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**Unwritten Lawyers:  
A Comparative Approach on  
Representations of Women Lawyers in  
the Anglo-American and European  
Literature**

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**Abstract**

The legal profession has witnessed changes in the number of women entrants not only in the Anglo-American but also in the European legal traditions. The growing number of women entrants in the legal professions worldwide resulted in the production and consumption of an exhaustive body of literature. This work examined women lawyers' experience in everyday legal practice. It also explored the problems that women lawyers face. It investigated further whether or not women lawyers could actually make a difference in legal practice. The growing presence of women lawyers in the legal profession attracted celluloid attention on both sides of the Atlantic. This, in turn, created enormous academic interest in the investigation of the portrayals of women lawyers on the big and small screens. A lot of academic ink has been spilt on the explanation of portrayals of women lawyers in the media. Nevertheless, the position of women lawyers in literature has not yet become the object of extensive research. This paper seeks to address this absence. In doing so, it examines the reasons for this absence. It investigates portrayals of women lawyers in works of the Anglo-American literature. It also examines portrayals of women lawyers in the European literature. It draws parallels and exposes differences between the two strands of literature and realities of legal practice with the ultimate aim to provide insights into the positioning of women lawyers in literature on both sides of the Atlantic.

**Keywords:**

## **Introduction**

Over the last decades, most professions have been experiencing a transformation in relation to their gender composition<sup>1</sup>. Acker remarks that professional environments, institutions, workplaces are deeply gendered<sup>2</sup>. The legal profession is no exception. The continuing change during the last years regarding the numbers in which women have entered the profession coupled with the increasing number of practising lawyers has formed a mixed picture of the profession in terms of gender<sup>3</sup> not only in the Anglo-American but also in the European legal traditions. This led to the production and consumption of a voluminous literature, which examines the women lawyers' experience in legal practice.

The growing presence of women lawyers in the legal profession has captured the filmmakers' attention on both sides of the Atlantic. Media portrayals of women lawyers have also become the subject of study of many academic accounts. Despite the academic accounts of media portrayals of female lawyers, scant attention has been paid to the position of women lawyers in literature. This paper seeks to address this absence. In doing so, this paper comprises three parts. The first part examines the reasons for this absence. The second part investigates portrayals of women lawyers in works of the Anglo-American literature. It also examines portrayals of women lawyers in the European literature. The third part draws parallels and exposes differences between the two strands of literature and realities of legal practice with the ultimate aim to provide insights into the positioning of women lawyers in literature on both sides of the Atlantic.

## **Reasons for the Limited Portrayals of Female Lawyers in the Anglo-American and European Literature**

This section explores the reasons for the limited representations of fictional female lawyers in the Anglo-American and European literature. In doing so, it examines the relationship between feminist accounts of the legal profession and some scholarly works on portrayals of fictional female lawyers.

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<sup>1</sup>This point features largely in the feminist accounts of the legal profession.

<sup>2</sup>Acker, J. (1990) "Hierarchies, Jobs, Bodies: A Theory of Gendered Organisations" *Gender and Society* pp. 139-158

<sup>3</sup>This point is fairly well documented in the feminist accounts of the legal profession. See by way of example Skordaki, E. (1996) "Glass Slipper and Glass Ceilings: Women in the Legal Profession" *International Journal of the Legal Profession* 3 (1/2) pp.7-37 See also Sommerlad, H. (1994) "The Myth of Feminisation: Women and Cultural Change in the Legal Profession" *International Journal of the Legal Profession* 1(1) pp.31-53. See also McGlynn, C. *The Woman Lawyer: Making the Difference*, (London: Butterworths, 1998). See also Sommerlad, H. (2002) "Women Solicitors in a Fractured Profession: Intersections of Gender and Professionalism in England and Wales" *International Journal of the Legal Profession* 9 (3) pp. 213-234.

It also explores the deeply gendered nature of the relationship between law and popular culture.

Despite the limited representations of women lawyers in literature, the scholarly works that examine representations of fictional female lawyers in literature are also limited. The most striking examples discussing portrayals of female lawyers in literature are the works of Dixon's and Lee and Morgan's. Dixon, in her 1994 article titled "In Portia's Footsteps: Women Lawyers in Literature", also notes that after Portia's appearance in Shakespeare's play *The Merchant of Venice*, there had not been any fictional women lawyers in the English literature up until the 1980's<sup>1</sup>. Dixon also points out that despite her name having become synonymous with women lawyers; Portia was not actually a lawyer. Another example is the article by Lee and Morgan titled "Legal Fictions and the Moral Imagination: Female Fictional Lawyers Encounter Professional Responsibility"<sup>2</sup>. Lee and Morgan's article provides an analysis of certain novels featuring female lawyers. At the same time, it draws parallels with the reality of everyday legal practice. It is noteworthy that Lee and Morgan's article constitutes a more recent account on the subject in relation to that of Dixon. From this perspective, it references more works on representations of female lawyers in literature<sup>3</sup>. Lee and Morgan's article focuses on ethical issues that constitute the main concerns of female fictional lawyers and the authors of these literary works in relation to their fictional reality of legal practice. It seems that most of the representations of female fictional lawyers come from the criminal law practice; therefore, these novels belong to the crime fiction genre of literature.

One of the reasons of the few accounts of legal scholars on the portrayals of fictional women lawyers is that the presence of women lawyers in the literature was limited, due to the social norms and dominance of the male lawyers' stereotype. From this perspective, there was not enough evidence for the relevant genre of literature to develop. Let us not forget that the presence of women lawyers in the legal profession was limited until only a few decades ago, on both sides of the Atlantic. The weak presence of women in the legal profession combined with the male stereotypes dominating the legal profession facilitated the portrayals of male lawyers in literature rather than those of their female counterparts.

As the years went by, the growing presence of women lawyers in the legal profession influenced more works on women lawyers. What continues to amaze, however, is the fact that accounts of portrayals of fictional female lawyers in relation to the accounts of real life female lawyers are by far fewer. Going back to the reasons for this absence, it could be said that the feminist accounts' interest focused more on real life women lawyers rather than

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<sup>1</sup>Dixon, (1994) "In Portia's Footsteps: Women Lawyers in Literature", University of Australia Western Law Review, 24(1) 68

<sup>2</sup>Lee, K.A. and Morgan, E. (2004) "Legal Fictions and the Moral Imagination: Female Fictional Lawyers Encounter Professional Responsibility", 10(3) William & Mary Journal of Women and the Law, 569

<sup>3</sup>These works will be considered later on in the paper.

fictional women lawyers. This could potentially justify the absence of portrayals of fictional female lawyers from feminist accounts. The feminist accounts of the legal profession focus mainly on the transformation of the gender composition of the profession, which reflected the masculine culture of the legal profession captured in the overall transformation of the profession to business. The feminist accounts of the legal profession also discuss the everyday experience of being a woman lawyer, the relations at work and the treatment of women lawyers by their male counterparts in a predominantly masculine shaped profession. They also point out that despite the significant increase of the number of women in the profession over the last three decades,<sup>1</sup> women remain underrepresented in the upper echelons of the profession. Women lawyers still find it more difficult than men to progress to higher level<sup>2</sup>. They are still underpaid which, in itself, leads to earlier departure of women from the profession than their male counterparts<sup>3</sup>. Along similar lines to academic research, the results of the Law Society's reports are striking in their conclusions that women lawyers compared to men lawyers face extreme difficulties in the employment context of the legal profession<sup>4</sup>.

Despite the feminist accounts focusing more on real life lawyers, references in popular culture are quite often. These are usually references to cinematic representations of female lawyers or televised representations of female lawyers. In many cases, the comparisons between film representations of female lawyers and the reality of everyday legal practice are inevitable. In some other cases, cinematic representations of female lawyers are regarded a major influence on a gendered choice of female law students of going into law. Nevertheless, what amazes even more is that despite the scholarly and studious nature of law, representations of fictional female lawyers are not a favourite choice among feminist legal scholars, as are the televised and cinematic representations. This, however, could be easily explained if one looks at the popularity of books over that of the cinematic image. From this perspective, the fictional representations of female lawyers are by far fewer and less popular than the cinematic ones. At the same time the screen adaptation of literary works featuring fictional female lawyers written by women authors rarely ever happens if at all, in relation to the frequency of screen adaptation of male authors' works featuring male and female fictional lawyers. This, however, also results in a predominantly male view on the representations of fictional

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<sup>1</sup>See also Hull, K. and Nelson, R.L. (1998) "Gender Inequality in Law: Problems of Structure and Agency in Recent Studies of Gender in Anglo-American Legal Professions" *Law and Social Inquiry* 23(3) pp. 681-705.

<sup>2</sup>Webley, L. and Duff, L. (2007) "Women as a Barometer for Problems within the Legal Profession – Time to Put Values before Profits?" *Journal of Law and Society* 34 (3) pp. 374-402.

<sup>3</sup>Kay, F., & Hagan, J. "Canada, Social Mobility and Hierarchical Structure in Canadian Law Practice" in Felstiner, W. (eds) *Reorganisation and Resistance: Legal Professions Confront a Changing World*, (London: Hart, 2005) pp.281-312.

<sup>4</sup>Sommerlad, H. Duff, L. Tomlinson, J. *Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices*, (2010) Legal Services Board.



female lawyers. This accentuates gender differences, while confirms what the feminist accounts of the legal profession widely proclaim that law has been shaped and formed by masculinities.

Despite difficulties, literary works by women authors featuring representations of women lawyers grew larger. This was accentuated not just because of the growing presence of women in the legal profession but also because of the changing relationship between law and popular culture. While popular culture was considered a threat to law<sup>1</sup>, the social and mainly consumer-based changes prepared the ground for a different dimension to the relationship between law and popular culture. Sherwin suggests that the distinguishing lines that kept law and popular culture apart have gradually given way. From this perspective, the relationship between law and popular culture has undergone major transformations. This means that the law shapes popular culture and vice versa. Friedman suggests that this could be interpreted as popular legal culture<sup>2</sup>. Freidman expands on the idea of popular legal culture as books, songs, movies, plays and TV shows about lawyers that define it<sup>3</sup>. He suggests that the examination of popular legal culture is important in order to understand law in our society, especially as culture reflects social norms<sup>4</sup>. Changes in society have resulted in shifts between law and popular culture and have moved in parallel directions. For example, the women's movement and the growing presence of women in the legal profession have led to the depiction of women lawyers in TV programs, movies and novels on both sides of the Atlantic<sup>5</sup>. This paper is concerned with the latter form of popular legal culture<sup>6</sup>, the representation of female lawyers in literary works, such as novels and short stories. The next section discusses some of these works from the Anglo-American and European literature in relation to some of the existing feminist accounts of the legal profession.

### **Depictions of Female Lawyers in the Anglo-American and European Literature**

This section aims to explore some of the works in the Anglo-American and European literature that feature female lawyers. These examples come from some of the literary works in the USA, while the examples coming from the European literature are mainly taken from two European countries, namely Sweden and Greece.

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<sup>1</sup>Greenfield, S. and Osborne, G. (2006). *Readings in Law and Popular Culture*. London: Routledge. See also Thornton, M. (2001). *Romancing the Tomes: Popular Culture, Law and Feminism*. London: Cavendish Publishing

<sup>2</sup>Freidman L. (1989) 'Law, Lawyers and Popular Culture' *Yale Law Journal* pp. 1579

<sup>3</sup>See above n2

<sup>4</sup>See previous page n2

<sup>5</sup>A great number of literary works depicts fictional women lawyers. This article concentrates on some of them from the Anglo-American and European literature.

<sup>6</sup>Some of these works have been the subject of feminist research and will constitute the subject of future personal research.

Most representations of female fictional lawyers in the American literature come from the genre of legal thrillers. In most of these novels and short stories, female lawyers are mainly criminal law practitioners. Despite the popularity of Grisham's novels such as *The Client* among others, many women authors with a background in law have produced novel and short stories that feature female lawyers. For example, Michelle Martinez has formerly been a federal prosecutor. She is also the author of a series of legal thrillers featuring Manhattan prosecutor Melanie Vargas. Vargas is also the main character in Martinez' short story, *The Mother*, published in a 2009 anthology. Melanie Vargas goes through the motions as she is forced to rethink an apparent legal victory after being confronted by the mother of a young man who she is prosecuting for murder. The approach taken by the author seems to expose the emotional side of legal labour, which is frequently mentioned in the feminist accounts. It also brings out an approach that has been closely associated with more traditional roles of women that of motherhood. Ruthan Robson's works constitute indicative examples of how female authors have noticed criminal law in their novels and short stories in their depiction of female lawyers. Robson's short stories and novels sketch out a number of intriguing characters such as law students, law professors and lawyers. *His Sister* from her 2000 collection *The Struggle for Happiness* focuses on Jolene Fields, director of the Criminal Defence Resource Centre. As a law student, Fields had loved research and hated mooting. She finds herself amazed at the privilege of being able to do criminal work without having to walk into a courtroom. Nevertheless, the story ultimately reveals her rather more complicated relationship to criminal law and with the criminal defence attorneys for whom she does research.

European literature has not proved to be a rich pool of examples since the depictions of female lawyers in European literature are limited. Nevertheless, there are some examples. It is noteworthy that in some cases, some of these examples have proved to be extremely popular. One such example comes from the Swedish literature, *The Girl who kicked the Hornet's Nest* by Stieg Larsson. Stieg Larsson's books have enjoyed screen adaptations within not only the Swedish borders but also beyond as Hollywood remakes. In the book, the female lawyer represents Liz Salander the protagonist in the movie and main character in the book. It could be argued that the portrayal of the female lawyer shares certain affinities and characteristics that are extremely popular with the audiences in the USA. This might justify the popularity and successful adaptation of the novel in Hollywood. Moreover, it could be argued that the novel without being a legal thriller as such, it does share certain characteristics with the genre of legal thrillers<sup>1</sup>. Simply, the female lawyer represents Liz Salander's on issues of criminal law. The female lawyer takes a sensitive approach towards her client. This in some respects accords with the point the feminist literature makes about female lawyers being able to lawyer differently due to their emotional approach towards their clients. Nevertheless, possibly

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<sup>1</sup>Lee and Morgan consider the creation of a novel kind of thriller, the legal thriller inspired by Grisham but quickly taken up by female scholars in their depiction of fictional female lawyers.

through the eyes of a male author this could be viewed as a weakness, something that directly opposes what a male lawyer would have done in this case.

Departing from the Swedish example of fictional female lawyers' depictions, another example comes from the area of the Mediterranean, specifically from the Greek literature. Yannis Xanthoulis in his novel *Miss Pelagia/Despoinis Pelagia*<sup>1</sup> provides a rather different portrayal of a female lawyer. The main character in Xanthoulis' novel, also female, seeks advice from a top Greek female lawyer in order to speed up the process of cashing out her lottery winnings, which comprise a rather unthinkable amount of money. Xanthoulis describes his character, the female lawyer as middle class, strict and very experienced but who has never encountered such a strangely secretive client in her whole career. The female lawyer's house is located in one of the most expensive streets in the centre of Athens, the area of Kolonaki, where most of the client meetings occur. She goes through an excruciating divorce from her wealthy husband, who fights over the custody of their two kids. She also wears Chanel suits and an improved version of Chanel no5 perfume. Xanthoulis' main character, the client, in the novel has a completely different background. She comes from a predominantly working class area of Athens, called Kolonos. She is extremely bright and streetwise and has become the managing director of a decorations company. Despite having passed her University exams to study as a mathematician, she was forced due to unfortunate circumstances to sacrifice her education and eventually her personal life for her three brothers' education and well-being, who are all married with kids. She is not married. She has always viewed her younger brothers as her kids, since she had raised them on her own. The two women develop an unusual lawyer/client relationship, with the lawyer entrusting her client with all her problems. The client alleviates the unsuspected lawyer from her problems by putting her tyrannical husband in the hospital after a well-organised attempt. The lawyer successfully carries out her client's case by managing an incredibly speedy cashing out of her lottery winnings. Xanthoulis manages to bring out the issues of social background of his female lawyer. This constitutes one of the main concerns of accounts of the legal profession concerning issues of social inclusion/exclusion in relation to gender and class. Largely, Xanthoulis manages to expose one of the main criticisms of the feminist project that most women lawyers are middle class. Nevertheless, Xanthoulis brings forward another issue that dominates the feminist accounts of the legal profession that of the family commitments that usually female lawyers face.

Another example from European literature on fictional female lawyers also originates in the Greek literature. It falls into the category of the genre of short stories in literature. This is an example taken from the neo-Greek literature and is called *The Dictatorship of the Tie*<sup>2</sup>. Zombolas in his short story contends that

<sup>1</sup>Xanthoulis, Y. (2010). *Miss Pelagia/Despoinis Pelagia*. Athens: Topos Publishings.

<sup>2</sup>Zobolas, T (2011). *The Dictatorship of the Tie and Other Short Stories/I Dictatoria tis Gravatas ke alla micra diigimata*. Athens: Kalentis Publishings

the growing presence of women in the Greek legal profession has caused many problems for their male counterparts. He describes how the male, tie wearing judge finds for the male against the female Greek lawyer's client. Zombolas suggests that the male lawyer's win was mainly because the judge felt that the male lawyer, who was also wearing a tie, struggled and sweated because of his tie to produce an argument as opposed to his female counterpart who was lightly dressed, no tie, exercising her lawyer duties with ease without breaking a sweat. Many accounts of the feminist literature of the legal profession also reveal similar issues of how the female body supposedly scandalises the courtroom as well as the organisational context of the legal employment. For example, Thornton suggests that the benchmark man of law usually wears a dark suit, plain shirt and unostentatious tie portraying an image of impersonal authority<sup>1</sup>. This is the epitome of a disembodied and rational worker. Nevertheless, Collier suggests that this image has been seen as impersonalising men's appearance<sup>2</sup>. In the deeply gendered organisational context of legal employment and profession, issues of appearance require of women lawyers an almost impossible performance<sup>3</sup>. From this perspective, Thornton suggests that the woman lawyer can only be a pale copy of her male counterpart in both appearance and style<sup>4</sup>. This reinforces the construction of traditional forms of masculinities within the context of legal practice.

### **Similarities and Differences between the Anglo-American and European Representations of Fictional Female Lawyers**

Despite this being a relatively small sample of works on representations of female lawyers in literature, it brings out certain similarities and differences in the legal systems and cultures of the countries these works derive from.

In regards to the American works of literature that this paper examined, it could be argued that the examples from the USA concentrate not exclusively but largely on representations of female lawyers who mainly practice criminal law. This could be subject to a number of interpretations with the major one being that the genre of legal thriller is more seductive and highly popular among book publishers, the legal community and wider audiences than other areas of law. Another possible interpretation is that the majority of the female authors of some of the American novels examined, come predominantly from the criminal law area of practice themselves. In this sense, they provide inside information on the portrayals of female lawyers. This could be interpreted as a self-reflexive approach possessing autobiographical elements. Nevertheless,

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<sup>1</sup>Thornton, M. (1996). *Dissonance and Distrust: Women in the Legal Profession*. Oxford: Oxford University Press

<sup>2</sup>Collier, R. (1998) "‘Nutty Professors’, ‘Men in Suits’ and ‘New Entrepreneurs’": Corporeality, Subjectivity and Change in the Law School and Legal Practice', *Social and Legal Studies* 7(1): 27-53.

<sup>3</sup>This is also a point that comes up repeatedly in the feminist literature of the legal profession.

<sup>4</sup>See previous page n2

the appeal of the literary works on representations of female lawyers reflects the overall reaction of audiences to legal issues. The American society is often characterised as a suing society, which partly justifies the popularity of such works with the American public.

The European examples of female lawyers' representations in novels and short stories share some affinities and bear similar connotations with the Anglo-American tradition. For example, *The Girl who kicked the Hornet's Nest* from the Swedish literature portrays a female criminal lawyer. Nevertheless, the expected dramaturgical Court performance as in the American novels does not happen. This exposes the differences between the adversarial and inquisitorial legal systems of the countries. Zombolas' short story, however, concentrates on civil law issues and does mention a Court scene, the delivery of judgment moment. Nevertheless, he insists on the aesthetics of the gender representations rather than the dramatics of trial itself. Xanthoulis takes a similar approach in his novel *Miss Pelagia/Despoinis Pelagia*, where the portrayal of the Greek female civil lawyer concentrates more on issues of the aesthetics of class and the female lawyer's personal life rather than legal issues. This, however, differentiates the Anglo-American from the European fictional female lawyers' representations in literature. It seems that the two examples from the Greek literature expose an emotional approach to the fictional legal labour as opposed to their USA counterparts.

## **Conclusion**

This paper provided a critique of some of the few scholarly works squarely on the subject of women lawyers in literature to this day. It drew on a small qualitative sample of literary works mainly novels and short stories from both sides of the Atlantic, namely the US, Sweden and Greece in order to expose how female lawyers are portrayed in literature. However, it drew parallels between the two literature traditions by exposing issues of gender, differences and similarities in the legal systems and cultures of the aforementioned countries. This paper is far from an exhaustive list of the existing examples of representations of female lawyers in the Anglo-American and European literature. Despite the many voids and gaps still to be filled, this paper sought to contribute to the under researched subject of portrayals of female lawyers in literature.

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