2	3	4	5
48. A woman experiences conflict in what she has to do as a woman and what she wishes to do for herself.	1	2	3	4	5
49. I try to do what I think people want me to do.	1	2	3	4	5
50. I sometimes feel I must do everything myself and that I can accept nothing of others.	1	2	3	4	5

	Strongly Agree	Agree	No Opinion/ Don't Know	Disagree	Strongly Disagree
51. A woman should be married (or be in a domestic partnership) even if her spouse/equivalent does not measure up to all her hopes.	1	2	3	4	5
52. I express my ideas strongly.	1	2	3	4	5
53. The needs of a family come before a woman's personal ambitions.	1	2	3	4	5
54. When I am with a group, I usually become the leader.	1	2	3	4	5
55. I like listening to people better than talking.	1	2	3	4	5
56. Modern mothers should bring up their girls and boys to believe in equal rights, opportunities, and freedoms for both sexes.	1	2	3	4	5
57. If we disagree, I would give in to my spouse/equivalent more often than I would expect my spouse/equivalent to give in to me.	1	2	3	4	5
58. The greatest satisfactions in life come from what you do yourself.	1	2	3	4	5
59. Marriage/domestic partnership and children should come first in a woman's life.	1	2	3	4	5
60. I usually pay no attention to other's feelings.	1	2	3	4	5
61. I would like to marry (or be in a domestic partnership with) a person whom I could really look up to.	1	2	3	4	5
62. A working mother can establish just as strong and secure a relationship with her children as a mother who stays home.	1	2	3	4	5
63. I am sure that what a woman gains from marriage/domestic partnership makes up for the sacrifices.	1	2	3	4	5
64. I would rather be famous, admired, and popular than have the constant affection and devotion of my spouse/equivalent.	1	2	3	4	5
65. A woman who works cannot possibly be as good a mother as the one who stays home.	1	2	3	4	5
66. How I develop as a person is more important to me than what others think of me.	1	2	3	4	5
67. An ambitious and responsible spouse/equivalent does not want his/her wife/partner to work.	1	2	3	4	5
68. I would not marry (or be in a domestic partnership) if I had to give up what I really believe in order to get along with my spouse/equivalent.	1	2	3	4	5

APPENDIX C

MAFERR INVENTORY- FORM A

MAFERR INVENTORY- FORM B

A		B	
1.			
	2.		
3.			
	4.		
5.			
	6.		
7.			
	8.		
9.			
	10.		
11.			
	12.		
13.			
	14.		
15.			
	16.		
17.			
	18.		
19.			
	20.		
21.			
	22.		
23.			
	24.		
25.			
	26.		
27.			
	28.		
29.			
	30.		
31.			
	32.		
33.			
	34.		

Totals               |           
                   A      B  
 (Subtract B from A = \_\_\_\_\_)

Totals               |           
                   A      B  
 (Subtract B from A = \_\_\_\_\_)

**APPENDIX D**  
**\*REVISED SCALE FOR RATING OCCUPATION**

---

**Professionals**

1. Lawyers, doctors, dentists, engineers, judges, high school superintendents, veterinarians, ministers (graduated from divinity school), chemists, etc., with post-graduating training, architects.
2. High school teachers, trained nurses, chiropodists, chiropractors, undertakers, ministers (some training), newspaper editors, librarians (graduate).
3. Social workers, grade school teachers, optometrists, librarians (not graduate), undertakers' assistants, ministers (no training).

4,5,6,7.

---

**Proprietors and Managers**

1. Business valued at \$75,000 and over.
2. Businesses valued at \$20,000 to \$75,000.
3. Businesses valued at \$5,000 to \$20,000.
4. Businesses valued at \$2,000 to \$5,000.
5. Businesses valued at \$500 to \$2,000.
6. Businesses valued less than \$500.

7.

---

**Business Women/Men**

1. Regional and divisional managers of large financial and industrial enterprises.
2. Assistant managers and office and department managers of large businesses, assistants to executives, etc.
3. All minor officials of business.

4,5,6,7.

---

**Clerks and Kindred Workers, Etc.**

1. Certified Public Accountants.
2. Accountants, salespersons of real estate, of insurance, postmasters.
3. Auto Salespersons, bank clerks, postal clerks, secretaries to executives, supervisors, of railroad, telephone, etc., justices of the peace.
4. Stenographers, bookkeepers, rural mail clerks, railroad ticket agents, sales people in dry goods store, etc.
5. Dime store clerks, hardware salespersons, beauty operators, telephone operators.

6.,7.



---

**Manual Workers**

- 1,2.
3. Contractors.
4. Factory foremen; electricians, plumbers, and carpenters (own business), watchmakers.
5. Medium-skill workers, carpenters, plumbers, electricians (apprentice), time-keepers, linemen, telephone or telegraph, radio repairpersons.
6. Moulders, semi-skilled workers, assistants to carpenters, etc.
7. Heavy labor, migrant work, odd-job workers, miners.

---

**Protective and Service Workers**

- 1,2,3.
4. Dry cleaners, butchers, sheriffs, railroad engineer and conductors.
5. Barbers, firemen/women, butcher's apprentices, practical nurses, policemen/women, seamstresses, cooks in restaurant, bartenders.
6. Baggage men/women, night policemen/women and watchmen/women, taxi and truck drivers, gas station attendants, waiters/waitresses in restaurant.
7. Janitors, scrub-men/women, newsboys/girls.

---

**Farmers**

1. Gentlemen/women farmers.
2. Large farm owners, farm owners.
- 3.
- 4.
5. Tenant farmers.
6. Small tenant farmers.
7. Migrant farm laborers.