

**Experiences of female lawyers in the legal
profession in Malaysia: ‘door wide open’
or ‘foot in the door’ only?**



by

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Abstract

In this thesis, my intention was to examine differences in the career prospects and work experiences of male and female lawyers in the private sector, in the Malaysian legal profession. The literature derived from Western studies, particularly British and American research, on women in the legal profession and other professions, suggests differences between men and women in terms of their promotional prospects, with more men than women being promoted to senior positions in organisations.

I was intrigued by these findings and wondered if these differences would be replicated in a country with a different legal, cultural, political, and economic situation. Moreover, as Malaysia is a multicultural country with distinct cultural groupings, I was interested in examining whether cultural groupings influence male and female lawyers' promotional prospects. In order to conduct an investigation into the glass ceiling in the Malaysian legal profession, I employed situation-centred and social-system centred approaches to explain this phenomenon.

For my research strategy, I utilised both quantitative and qualitative research methods, which included use of a survey questionnaire and in-depth interviews. My fieldwork analysis revealed that gender emerged as the overall stronger influential factor than cultural groupings, in explaining differences between male and female lawyers' career prospects in the Malaysian legal profession.

Acknowledgements

This thesis has its origin in my personal background. I read law as an undergraduate but upon graduation decided not to practise. Instead, I chose to pursue my postgraduate studies in business, but there was always this curiosity as to what my life would have been like if I'd chosen to walk down that path instead of the one I'm walking along now. Stories from friends who had gone on to become practising lawyers further increased my interest in this area.

This thesis was made possible by the help and support of numerous people. First, my very deep gratitude to Professor Patricia Fosh, my mentor, who always believed in me and the value of my work. She always encouraged me to strive on, even when all seemed bleak and I could not see the light at the end of the tunnel!

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CHAPTER 1 Introduction

1.1 Aim of the thesis

My research aim in my thesis is to investigate the experiences and prospects of female lawyers in Malaysia. On account of the limitations I face as a PhD student without significant resources, I focus on female lawyers only in the private sector in Malaysia. I wish to discover whether female lawyers in Malaysia have the same opportunities as male lawyers to develop their careers – whether the door to their careers is ‘wide open’ – or whether female lawyers face substantial barriers to their careers – they have only ‘a foot in the door’. If female lawyers have only a ‘foot in the door’, I consider it interesting to see if they can use this ‘foot’ to prise more open the door to their careers. In order to understand Malaysian female lawyers’ experiences and prospects, I consider it essential to study, as far as possible, the experiences and prospects of male lawyers. I also view it as essential to explore the experiences and prospects of Malaysian female lawyers, utilising both quantitative and qualitative means. I wish not only to establish correlations but also to seek the meanings behind such correlations.

I believe that the study of female lawyers’ experiences and prospects at this time is important as, unlike in the West where there is a substantial body of literature on women’s careers in a variety of occupations and professions including the legal profession, there have been very few studies of women’s careers in Malaysia. I use the literature on women’s career experiences and prospects in Western countries as my guide in formulating my research questions and research hypotheses. I am conscious, however, that Malaysian society differs in many ways from Western societies - one of the most marked differences is the role accorded to women in their work and homes lives. I intend my PhD research to fill part of the research gap on women’s careers and prospects in Malaysia.

In the course of exploring my topic, I devised and revised a set of research questions eliciting information about female lawyers’ experiences and prospects in Malaysia. In turn, these research questions helped me to devise a set of research hypotheses. I

designed my research in order to test these research hypotheses as best I could, given the difficulties of conducting research in Malaysia on such sensitive topic as mine.

I set out my research questions below:

- (1) Do female lawyers in Malaysia face a glass ceiling that prevents them from rising as fast as their male counterparts to partner and senior partner levels or that prevents them from reaching these levels at all?
- (2) Do female lawyers in Malaysia have less positive experiences of mentoring than their male counterparts and, if so, does this act as a barrier to their careers? How does a lack of mentoring affect female lawyers' career prospects?
- (3) Do female lawyers in Malaysia find that common work practices in the legal profession make it more difficult for them than their male counterparts to balance their work and family lives? If female lawyers are more likely to encounter these difficulties, does this lead them to experience higher levels than their male counterparts of work-family conflict and does this have a negative impact on their career prospects? How do the common work practices in the legal profession affect female lawyers' ability to balance their two roles?
- (4) Do female lawyers in Malaysia face negative stereotyping of their work skills and commitment to the legal profession and, if so, does this act as a barrier to their careers? How does negative stereotyping of women's skills and commitment in the legal profession affect female lawyers' career prospects?
- (5) Do female lawyers in Malaysia find it more difficult than their male counterparts to network in the legal profession and, if so, does this act as a barrier to their careers? How does difficulty in networking in the legal profession affect female layers' career prospects?
- (6) How are women's roles at work and at home perceived in Malaysian society? Does the perception of women's roles in Malaysian society have an impact on women's careers in professions such as the legal profession? Are there any differences between the three cultural groupings (Malay, Indian and Chinese) in the way in which women's roles are perceived? How does societal or cultural groupings' views of women's work and home roles affect female lawyers' experiences and career prospects?

1.2 Research Context

I outline below different definitions for the glass ceiling as found in the literature. Important issues in my research will be discussed in this section. There seems to be a worldwide phenomenon whereby the vast majority of senior positions in different organisations across different sectors are filled by men, whereas women are usually found in lesser positions. The glass ceiling is the most often used terminology for this phenomenon and it was first coined by Morrison and Von Glinow (1990). They define the glass ceiling as “a barrier so subtle that it is transparent, yet so strong that it prevents women and minorities from moving up in the management hierarchy” (page 200). Although this term was initially applied to management, it is now used popularly across different sectors. Not everyone, however, agrees to this terminology and its definition. Schwartz (2000), for example, states that it would be more apt to describe this barrier for women in more geological terms “a more appropriate metaphor, I believe, is the kind of cross-sectional diagram used in geology. The barriers to women’s leadership occur when potentially counterproductive layers of influence on women-maternity, tradition, socialisation-meet management strata pervaded by the largely unconscious preconceptions, stereotypes and expectations of men. Such interfaces do not exist for men and tend to be impermeable for women” (page 109). For my research, I define the glass ceiling as Morrison and Von Glinow (1990) have done, as this is better known terminology and is widely accepted in the Western literature.

1.3 Issues of importance in my research

Different explanations for the glass ceiling

Initially, early studies on women in the workplace placed emphasis on women’s personal attributes as the reasons for their scarcity here. Some writers reasoned that women did not go to work because they lacked the capability to do so due to their inherent difference from men. However, later studies disagreed that it was because of women’s personal attributes and inherent characteristics that they did not get promoted as often as men in the workplace, and instead suggested that it was because of barriers in the workplace that women were prevented from getting to the top, hence

the glass ceiling. For example, Adler and Izraeli (1994) reported that investments, such as higher level education, did little to increase the number of women in senior positions in the workplace. Madden (1985) also noted similar findings.

The situation-centred explanation for the glass ceiling argues that structural barriers, such as restrictions to mentoring relationships for women and rigid work practices, prevent women from balancing their work and family responsibilities and hence damage their career prospects and hinder them from getting to senior positions in the workplace. Some studies have chosen to focus on such barriers. For example, O'Leary and Johnson (1991) pointed to a need to focus on structural barriers rather than on women's deficient traits as explanations for discrimination.

Other writers believe that whilst the situation-centred explanation may be useful in explaining the glass ceiling for women in the workplace, it is not an adequate explanation by itself. Attention should also be paid to societal factors as contributing to the glass ceiling. For example, Morrison and Von Glinow (1990) extended their focus on plausible explanations for the glass ceiling to also include what they termed the 'social-system centred' explanation. This includes barriers such as the prevailing masculine culture in the organisation which results in bias towards women and is shown by the negative stereotyping of women and the restrictions faced by them in attempting to network. Powell (1999) contended that situation centred explanations are inadequate in explaining the glass ceiling and understanding may be furthered by also taking into account the fact that although women's roles may have changed greatly during the past few decades, this does not automatically translate into greater opportunities for women to get into senior positions in the workplace as men are still very much the dominant group and will not relinquish control easily.

I will review the literature on the glass ceiling in greater depth in Chapter 3, and literature relevant to the situation centred and social system centred explanations for the glass ceiling will be reviewed in Chapter 4. I will employ the use of Western literature to guide my research as there is a lack of literature from Malaysia.

Gender and cultural issues in Malaysia

Some of the studies done on women in Malaysia have neglected to include cultural groupings as an important variable. They have either silently ignored cultural variances or implicitly assumed that cultural groups in Malaysia will display cultural homogeneity. For example, Tan's (1995) report on women's labour participation and childcare facilities neglected to take into account cultural differences amongst groups in Malaysia. Similarly, Sieh's (1991) study on women managers in both the private and public sector, also did not discuss cultural differences.

There are, however, exceptions, such as Ariffin's (1995) study on attitudes towards Malaysian women's societal role, which explored differences between not just gender groups but also cultural groups. I will explore in greater depth the literature on gender and cultural issues in Malaysia in Chapter 2.

1.4 Malaysia

I believe it is also important to have some background knowledge on Malaysia in order to gain a better understanding of the context of my research. Malaysia is a country in Southeast Asia with an area of 127, 320 square miles and comprises two regions: Peninsular Malaysia or West Malaysia on the Malay Peninsula and East Malaysia or Sabah and Sarawak on the island of Borneo. Peninsular Malaysia borders Thailand in the north and Singapore in the south, whereas the states of Sabah and Sarawak are separated from Peninsular Malaysia by 400 miles of the South China Sea. These two states lie on the island of Borneo and borders Kalimantan (the Indonesian portion of the island) and the Sultanate of Brunei. Administratively, Malaysia consists of 13 states: Kedah, Kelantan, Terengganu, Melaka, Negeri Sembilan, Pahang, Perak, Perlis, Pulau Pinang, Sabah, Sarawak, Selangor, Johor, Malacca and two federal territories: Kuala Lumpur and Labuan. The capital is Kuala Lumpur which is located in west central Peninsular Malaysia. See Figure 1 showing a map of Malaysia:

Figure 1 Map of Malaysia



1.4.1 Kuala Lumpur

Kuala Lumpur is the setting for my research. It lies in west central Peninsular Malaysia, and owes its name (the name means Muddy Confluence) to its original surroundings; it was just a muddy bay before 87 Chinese tin miners founded their settlement there in 1857. Due to its commanding position between two river valleys, this tin mining community flourished as a tin collecting centre. Kuala Lumpur grew in importance, especially during the time of Yap Ah Loy, who was the Chinese Kapitan or leader of the tin mining community, and Sir Frank Swettenham, who was a British Resident after 1882. It was Swettenham that started construction of the Klang-Kuala Lumpur Railway and generally promoted a better quality of life for the residents. Not surprisingly, Kuala Lumpur was chosen as the capital of the Federated Malay States in 1895. During periods of unrest (1948-1960) due to Communist insurgency, new villages were built on its outskirts which greatly increased the number of its population. In 1957, Kuala Lumpur was declared the capital of the Federation of Malaya, and in 1963, the capital of Malaysia, and its cultural and commercial centre.

1.4.2 Government

Malaysia is a constitutional monarchy, headed by the Yang di-Pertuan Agong (the Supreme Ruler) who is the non-political supreme ruler or sultan (as stated in the Constitution). The Agong is elected from among the nine hereditary Malay Sultans of the Peninsular Malaysia states for a five year term. Sabah, Sarawak, Malacca and Pulau Pinang do not have Sultans, instead they are governed by the Yang Dipertua Negeri (Head of State), who is appointed to office. The Agong is also the religious head for Islam in Malaysia. The bicameral parliament consists of the Senate (Dewan Negara) and the House of Representatives (Dewan Rakyat). The Senate has a membership of 69; of these, 43 members are appointed by the Agong based on recommendations from the Prime Minister (including 2 from the federal territory of Kuala Lumpur and 1 from the federal territory of Labuan), whilst the other 26 are elected 2 members from each of the 13 states by the state legislative assemblies. The House of Representatives has 180 members; of which 132 are from Peninsular Malaysia, 27 from Sarawak, and 21 from Sabah. They are elected for a maximum term of 5 years.

The Executive power is vested in the cabinet led by the Prime Minister. Under the Malaysian Constitution, which is the supreme law of the land, the Prime Minister must be the leader of the majority party or coalition of the House of Representatives (Dewan Rakyat). He is appointed by the Agong. The Agong also appoints members of the cabinet, who are chosen from amongst members of both houses of Parliament, based on the advice of the Prime Minister.

The Judiciary in Malaysia is based on the English common law, not surprising due to its history as a British colony. The legal system is discussed in much detail below. The federal parliament has relatively broad powers and authority to legislate in matters relating to government finance, defence, foreign policy, internal security, administration of justice, and matters of citizenship. The state legislatures, however, are given autonomy in matters pertaining to Islamic laws and land laws. There are also certain issues which either the federal or state legislature may address.

All the above matters, from the appointment of the Agong to the respective federal and state powers, are contained in the Constitution.

1.4.3 Constitution

The Constitution is the supreme and overriding law of the land under Article 4, Clause 1, of the Federal Constitution. Any laws which are inconsistent with it shall be declared invalid and void. It is derived from the constitution of the Federation of Malaya that was promulgated on 31st August 1957, which is Independence Day for Malaysia. It is the result of a constitution commission presided by Lord Reid, a Lord of Appeal from Britain, and consists of numerous constitutional experts from India, Australia and Pakistan. Earlier, in 1956, the Conference of Rulers (the nine hereditary Malay Sultans), the British Government, and representatives from various political groups in Malaya signed the London Agreement. The result of this agreement was the Reid Commission, which was appointed to investigate the possibility of Malaya becoming independent. This cry for freedom was a result of a change in the political climate after the Japanese invasion the Malayan people now wanted their independence from Britain when it resumed control again of Malaya in 1946. In 1963, when Sabah and Sarawak joined the Federation of Malaya and formed Malaysia, this Constitution was retained, but some provisions were subsequently amended and adjusted to allow the entry of Sabah and Sarawak and also to suit the requirements of these two new states.

1.4.4 Population

Malaysia, with a population of 23 million in 2000, is a multicultural society with distinct cultural groupings. The people of Malaysia come from many different ethnic backgrounds but can be broadly classified into two groups: Bumiputeras which literally translates as 'native sons of the earth' and consists of Malays and other indigenous groups in East Malaysia, and non Bumiputeras who are the Chinese and Indians. There was a heavy influx of Chinese and Indian immigrants in the 19th century through to the first half of the twentieth century, to work as miners, planters, labourers, merchants, and as rubber plantation workers for the British rulers. Malaysia

thus became a pluralistic society over this 150 year period. Bumiputeras, regarded as the native inhabitants of Malaysia, are given special privileges under Article 153 of the Constitution, such as special allocations for higher education, government work, business incentives, which are not given to non-Bumiputeras. In this ethnic composition, Bumiputeras make up 135,156,000 of the population compared with 5,653,100 Chinese and 1,603,600 Indians in 2000 (Malaysia Yearbook of Statistics: 2000).

1.4.5 Religion

Under Article 3, Clause 1 of the Constitution: "Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation." Islam has a long history in Malaysia. Before Islam came to this region, the region was heavily influenced by Hinduism and Buddhism in earlier years, from the 9th until the 13th century C.E.. Islam was brought to Malacca by Arab and Indian traders and widely spread across the various parts of the Malay Peninsula after 1400 C.E. However, as stated under the Constitution, there are other religions practised alongside Islam in Malaysia. The majority of the population are Muslims (52 per cent). The rest are Buddhists (17 per cent), Taoists (12 per cent), Christians (8 per cent), Hindus (8 per cent) and animists (2 per cent).

1.4.6 Language

The official language is Bahasa Melayu (the mother tongue of the Malays). Other languages spoken include English, Chinese dialects e.g. Cantonese, Mandarin, Hokkien, Hainan, Hakka, Foochow), Tamil, Telegu, Punjabi, Malayalam. In East Malaysia, due to the presence of numerous non-Malay indigenous races, there are many other indigenous languages spoken, e.g. Iban, Kadazan etc.

1.4.7 Economy

Malaysia is one of the most prosperous countries in Southeast Asia. Its economy has changed from heavy reliance on agriculture and mining activities in the 1970s, with

rubber and tin the principal exports, to one that relies heavily on export oriented manufacturing. Malaysia is currently the third largest producer of semi-conductors after Japan and the United States. Growth has been particularly noticeable not just in industries assembling electronic equipment but also electrical machinery and appliances plus chemical products and textiles.

Malaysia had enjoyed a long period of high economic growth until the oil crisis hit in 1986. However, economic recovery began in late 1986-1987, spurred on by foreign demand for exports. The economy then grew annually by an average of 9% for almost eight years until the most recent economic crisis that occurred in 1997. In 1998, Malaysia experienced a 7.5% decline in real GDP but later made a recovery in the time period 1999-2000, with GDP growth of 5.6%.

1.5 Legal practitioners in Malaysia

Unlike England, there is no division of the legal profession in Malaysia. A lawyer in Malaysia is known as an advocate and solicitor. Generally, he or she does both the office work of the solicitor and the trial work of the barrister. However, some lawyers have chosen to specialise in either advocacy or office work. Admission requirements to become a lawyer in Peninsular Malaysia differ from those for Sabah and Sarawak. This is due to past historical differences between these places. In West Malaysia, it is the Legal Profession Act 1976 which sets out the requirements needed to become a qualified advocate and solicitor. This Act only applies to Peninsular Malaysia and is therefore not applicable to Sabah and Sarawak, unless the Yang di-Pertuan Agong should decide to make some modifications.

To be admitted as an advocate and solicitor, Section 10 of this Act states: “The High Court may at its discretion and subject to this Act admit as an advocate and solicitor of the High court-

- (a) any qualified person; and
- (b) any articled clerk who has complied with section 25”.

The interpretation of ‘any qualified person’ is given in Section 3 which states: “qualified person means any person who-

- (a) has passed the final examination leading to the degree of Bachelor of Law of the University of Malaya, the University of Malaya in Singapore, the University of Singapore, or the National University of Singapore;
- (b) is a barrister-at-law of England; or
- (c) is in possession of such other qualification as may by notification in the Gazette be declared by the Board to be sufficient to make a person a qualified person for the purposes of this Act.”

Additional requirements are specified under Section 11(1) to satisfy the qualifications for admission: “Subject to section 14, a qualified person may be admitted as an advocate and solicitor if he-

- (a) has attained the age of eighteen years;
- (b) is of good character and (i)has not been convicted in Malaysia or elsewhere of a criminal offence as would render him unfit to be a member of his profession, and in particular, but not limited to, an offence involving fraud or dishonesty; (ii) has not been adjudicated bankrupt and has not been found guilty of any of the acts or omissions mentioned in paragraphs (a), (b), (c), (d), (e), (f), (h), (k) or (l) of subsection (6) of section 33 of the Bankruptcy Act, 1967; (iii) has not done any other act which, if being a barrister or solicitor in England, would render him liable to be disbarred, disqualified or suspended from practice; or (iv) has not been, or is not liable to be, disbarred, disqualified or suspended in his capacity as a legal practitioner in any country;
- (c) is either a Federal citizen or a permanent resident of Malaysia; and
- (d) has satisfactorily served in Malaysia the prescribed period of pupillage for qualified persons”.

It is clear from the various Sections of the Legal Profession Act 1976 cited above, that an applicant needs to fulfil not only the requisite professional requirements, but also must be above 18 years of age, a Malaysian citizen or permanent resident, of good character, and served pupillage for nine months.

The requirement to undertake nine months of pupillage is set down under Section 12 (2) which states: “ A qualified person shall, before he is admitted as an advocate and solicitor, serve a period of pupillage and, subject to this section and section 13, the

prescribed period of pupillage shall be nine months”. This nine months period of pupillage must be served under a practising advocate and solicitor who has been practising for a minimum period of seven years.

There are, of course, exemptions from the requirements stated above. Under Section 13 (4) of the Legal Profession Act 1976, exemption can be granted to a qualified person with seven years experience working in the Judicial and Legal Service from undergoing any pupillage period, whereas Section 13 (5) of this Act grants a maximum of six months’ exemption from the chambering or pupillage period to a person who has worked for a minimum of three years for the Judicial and Legal Service.

1.5.1 The Malaysian Bar

The Malaysian Bar, a corporate body, is established by Section 41 of the Legal Professions Act 1976. This is the professional governing board for lawyers in Peninsular Malaysia only.

The objectives of the Bar are:

- (a) to uphold the cause of justice without regard to its own interests or that of its members, uninfluenced by fear or favour;
- (b) to maintain and improve the standards of conduct and learning of the legal profession in Malaysia;
- (c) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- (d) where requested so to do, to express its view on matters affecting legislation and the administration and practice of the law in Malaysia and
- (e) to represent, protect and assist members of the legal profession in Malaysia and to promote in any proper manner the interests of the legal profession in Malaysia;
- (f) to establish libraries and to acquire or rent premises to house the libraries and offices of the Malaysian Bar or amenities for the use of members either alone or in conjunction with any other body or society;
- (g) to protect and assist the public in all matters ancillary or incidental to the law;

- (h) to make provision for or assist in the promotion of a scheme whereby impecunious persons may be represented by advocates and solicitors;
- (i) to award prizes and scholarships and to establish and subsidise lecturerships in educational institutions in subjects of study relating to law;
- (j) to grant pecuniary or other assistance to any association, institute, board or society in Malaysia in the interests of the legal profession or of law students;
- (k) to afford pecuniary and other assistance to former members of the Malaysian Bar and to the wives, widows, children and other dependants, whether of members, former members or of deceased members who are in need of any such assistance;
- (l) to promote good relations and social intercourse amongst members and between members and other persons concerned with the administration of law and justice in Malaysia;
- (m) to encourage, establish and maintain good relations with professional bodies of the legal profession in other countries and to participate in the activities of any local or international association and become a member thereof; and
- (n) to establish a Compensation Fund.

Article 43 of the Legal Profession Act states that every advocate and solicitor is a member of the Malaysian Bar, without the need for election, admission or appointment as long as he or she is a qualified person under the Legal Professions Act 1976 and shall remain a member as long as there is a valid practising certificate. Note that there is no specific mention of ensuring equality for all members in the legal profession. The only provision which comes ‘close’ to this concept is found in (l) above, which is rather general as it is only aimed at promoting good relations amongst its members.

1.5.2 Composition of private law firms in Malaysia

New law firms are set up at the rate of 500 a year. There were 4,167 law firms in Peninsular Malaysia, with 1,397 firms based in Kuala Lumpur in 2001. The size of law firms in Malaysia is generally smaller than that in Western countries such as America, with 1905 firms having up to 5 partners, 294 firms with 6-10 partners, 55

firms with 11-15 partners, and 76 firms with more than 15 partners (Bar Council Statistics 2001).

1.5.3 Female lawyers in Malaysia

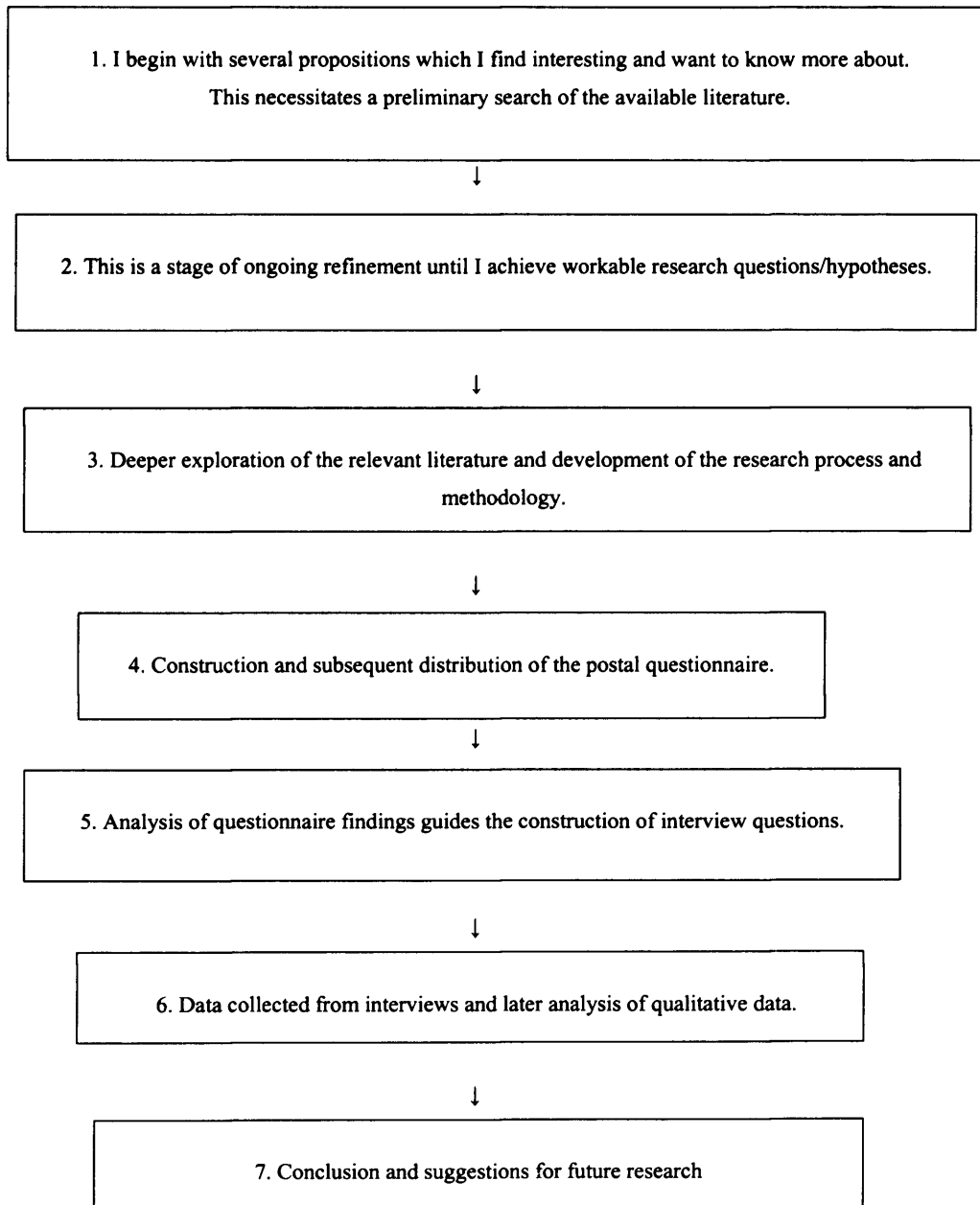
The late 1980s and early 1990s marked the beginning of a vast increase in the number of women entering the legal profession. This increase in the profession is linked to the increasing number of women entering universities and higher institutions of learning. Bar Council statistics show an annual rate of 1000 new lawyers, of which more than half are women. For example, in 1999, there were 1003 new lawyers, of whom 566 were women and 467 men. In 2000, there were 542 new female and 450 new male lawyers.

In Peninsular Malaysia in 2001, there were 9,855 lawyers, of whom 4,135 were women. In Kuala Lumpur alone, there were 2,623 male lawyers and 1,832 female lawyers in 1999. In the following year, there were 1,549 male lawyers and 1,263 female lawyers in Kuala Lumpur. In 2001, there were 381 male proprietors and 151 female sole proprietors in Kuala Lumpur. The Kuala Lumpur Bar Council was unable to provide statistics on the proportion of partners and legal assistants by gender in the private sector in Kuala Lumpur: this remains unknown.

1.6 My research process

The research process which I intend to adopt for this research is summarised below in Figure 2:

Figure 2 Steps undertaken in the research process:



1.7 Structure of my research thesis

Chapter 2 presents the background on Malaysian women and discusses issues affecting them, in light of the constitutional amendment to promote gender equality in 2001. It also presents a literature review of gender and cultural studies from Malaysia

Chapter 3 presents the Western literature review pertaining to the glass ceiling. I review earlier studies and define the two explanations for the glass ceiling and their components for use in my research hypotheses.

Chapter 4 continues the literature review pertaining to the situation-centred and the social-system centred explanations for the glass ceiling, with an in-depth examination of their respective components.

Chapter 5 outlines the research design adopted and the research tools chosen to accomplish the research aim. Different methods of data analysis are also explored.

Chapters 6 and 7 present a thorough discussion of the data analysis conducted for each research hypothesis. Analysis of questionnaire survey results is undertaken first, followed by the analysis of interview material.

Chapter 8 concludes the research thesis, presents the overall summary of my research findings, and shows how my study contributes to the current body of knowledge in gender and cultural studies in Malaysia. I also discuss the limitations of my study and put forward suggestions for future research.

CHAPTER 2 Gender and cultural issues in Malaysia

2.1 Introduction

The aim of this chapter is to examine issues affecting women in Malaysia. I begin by examining the national machinery involved in promoting women's issues in Malaysia as it plays an important role in this area. In fact, it was upon the urgings of the Minister for Women and Family Development that the government agreed to an amendment to Article 8(2) in the Constitution which now guarantees gender equality for all women in Malaysia. Next, I examine areas of improvement for women in light of the constitutional change and discuss current issues affecting women, such as education, family and work, and also areas of the law which still discriminate against women in Malaysia. Lastly, I provide a critical review of gender and cultural studies in Malaysia.

2.2 National machinery for women's issues

After the 1980 "World Conference of the United Nations Decade for Women" in Copenhagen, the Malaysian government created the Women's Affairs Secretariat in the Prime Minister's Department in 1983 oversee matters relating to women. It was known as HAWA (Eve in the Malay language). Prior to 1983, it had its origin as a unit for women workers under the Ministry of Labour and Human Resources. In 1978 this unit was transferred to the Implementation and Coordination Unit (ICU) in the Prime Minister's Office. This was later designated as a Secretariat named HAWA. After the Cabinet reshuffle on the 27th October 1990, the Women Affairs Department was moved from the Prime Minister's Department to the Ministry of National Unity and Social Development. Since then it has undergone further changes, the latest making it the Ministry of Women's Affairs and Family Development under its first Minister, Dato Shahrizat Abdul Jalil, in 2001.

The Malaysian government's efforts for women have included the following actions: the formulation of the National Policy on Women and the Plan of Action for the advancement of Women. The former stresses equal partnership among the genders by

focusing on development which will integrate and benefit women, whilst the latter ensures the implementation of programmes promoting gender awareness and sensitisation.

2.2.1 The National Policy on Women

The resolutions of the Nairobi Forward Looking Strategies for the Advancement of Women (a United Nations international policy) in 1985 provided the blueprint for the formulation of The National Policy in 1989. The objectives of the National Policy on Women are:

- (1) To ensure an equitable sharing in the acquisition of resources, information, opportunities and benefits of development for men and women. The objectives of equality and justice must be made the essence of development policies which must be people oriented so that women, who constitute half the nation's population, can contribute and realise their potential to the optimum;
- (2) To integrate women in all sectors of development in accordance with their capabilities and needs, in order to enhance the quality of life, eradicate poverty, ignorance and illiteracy, and ensure a peaceful and prosperous nation.

The importance of the National Policy is illustrated by the fact that the Malaysian government incorporated it into the Sixth Malaysian Plan (1991-1995). The Chapter on women in the Sixth Malaysian Plan acknowledge the past achievements of women but also outlined present issues and concerns which restrict the full integration of women in development. These concerns include:

- (1) Two conflicting sets of responsibilities - namely to the family and the career - which tend to restrict the mobility and participation of a greater number of women in the labour market;
- (2) Gender differentiation based on educational disciplines received in schools, which not only result in differentiation in choice of jobs later but also accentuate the difficulty of adjustment and participation of women in the labour market;
- (3) Social norms and prejudices in relation to the roles and status of women in the society and labour market, which also hamper their participation in economic activities;

- (4) A generally non - conducive work environment which discourages wives and mothers from continuing in work and, in turn, delimits their training opportunities and career advancement prospects. The separation of the home from the work place plus rigid working hours make it even more difficult for women to continuously commit themselves to the labour market;
- (5) Women are generally regarded as the second breadwinner in the family who works merely to supplement the family income. Hence, programmes designed to create income generating opportunities for women in general tend to fulfil this perception of their roles and rarely provide training opportunities to obtain skills in demand by the market; and
- (6) Women with children and dependent on their spouses are most vulnerable to domestic violence. The lack of skills among women of this group often narrow their choices in gaining alternative sources of income.

It also recognised the importance of formulating specific strategies to incorporate women in the development process. This emphasis was continued in the Seventh Malaysian Plan (1996-2000) which had seven core strategies for the advancement of women:

- (1) To encourage women's greater participation in the labour market;
- (2) To provide greater educational and training opportunities for women ;
- (3) To upgrade women's health status;
- (4) To review laws and regulations pertaining to women;
- (5) To consolidate the capacities of institutions for the advancement of women;
- (6) To implement the National Policy on Women, and
- (7) To implement international commitments towards the progress of women.

2.2.2 The National Action Plan

In 1992, the National Action Plan was formulated to operationalise the National Policy. It contained various strategies that were to be undertaken by the government, non governmental organisations, and the private sector. Malaysia participated in the Fourth World Conference on Women in Beijing in 1995 and endorsed the World

Platform for Action. As a result, the National Action Plan was reformulated to reflect strategies endorsed at the Beijing Conference and in the Platform for Action.

The National Action Plan outlines areas of concern and the necessary strategies to be taken as follows:

- (1) Strengthening of institutions for the advancement of women;
- (2) To enhance public awareness and sensitivity of government bureaucracy in matters related to women;
- (3) To mobilise non governmental organisations to upgrade the efficiency and effectiveness of socio-economic programmes;
- (4) Women and the family;
- (5) Women and health;
- (6) Women and education and training;
- (7) Women and the economy;
- (8) Women and the law;
- (9) Women and power sharing;
- (10) Women and the media;
- (11) Women and religion;
- (12) Women and culture and arts; and
- (13) Women and sports.

At the local level, the government works together with the private sector and also NGOs (non - governmental organisations) to ensure improvement in women's status in the country. At the international level, the government's commitment to the progress of women is reflected in its signing of the Convention on the Elimination of All Forms of Discrimination Against Women (1981), the Geneva Declaration for the Advancement of Rural Women (1992), the Beijing Declaration and Platform for Action (1995), and the Commonwealth Plan of Action on Gender and Development (1995).

2.2.3 Improvement in women's lives

Article 8(2) of the Constitution was amended to include the word 'gender' in 2001 as a move to promote equality between women and men in Malaysia by removing laws or policies which discriminate against women. In the not too distant past, Article 8(2) read: "Except as expressly authorised by this Constitution, there shall be no discrimination against citizens on the grounds only of religion, race, descent, or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment." This move has been credited to the effort made by the Women and Family Development Minister, Dato' Shahrizat Abdul Jalil, who called this a 'watershed decision' for women. This was considered a phenomenally quick success, as various women's groups in Malaysia had been pushing for this constitutional amendment since 1995, when they presented the 11 point agenda (also known as the women's agenda for change) to the government.

Several discriminatory laws against the interests of women have been also changed since the establishment of the Women and Family Development Ministry. For example, in 2000, mothers were finally allowed to sign all documents involving their under-aged children, allowing for joint guardianship of children in matters relating to registration and immigration, where previously the power had been strictly in the hands of the fathers. This was followed by the decision to allow young widows under 30 to still receive their dead husband's pension even after remarriage in 2001. Other government efforts have included giving single mothers recognition and help and those with a monthly income of less than RM600 will get priority in owning a low cost house to enable them to live in the same area where childcare, health and education facilities are centralised.

In 2002, the then Prime Minister, Datuk Seri Dr Mahathir Mohamad, stated that a sum of RM59 million under Budget 2002 would be spent on improving women's lives, particularly in urban areas. For the next budget, this sum was vastly increased when the Women and Family Development Ministry received RM99.1 million in the Budget 2003-2004. The money was used to fund programmes such as the 'Family First Programme: Bring your heart home', one of the main thrusts of Budget 2003-

2004. This move reflected the government's further commitment to ensure greater opportunities for women.

2.2.4 Laws that still discriminate against women

Although there have been great improvements as a result of women's fight for equality in Malaysia, especially with the amendment to Article 8(2) and the establishment of the Women and Family Development Ministry, the fact remains that there is still a lot of work that needs to be done before equality can be said to exist in Malaysia. There is further a need for a neutral body such as an Equal Opportunities Commission, to ensure there is scrutiny of public and private practices that may breach this new amendment to the Constitution, to impose penalties should this occur, and also for reconciliation purposes. This view has been expressed by Dr Shad Faruqi, Professor of Law at Universiti Teknologi Mara.

There are laws in Malaysia today which still discriminate against women. As far back as 1975, the Federation of Women Lawyers (now The Association of Women Lawyers) had written of the injustices against women in the *Malayan Law Journal*, a prominent local law journal, and asked for these injustices to be put right. It is interesting to note that some of these discriminatory practices are still in practice more than 3 decades later. It is expected that with the change to Article 8 some amendments will be made in the future.

Current laws that discriminate against women are as follows (bearing in mind possible amendments/revocations):

(1) Citizenship: Different laws seem to exist for men and women who are married to foreigners. Under the Federal Constitution Part III, Article 15, Clause 2 states that "subject to Article 18, any married woman whose husband is a citizen is entitled, upon making application to the Federal Government, to be registered as a citizen if the marriage was subsisting and the husband a citizen at the beginning of October 1962, or if she satisfies the Federal Government- (a) that she has resided in the Federation, throughout the two years preceding the date of the application and intends to do so permanently; and (b) that she is of good character." It is

clearly stated that a foreign wife can obtain citizenship as long as she fulfils certain character qualifications and residential requirements. However, there are no similar provisions pertaining to foreign husbands of Malaysian women. This reflects the traditional view that women should follow their husbands after marriage. This inequity is also reflected with regard to children. Under the Federal Constitution Part III, a Malaysian man who is married to a foreigner can confer the right of citizenship to his child, regardless of whether the child is born in or out of Malaysia. In contrast, a Malaysian woman can only confer the right to citizenship to her child as long as the child has been born in Malaysia.

(2) Immigration Act 1963: Section 12 of this Act states that only a male holder of a work pass or permit is allowed to have the name of his wife endorsed on the document. A female work pass or permit holder is not granted the same right to have her husband's name on the document. Section 10 of the Immigration Regulations 1963 also states that only foreign wives of Malaysian men can be issued a Dependant's pass to enter Malaysia. Foreign husbands of Malaysian women are not allowed the same privileges and could only enter the country using a visitor's pass or tourist visa. This made it extremely hard for these foreign husbands to work as they would need to acquire a work permit and continually renew their stay.

(3) Employment Act 1955: This Act only applies to West Malaysia and provides for the protection of employees whose wages do not exceed one thousand and five hundred Ringgit Malaysia a month. There are several restrictions which apply specifically to women under this Act. Part VII deals specifically with the employment of women. Section 34 sets out the prohibition against night work for women: " Except in accordance with regulations made under this Act granting exemption, no employer shall require any female employee to work in any industrial or agricultural undertaking between the hours of ten o'clock in the evening and five o'clock in the morning..... ." Section 35 states: "No female employee shall be employed in any underground working." Several women writers have suggested that a better alternative to such work prohibition would be to set up regulations requiring employers to provide suitable support facilities for women to participate in night work. Importantly, the Employment Act does not

have provisions prohibiting sex discrimination in the workplace. Recently, a Code of Ethics on Sexual Harassment was put in practice but, at present, there is no specific act prohibiting sexual discrimination or sexual harassment at work.

(4) Income Tax Act 1964: under this Act, not all women are assessed independently. Women who are employed by their husbands or in a business jointly with their husbands, are not assessed independently. When the woman is in business together with her husband, only the husband is regarded as the tax payer and has the right to appeal against the tax assessment.

(5) Employees' Social Security Act, 1969 (SOCSO): under Section 26 and the Fourth Schedule of the Act, only widows and other dependants can receive benefits upon the death of an injured person. A widower cannot apply to receive similar benefits upon his former wife's death unless he can prove that he was "wholly or mainly dependent on the earnings of the deceased insured person at the time of her death." A working woman who contributes to SOCSO cannot confer the same rights as a man upon her death to her spouse.

(6) Workmen's Compensation Act 1952 (Revised 1982): Any worker that contributes to the Workmen's Compensation Fund and later dies, will have his compensation paid to his dependants. However, Section 10 of this Act stipulates that if such a lump sum payment (to a maximum of RM10,000) is to be made to "a woman" or "a minor" or "other person under a legal disability" then the sum must be deposited with the Commissioner who has sole discretion for the sum. He has the right to decide whether to invest the money or how to deal with the money for the benefit of the woman. Interestingly, a woman is regarded as similar to a minor and not capable of making her own monetary decisions.

(7) Women and Girls' Protection Act 1973: under this Act, a female person under the age of 21 can be detained and put in an institution against her will if the State believes there is reasonable cause to believe there is a danger to her being trained to be a prostitute or being habitually in the company or under the control of brothel keepers and the Magistrate believes that the female person is being ill treated or neglected and exposed to moral danger and in need of protection. This Act clearly discriminates as

young women are seen as incapable of making moral decisions whereas men of any age are not subjected to such treatment. Women's groups have argued that although this Act was initially set up to protect women and girls, it is now being used as a tool to control them.

(8) Domestic Violence Act 1994: women's groups have argued that there is an important need to review this Act. Amongst areas of concern is the fact that this Act only provides protection for women who are divorced, married or separated. Unmarried couples are not offered protection.

In sum, while there has clearly been improvement in women's lives in Malaysia as a result of constitutional change which now ensures gender equality for women, importantly, there are still areas which need to be improved. In the following section I will examine issues affecting women in Malaysia, such as education, work and the family.

2.3 Women and education in Malaysia

Malaysian women are making a big impression in the area of education. Dramatic changes are currently taking place as there are now larger numbers of female students in colleges and universities than male students. For example, Universiti Kebangsaan Malaysia (UKM) has more female than male students. This has been attributed to the fact that they perform better in public exams. At present, the ratio of male to female students in higher learning institutions is 35:65. Moreover, girls are outperforming boys academically. For example, women do better academically in the field of accounting as they accounted for 56.3 per cent of first and second class degrees in 2002 (*Utusan Malaysia*: 14/9/02). In the 2000 SPM (school leaving exam) boys only outdid girls in two academic subjects-Engineering Technology and Design. In primary schools, girls performed better than boys for the five years 1996-2001. This success was attributed to girls' better learning strategies and the predominance of female teaching staff, according to a study commissioned by Umno (a Malay political party) (*New Straits Times*: 21/10/01).

The gender gap in universities has worried the government to such an extent that a research committee has been set up to determine the reasons for it. A study, conducted by 8 education specialists from local universities, proposed a plan to introduce a quota system for male and female students in order to rectify the current problem of male underachievement in higher institutions. However, they pointed out that this would only be a short term remedy and could pose other problems, such as dissatisfaction amongst female students. The Education Minister subsequently announced that there were no plans to introduce gender quota plans despite the current imbalance amongst students (*New Straits Times*: 28/4/02). It was felt that such plans would be gravely unfair as female students did not ask for special concessions themselves.

Nevertheless, despite their large numbers and better academic qualifications, it is worrying to note that women comprised 67.8 per cent of the 31,000 unemployed graduates nationwide. This has been attributed to the fact that women major in soft subjects such as literature, economics, and business studies, whilst men major in engineering and science, subjects which are perceived as fundamentally important for the government's vision of Malaysia as a fully developed country by 2020. At present, there is still a shortage of skills in such fields. This high unemployment rate for women has also been attributed to women's reluctance to accept jobs requiring them to move away from home. Although, at present, female students are outnumbering male students at undergraduate levels, males still outnumber females at postgraduate levels. This may have future implications for women in the labour market with its increasingly fierce competition for jobs.

2.4 Women and the family in Malaysia

At present, 43 per cent of professionals are women but it is expected that this number will increase to 50 per cent (*The Star*: 1/11/02). The Women and Family Development Minister, Dato' Shahrizat Abdul Jalil, reminded Malaysian women that whilst women now have the right to work alongside men, it is also important not to look down on women who prefer a more traditional role. She stated that it is important to temper progress with tradition. This is a message that is often heard in Malaysia. An article in a local newspaper summarises the popular sentiment regarding

women and the family in Malaysia: there is no need for Malaysian women to engage in revolution or protests as women in the West have done in their fight for equality with men. Instead, Malaysian women are urged to fight for equal rights “with grace, style and feminine integrity without sacrificing Asian feminine values” (*New Straits Times*: 1/2/01). Another article cautioned against Malaysian women becoming involved in ‘militant feminist uprisings’ and argued that traditional roles should not be ignored and forgotten. The message in Malaysia seems to be that equality does not mean putting men down, rather it is asking for permission to contribute to the development of the country (*New Straits Times*: 6/5/01). The strong emphasis on the importance of marriage and family for Malaysian women can also be seen in the results from a survey which investigated what Malaysian women really want in line with National Women’s Day on the 26th August 2002. Good health, a good marriage, a family, and a challenging career received 23.7 per cent, 19.6 per cent, 18.3 per cent and 16.4 per cent of votes, respectively (*New Straits Times*: Life and Times: 26/8/02). Although not exactly an academic study, this survey may nevertheless reflect the current trend amongst Malaysian women to want to work and have a family too. Traditional roles for men and women still remain strong in Malaysia (International Labour Office, 1995; Salim, 1984; Chia, 1984; Oorjitham, 1993; Sieh, 1991). This view is also reflected in a speech made by Senator Dr Ng Yen Yen at the Post Beijing National Conference (May 6-8 1996), who stated that women are still expected by society to “channel their energies into feminine concerns, such as childrearing and family care.”

Tan (1995) reports in her paper on women’s labour participation and childcare facilities, that Malaysian society still views women as the primary caretakers of children, even when they work full time, with little or no assistance from fathers. The importance of marriage and a family for women in Malaysia also resonates in Sim and Ying’s (1995) study on single women managers in the private sector. They found that the negative image of being a single woman was still very much present in Malaysia. Some respondents mentioned that their single status generated raised eyebrows from others. They felt unfavourably compared to single men who were viewed as desirable. The researchers suggested that the stigma attached to spinsterhood would take a long time to be eradicated in this society, as staying single conflicts with societal expectations placed on women to marry and have children. Similarly, in her doctoral

dissertation on career prospects for women managers in the public sector, Mohd Yousof (1993) noted the high value placed on marriage and motherhood for women in Malaysian culture. She also indicated that single women managers in her study suffered from role conflict because of the societal expectations placed on them, which is not experienced by single men. Ariffin (1995) in her community survey also found women in Malaysia still have the major responsibility for childcare and domestic work compared to men, despite the fact that they now work outside the home too. She also found that men were still regarded as the primary wage earners whilst women's work and the income it brings into the family are likely to be seen as supplemental to that of their husbands.

At present, women in Malaysia are marrying at a later age and having fewer children. Dr Tiun Ling Ta, in his paper 'Age at first marriage among major ethnic groups in Peninsular Malaysia' presented at the seminar on the Chinese population in Malaysia, reported that Malaysian women are marrying later than ever, with 22.3 years the average age of first marriage for women in 1970, 23.9 years in 1980, 24.6 years in 1990, and 26.7 years in 2000 (*Star Two*: 11/8/03).

The most important contributory factor to this tendency to marry later seems to be education, with more and more female students continuing their education at university and colleges. This has caused females to postpone marriage until after further studies. Education has also given them better work opportunities, which further contributes to the phenomenon of marrying later. The decline in family size has also been affected by education as more and more women are now choosing to have fewer children. Malaysian women now have 3 or less children on average. This has prompted the government to voice its concern that birth rates in Malaysia may get lower in the future. Malaysia's population was estimated at 24.35 million in 2002, with an average growth rate of 2.4 per cent since 1995 (*New Strait Times*: 26/3/03). Although the female population is expected to reach 12.8 million in 2005, an annual growth rate of 2.1 per cent, this growth rate is actually decreasing as more women are postponing marriage and children for careers. This is not in line with what the government had envisioned as part of its programme for making Malaysia a fully developed country by 2020 (known popularly as Vision 2020): the target is to increase the population to 70 million by then.

When all is not well with the marriage, Muslim women in Malaysia face serious difficulty in attaining divorce from the Syariah courts (religious matters pertaining to Muslims are determined by this court and not the secular courts). This has been blamed on the biased mindset and prejudiced attitude of the Syariah court officials and judges, their rigidity in carrying out duties, and the slowness of handling such cases. (In the past, Malaysian women were not allowed to be judges or high ranking officials in the Syariah court but the situation is slowly changing). The present Syariah system has also been criticised for being inefficient as divorced men can simply escape from paying maintenance money due to their ex-wives and children by moving to another state which has a different regulation.

Another issue affecting women and the family in Malaysia is maternity leave. On an international level, 119 countries meet the International Labour Organization's standard of 12 weeks' maternity leave, with 62 countries providing for 14 weeks or more. Just 31 countries mandate a maternity leave of less than 12 weeks, including Malaysia. African countries like Angola have 90 days maternity leave, Brazil has 120 days, Vietnam has 4-6 months, and Hungary has 24 weeks.

It was reported in 2001 that the Women's Affairs and Family Development Ministry had asked the Malaysian government to extend women's maternity leave from 2 months to 3 months (*Utusan Malaysia*: 30/5/01). However, some associations such as the Malaysian Employers' Federation (MEF), strongly advised against the 90 days maternity leave arguing that it would be detrimental to the economy and the nation. It contended that companies would incur greater costs through overtime demands, and staff would have to work extra shifts to maintain productivity. Subsequent dialogues with women groups, for example, a *Bicara Minda* (dialogue) with 200 female teachers, gathered feedback that most working women themselves rejected the 90 days maternity leave proposal, as it would be too lengthy and disrupt work practice and procedures. Earlier dialogues had also been conducted with women lawyers and women from the corporate sectors.

Focus on the issue of maternity leave had the effect of shifting focus onto the issue of paternity leave for fathers. Paternity leave became a much discussed issue in 2002.

The Malaysian Employers' Federation (MEF), among others, urged the government not to regulate paternity leave for the private sector as this leave was presently negotiable with employers. They stated that most employers already provided paternity leave for their male employees. The public sector at this point in time offered 3 days paternity leave for staff (*The Star*: 3/3/02). The paternity leave for civil servants was later increased from 3 days to 7 days to enable husbands to help their wives as part of the government's efforts to promote the 'family first' concept amongst its workers.

The issue of affordable and quality childcare affects the Malaysian woman just as much as her western counterparts. Although more women are attaining higher levels of qualifications, the employment rate for women in Malaysia is still low, at 45 per cent compared to 87 per cent for men. The main reason for this has been identified as the lack of quality and affordable childcare services. Women either have to rely on child care services which are not regulated and expensive or the help of extended families. Although nuclear families are increasingly commonplace, the extended family tradition is still practised today, albeit to a smaller extent than in the past, especially in large urban cities such as Kuala Lumpur (Dube 1997). In order to help women overcome this problem, the government has, since 1990, proposed the concept of crèches or child care centres. In 1998, the government tried to entice employers to lend a hand with this issue. Employers were to be provided with tax deductions if they established child-care centres at or near the workplace. However, this has not been enthusiastically embraced by the private sector. The MEF (Malaysian Employers' Federation) has argued that such support is not suitable as there are too many restrictions placed by government agencies and local authorities- hence it is too expensive and difficult to establish crèches on business premises (*New Straits Times*: 1/7/02).

The importance of the need to establish childcare centres or crèches was again addressed in the Eight Malaysian Plan (2001-2005). Dato' Shahrizat Abdul Jalil, the Women and Family Development Minister, stated that this move was necessary as women were faced with barriers, such as the lack of affordable childcare, which prevented them from progressing in their careers. She stressed that contrary to popular perception, this barrier was not caused by women's poor performance. She urged the

government to establish laws to ensure that crèches are set up at or near the workplace (*New Straits Times*: 25/4/01).

The hiring of domestic maids is the most prevalent childcare and domestic arrangement for Malaysian women who can afford the RM400 monthly maid salary. The Malaysian Association of Foreign Agencies' vice president, Jeffrey Foo, stated that 90 per cent of the 200,000 foreign maids in Malaysia were Indonesians (*New Straits Times*: 30/4/03). He stated that Malaysian employers preferred Indonesian maids as they were more culturally compatible and more affordable than Filipino maids, who cost more on average RM1000 a month. However, in recent years, the darker side of such arrangements has been highlighted in the media.

There have been claims that some employers have abused their maids and failed to pay their salaries. There were 151 abuse cases involving foreign maids reported between 2000-2002: 56 cases involved Indonesian maids in 2000, 61 in 2001, and 34 in 2002 (*The Sun*: 15/4/03). The Indonesian government responded by placing a temporary ban on Indonesian maids working in Malaysia on March 1, 2003, in order to safeguard the welfare of its workers. In response, Dato Shahrizat, the Women and Family Development Minister, urged Malaysian men to help with the housework in order to lessen their wives' burden. She stated that this might ease the over-dependence on foreign maids (*Utusan Malaysia*: 8/3/03).

Later in 2003, a consortium of 20 employment agencies in Indonesia made the move to fix RM500 (Ringgit Malaysia) as the monthly salary for its maids. Employers who needed their services needed to pay only RM1500 to the employment agency. In the past, a maid's salary had been RM350 to RM400 while agency fees had been RM4000. According to the Indonesian Workers' Social Problems Study Board Director, Khairuddin Harahap, this move would apply only to maids possessing the ISO 9001 certification after undergoing special training for a year. New maids should be able to converse in English and Mandarin (*The Star*: 9/5/03). The move was meant to standardise the recruitment process to enable the Indonesian embassy in Malaysia to monitor the welfare of its workers. Only 350 licensed labour recruitment agents in Indonesia were allowed to source domestic maids for Malaysia. However, of the 162,

830 Indonesian maids in Malaysia at that time, 65,132 had been courted by unlicensed agencies (*The Star*: 6/3/03).

The government realises that the issue of affordable and quality childcare is a serious one, especially as reliance on foreign maids may not be the cure-all it was first thought. The country will lose skills and manpower in the future if more women with high qualifications decide to quit work to take care of family responsibilities. For example, in one study, 70 per cent of women with high qualifications, only 30 per cent will continue to work, and the rest will stop to become full time housewives to focus on their families. However, in the long term, it has been suggested that this problem could be remedied with use of the small office, home office (SOHO) concept, which will enable more women to work from home (*Berita Harian*: 22/7/02).

2.5 Women and work in Malaysia

There are now more women working than ever before in Malaysia. Between a thirty year period, from 1970 to 1999, women's labour force participation increased from 37 per cent to 47 per cent (Sidin 1996). In recognition of the important contribution women provide to the Malaysian economy and their difficulty in balancing work and family responsibilities, the Employment Act 1955 was amended in 1998 to provide for flexible work hours to enable women to be employed part time. In 2001, it was reported that further amendments would be made to the existing employment laws, this time to the Employment Act and Industrial Relations Act, to provide legal protection for people working from home (*The Star*: 11/7/2001). In addition, women working from home were to be given help to market their products under a plan by the National Unity and Social Development Ministry. The 'Jiran Wanita' (translated as 'Women Neighbour') programme would involve a marketing website, skills training and organisational entrepreneurship courses to help women earn money whilst staying at home (*The Star*: 21/7/02).

There is also a private organisation called 'Mothers for Mothers' which helps women who desire to work from home. Ms Chong Sheau Ching, the founder, stated that home based work ranges from computers to direct selling (*New Straits Times*: 24/2/03).

Puspanita (the association of female public service officers and wives of civil servants) has plans to submit a resolution to the Women's Ministry to draw up a policy for women to work at home. The concept of women working at home using IT (information technology) is not a new concept in Malaysia but employers are reluctant to allow this as they claim they cannot accurately measure productivity. Further help is also dispensed by the Women and Family Development Ministry, which targets and dispenses loans to women to start small businesses and to promote women entrepreneurs at the grassroots level. The SOHO (small office, home office) concept is also being promoted amongst women to allow them to work from home. Whilst women in Malaysia are receiving some help and are helping themselves, they are also facing some serious problems, such as sexual harassment and the glass ceiling in the workplace.

2.5.1 Sexual harassment in the workplace

In 1998, there were 163 cases of sexual harassment in the workplace while in 2002 the number of reported police cases was 24. There may be more unreported cases of sexual harassment (*The Malay Mail*: 31/3/02). Indeed, a survey carried out by the Women's Development Collective and All Women's Action Society revealed that 98.2 per cent of women had been victims of sexual harassment.

The Code of Practice on the Prevention and Eradication of Sexual Harassment was launched by the Human Resources Ministry in 1999 to prevent such occurrences in the public sector. However, it was reported that only 1 per cent of the 400,000 employers registered under the Social Security Organisation (PERKESO) had implemented this code by providing for a sexual harassment policy in the workplace. In reaction to this poor response, the Women's Affairs and Family Development Minister, Dato Shahrizat Abdul Jalil, stated that she would push for an Act to specifically protect workers against sexual harassment if this code fails (*New Straits Times*: 9/5/01). Women's groups, amongst them, the All Women's Action Society and Women's Development Collective have also urged the government to get the sexual harassment Act in place. However, not all parties are in agreement with this. The Malaysian Employers' Federation (MEF) has responded to demands made on the

Human Resources Ministry to provide new legislation against harassment, by expressing its opinions that sexual harassment should be categorised as misconduct for which disciplinary action should be taken rather than introducing special legislation for cases of sexual harassment in the workplace (*The Star*: 27/1/01). The government has since adopted the Code of Practice on the Prevention and Eradication of Sexual Harassment for the public sector, where previously it had been using the provisions of the General Orders to take disciplinary action against government workers. This adoption was deemed necessary because the sole provision in the General Orders relating to sexual harassment was considered insufficient. At present, sexual harassment is loosely defined as matters morally wrong and out of societal norms (*New Straits Times*: 8/8/02).

In another bid to combat gender discrimination, this time in the Malaysian Parliament, several women's groups have taken the step of monitoring debates to note sexist remarks and comments made by male MPs (members of Parliament). They have reported that gender issues have generally been dismissed, without real understanding by politicians. In addition, women MPs have also reported that their male colleagues behave in a condescending manner towards them (*New Straits Times*: 31/1/02). The women groups contended that the country's commitment to ensure gender equality by amending Article 8(2) is weakened when parliamentarians lack respect and understanding of gender issues and make sexist and lewd remarks.

2.5.2 Other work related problems

Dato Shahrizat Abdul Jalil, the Women and Family Development Minister, states that the employment sector in Malaysia is too masculine at present and there is a need to make it a more feminine domain. Women often feel that they need to be apologetic when talking about issues such as maternity leave and there is a need to change the mindset in the workplace to ensure greater equality for women. In a bid to do this, the Ministry has started a mentoring programme whereby women in senior positions coach others in lower ranks to ensure that the Ministry reaches its goal of at least 30 per cent women in the decision making process in the Malaysian government. Currently, women comprise only 15 per cent in the public service, 20.87 per cent in

the administrative and diplomatic service, and 10 per cent in politics. According to Dato Shahrizat, the biggest problem to achieving this goal is the 'stereotyping mindset' found in male administrators. She also noted that women are often put in token positions (*New Strait Times*: 25/5/01). A newspaper article has also reported that despite women accounting for 40 per cent of the 908,000 civil servants, they are often overlooked for promotions. Only 13.3 per cent of women have been promoted recently (*The Sun*: 3/10/01).

In the field of politics, much improvement has also to be made in women's position: in the 1999 General Election, women won only 20 of the 193 parliamentary seats at stake (*New Straits Times*: 12/9/02).

The top 10 Asian countries with women in parliament are shown below, together with the percentage. Malaysia is clearly not included: (*Harian Metro*: 8/3/02).

- (1) Turkmenistan with 26 per cent
- (2) Vietnam with 26 per cent
- (3) China with 21.8 per cent
- (4) North Korea with 20.1 per cent
- (5) Philippines with 17.8 per cent
- (6) Tajikistan with 12.7 per cent
- (7) Singapore with 11.8 per cent
- (8) Azerbaijan with 10.5 per cent
- (9) Mongolia with 10.5 per cent
- (10) Kazakhstan with 10.4 per cent

It seems that it is not just women civil servants who are overlooked for promotion in Malaysia. Women journalists are also still under-represented at the middle and top management levels in the print media sector, according to the National Unity and Social Development Minister, Datuk Siti Zaharah Sulaiman. Although more than 47 per cent of women journalists held the requisite academic requirements and women accounted for 40 per cent of this workforce, too few of them held important posts. An article in a popular newspaper also referred to the unequal distribution of female academic and administrative staff in seven universities in Malaysia, the majority were lecturers and only 19.6 per cent were associate professors. Women only made up 5.3

per cent of deans or directors and 7 per cent of heads/directors, deputy deans/deputy directors in these local universities (*New Straits Times*: 6/5/01).

Similar problems also seem to exist for women managers, and women in the medical and scientific professions in Malaysia. Shahabudin (1994) in her study on women in the medical and health professions in Malaysia, noted there was lack of career advancement for female doctors. In the area of science, Baharuddin (1993) claimed that women scientists in Malaysia faced discrimination with regard to promotion. Mansor (1993), Mohd. Yousof (1993) and Tan (1991) also reported similar findings for their respective studies on managers in the public sector in Malaysia. Omar (1993) observed that women managers in universities in Malaysia seemed to have difficulty in progressing from middle rung management up the career ladder.

Professor Tan Lee Ping, an associate professor in the Faculty of Economics and Administration in Universiti Malaya, also noted that women in Malaysia face a glass ceiling which makes it harder for them to progress from mid-level to higher positions in organisations (*New Straits Times*: 31/5/01).

It has also been suggested that women in Malaysia are burdened by negative stereotyping, based on the expected traditional roles (International Labour Office: 1995). Tan (1991) in her study of women managers in private enterprises found Malaysian men still perceived women as being in the 'back seat' and whose rightful place is at home. She argued that there is a need for this perception to change before women can achieve equality in their workplace. In a newspaper article, the head of Puteri Umno (a Malay political group geared towards women), Azalina Othman, stated that married women involved in politics are often labelled as bad mothers and wives as they are thought to neglect their families, and single women are often criticised and made the subject of sexist jokes in Parliament (*Berita Harian*: 16/8/02).

However, there are some positive indications that the future may be rosier for women. In 2003, Datuk Dr Ng Yen Yen became the first woman to be elected as Deputy Finance Minister. Dr Ng said in an article: "I never thought that I would be given the post because no woman has ever been given the post in the Ministry. Usually, we are given the softer Ministries such as welfare and family development, and culture, arts

and tourism” (*The Malay Mail*: 25/6/03). In 2000, Tan Sri Dr Zeti Akhtar Aziz became the first female Bank Negara Governor. Her tenure has since been extended for a further 3 years in recognition of her ability and dedication. The promotions of these two women may help to pave the way for more women to hold high positions in the Malaysian government. In 2003, the government made the decision to allow women to become judges in the Syariah courts for the first time in Malaysia, with similar scope of duty and jurisdiction as their male counterparts, despite strong opposition of some Islamic scholars who claim women are too emotional to handle certain cases (other Muslim countries, such as Pakistan, Indonesian and Bangladesh, have women Syariah judges). This is welcome news for all women and not just for Muslim women, as it is a very positive move to ensure gender equality in a position that has been denied to women for too long.

In sum, despite advances made by women in education and their increasing numbers in the workplace, the literature suggests that women in Malaysia face difficulties in climbing the work ladder and in balancing their work and family responsibilities. In this section, the focus has been on gender issues in Malaysia. In the next section, I will examine whether there are differences between the three cultural groupings in Malaysia (Malay, Chinese and Indian) and whether these differences have any significance for women in Malaysia.

2.6 Cultural issues in Malaysia

Hofstede (1984:21) defines culture as “the collective programming of the mind which distinguishes the members of one human group from another.” There have been suggestions that studies on culture should take into account the ethnic factor and failure to do so could be a source of error in such studies (Ronen and Shenkar: 1985). Lrong (1998) also stresses the importance of studying the differences in cultural attributes amongst the different groups in Malaysia. He reasoned that although Malays and Chinese in Malaysia share some similarities in cultural attributes, there may be fundamental differences which may not be revealed as a result of classifying all Malaysians into one big group when conducting research. His study found that these

groups displayed different values and attitudes or beliefs, with the Malays being more traditional in their outlook compared to the Chinese, who were more future- oriented.

Sendut et al. (1990) also noted cultural differences between the different groups in their observation of power distance - especially in the direction where power is concentrated. They observed that the Malays tended to respect their village elders and ultimately the Sultan whereas the Chinese tended to respect their family patriarch more. Further, the Chinese “exhibit a strong security motivation which translates into the acquisition of wealth” compared to the Malays, whose highest priority is to have good relations with others (p. 128). However, it is important to note that Sendut et al.’s study was based on the use of observations and respondents’ personal experiences, which may have biased findings.

In another study examining power distance amongst Malaysian university students, Ng et al. (1982) found that Chinese students displayed a weaker acceptance of societal-oriented values which emphasised submission to a hierarchical society in comparison to Malay students. Their findings, however, are limited in that their study focused only on university students (a psychology school). In another study on students, this time on school children in Malaysia, Rahman (1988) similarly noted the existence of cultural differences, specifically, that Chinese children had closer association with achievement motivation than the other children. It is important to note here that this study did not have a very broad coverage as it concentrated mainly on school children. Ismail (1988: 104) also found cultural differences in his study on Malaysian managers. He concluded that Chinese managers are ambitious to achieve high status and recognition. In contrast to the studies above, Tamam et al. (1996) found in their study on Malay public sector managers that these managers displayed qualities previously observed in Chinese managers. They reported that Malay managers were more ambitious and independent minded than previously indicated. However, it is important to note that the authors had narrowed the sample to include only Malay managers in the public sector. Sarachek et al. (1984) reported a difference between Chinese and Malay men’s views on women, with Chinese men being more receptive to women in the workplace. In contrast, Malay middle level managers and professionals viewed women as emotional and not capable of withstanding work pressures as well as men.

In his famous study on power distance On the other hand, Hofstede (1991: 9) did not segregate Malaysians into different ethnic groups as he believed they “may really be culturally not so different.” Similarly, in a pilot study on the dynamics of culture in networking, Sekaran and Snodgrass (1990) did not segregate Malaysian students into different cultural groups, when comparing them with Canadian and American students.

In sum, there are inconsistencies in findings derived from the studies on different cultural groupings in Malaysia. However, more studies suggest there are differences between cultural groups (Malays, Chinese and Indian). I also note that these studies did not distinguish between gender groups. I go on in the next section to examine firstly, the Malaysian literature on the traditional position of women and, secondly, the current position of women within each cultural group in an effort to assess whether the cultural differences found in most of the studies above are also reflected in gender issues.

2.7 Gender and cultural issues in Malaysia

There are studies which have attempted to incorporate both elements of gender and cultural groupings in Malaysia rather than merely focusing on gender or cultural groupings alone. The need for such integration is supported by Korabik (1999) who believes that as there is growing diversity in today’s organizations, it is important to have research which highlights both gender and cultural differences as there are wide variations in the way that men and women fulfil their roles at home and at work in different societies.

The traditional position of Malay women

Before the coming of Islam to Malaysia in the 15th century, Malay society was dictated by adat or custom. There were two types of adat, Adat Temenggong and Adat Perpatih. Adat Temenggong was seen as the more autocratic tradition of the two. Under Adat Temenggong, the sons inherited a larger share than the daughters, whereas Adat Perpatih only allowed for inheritance to be passed down to female

heirs. However, aside from the matter of inheritance, Adat Perpatih was still very much a patriarchal system. Essentially in both adats, the male was accorded the position of authority within the family. Islam as the religion for all Malays now, has strongly influenced the Malay culture since the 15th century and this has had an important bearing on the position accorded to Malay women in society. Islam makes a distinction between men and women's rights in the social sphere (Raja Mamat 1991). In the religious sphere, women have the same rights and obligations as men. However, in the social sphere, women have rights and obligations which differ from those of men. In the Islamic family, the man is the leader whilst the woman is responsible for taking care of domestic duties and childcare (Abdur Rahman 1990). Men are accorded a higher role here as attested to by the following Qur'anic verse (IV: 38): "Men are the managers of the affairs of women for that God has preferred in bounty one of them over another and for that they have expanded of their property. Righteous women are therefore obedient, guarding the secret for God's guarding.....".

Islam nevertheless gives women the right to work and earn wages as evidenced by the following two Qur'anic verse (al-Imran 3:195): "I will not suffer the work of any worker among you to be lost, whether male or female, the one of you being from the other" and "Men are entitled to what they earn and women are entitled to what they earn" (as long as the woman's obligation to her family is not neglected, her dignity is maintained, the work poses no moral or physical danger, and it is work which is not prohibited (Hawa: 1993)). However, the general consensus is that only men should be allowed top positions, such as head of state, etc. as suggested by the following Qur'anic verse (al Nisa 4:32): "women have rights similar to those that men have over them in a just manner, and men are a degree above them."

The traditional position of Chinese women

The Chinese have a long history of treating women as inferior to men (Wu 1993). The Chinese traditionally gave sons positions of privilege and preference compared to daughters. This is evident from the ceremonies greeting their births. The Book of Poetry (quoted from Croll 1995) states:

When a son is born

Let him sleep on the bed
Clothe him with fine clothes
And give him jade to play with
How lordly his cry is!
May he grow up to wear crimson
And be the lord of the clan and tribe.

When a daughter is born,
Let her sleep on the ground
Wrap her in common wrappings
And give her broken tiles for playthings
May she have no faults, no merits of her own
May she well attend to food and wine
And bring no discredit to her parents.

In past Chinese culture, the son was only one allowed to carry on the family name, he was the leader of the family in the eventuality of the father's death and inherited the family fortune. He held the primary role and was the lord and master of his house and family, his main obligation being to take care of his family. The position of the daughter was not as positive. Her role was secondary and subordinate to that of the men in her family. A daughter was expected to show the four virtues derived from Confucian ideology, namely good etiquette, graceful movement, humble speech, and good needlework skills. Her main tasks were to marry and have children for the continuation of her husband's family name (Chia 1984). Her happiness and welfare depended totally on her husband (Croll 1995). In fact, her whole future depended on the state of the marriage. A daughter, once married would no longer be a part of her original family and she would thus become a stranger. Her duty was directed towards the well-being of her husband and his family. She was not allowed to work outside the house, instead her tasks remained inside the house. Should the new bride fail to produce sons, then the husband could either divorce her or take concubines until a son was produced (Chia 1984). The domination of women by men did not end with her father or husband. If she was widowed, she had to follow the orders of her eldest son. As such, women did not have any economic, social or political power in traditional China (Wu 1993). This was part and parcel of Confucian ideology which greatly

influenced Chinese society and which the Chinese took with them wherever they went, even to Malaysia where they had been transplanted since the start of the British empire.

The traditional position of Indian women

In ancient Vedic times, there are indications that the Indian woman had some standing in society. She was allowed to take part in religious ceremonies alongside her husband, as under the Vedic religion, she was the man's partner in dharma, but her position was not as an equal of her husband, it was that of a junior partner (Lipner 1994). The wife was thus viewed as the subordinate partner of her husband and not his equal. Women of the three upper varnas (castes) were reportedly allowed to study the Vedas (Hindu religious literature). Sometimes, the wife was allowed to continue with her prior studies and activities after marriage. During Vedic times, women could be found taking part in agriculture, even taking part in public life and administration. However, in later times, the position of women changed. No longer were they regarded as junior partners in ceremonial activities alongside their husbands, they were not even allowed to join in such ceremonies and were regarded as ritually unclean (Lipner 1994). Women of high castes were not even allowed to study the Vedas in the post-Vedic times, as slowly there emerged a division of work, with women relegated to work inside the house and men involved on work outside the house (World Bank, 1991). The woman was thus seen as either a wife, whose main role was bearing children, or as a mother primarily responsible for child rearing. She was not allowed to hold positions outside the house. Her main duty was to her husband and family. Things became worse in the 19th century for Hindu women, with the practice of 'Sati' or widow burning. A woman was expected to be burned alongside her dead husband on his funeral pyre.

In the above mentioned, the literature suggests there were similarities in women's traditional role. Women were viewed as inferior to men and unable to cope with life without dependence on their male relatives in Malay, Indian, and Chinese traditional societies (Salim, 1984; Abu Bakar & Raj Hashim, 1984). Some claims the remarkable similarity in the position of women within these groups is still present today (Salim, 1984; Wu, 1993).

However, there is a body of Malaysian literature which suggests there are now differences in the position of women within Malay, Chinese and Indian cultural groupings. It has been suggested that the link between religion and tradition remains strongest for Malays today. For example, in a study on Malay families, Ong (1995) observed traditional segregated roles assigned to men and women. The man was still acknowledged as the head of the family and had authority over his wife and children. The guardianship of women, especially single women, was regarded as the responsibility of all the men in that community. In her study on Malay women, Omar (1994) noted that femininity in women is still very much admired by the Malays. The ideal Malay woman should display gracefulness and obedience, and the Malay girl is still expected to engage in household tasks, such as babysitting the younger siblings, cooking, and cleaning the house, from an early age. In a study on Indian women in Malaysia, Oorjitham (1984) found that amongst Tamil working class women, the decision making and authority figure was the husband. Men were still very much the major breadwinners. In a later study, Oorjitham (1993) commented that present Indian society in Malaysia still exhibits remnants of discrimination against women. Chia (1984) reported that although there were still traces of Confucian values in Malaysia, especially amongst the older generation which expects women to be graceful and subordinate, these values had become subtler over the years and were less pronounced in families.

Support for researching culture's impact in gender studies is found in a survey by Ariffin (1995). In an attempt to assess gender attitudes towards women's role in society, she found distinct patterns of perception existed amongst the different groups of Malaysian men and women. Her study showed that there were gender differences between groups as more women than men across all groups were keen for women to achieve top management and top leadership positions. In addition, her study also found that amongst cultural groups, the Malays were least supportive of the idea of women pursuing top management, leadership or religious positions in Malaysia. This concurs with findings reported by the International Labour Office (1995) that the Chinese seem more liberal towards women working than Malays and Indians.

Gender and cultural differences were found by Lim (1992) in her doctoral thesis on race and attainment in Peninsular Malaysia. She concluded that Chinese women faced

least restrictions to work, compared to women in the other ethnic groups. Chinese parents were the least likely to set strict restrictions on the movement of their daughters and had a lower expectation of them marrying young than Indians and Malays. She also found that the gap between completion of education and marriage was small for Malay and Indian women, since these women were not expected to work for long (or at all) compared to Chinese women.

Dr Tiun's study found Chinese women were the most likely to remain single when compared to the Malay and Indian women. Malay women also married much earlier than Indian or Chinese women. In 2000, 18.3 per cent of Chinese women were still single within the 30-34 age group compared to 14.7 per cent of Indians and 10 per cent of Malays. (*Star Two*: 11/8/03). Ngaraj (1995) also commented that amongst women in Malaysia, Malay women were marrying earlier than Chinese and Indian women.

In sum, studies of gender and cultural differences in Malaysia are somewhat limited in their number and coverage. The studies on gender suggest that, despite the fact that more women are entering the workforce than ever before, there is still strong adherence to the traditional roles assigned to men and women in Malaysian society. Women are still expected to marry and have children and to bear responsibility for child rearing and other domestic duties. However, I also note that some studies on gender have failed to take into account possible cultural differences. They have either silently ignored or implicitly assumed that cultural groups in Malaysia will display cultural homogeneity and that cultural differences will not have much impact on gender groupings. The literature on cultural groups in Malaysia (Malay, Chinese and Indian), however, is rather inconsistent. While some studies suggest there are similarities between groups, their number is small and there are more studies which suggests there are fundamental differences amongst groups in terms of their values, attitudes and social behaviour. There are, nevertheless, some studies in Malaysia which include both gender and cultural groupings in their discussions.

I would thus argue that it is important to include cultural groupings as a variable in my study of female lawyers in Malaysia as I assume there will not only be differences between gender groups but also between cultural groupings. However, I assume that

differences between cultural groupings will be smaller than between gender groups in my study based on the available Malaysian literature.

2.8 Chapter summary

In this chapter, I provided a brief review of the national machinery for promoting women's issues to show the importance that the government attaches to women and their contribution to the country. I discussed areas of improvement for women, specifically as a result of the constitutional amendment to Article 8(2) which now ensures gender equality for women. However, I also pointed out that there are still areas of the law which need to be corrected or repealed. I then went on to examine the current situation for women in Malaysia, particularly in the areas of education, family and work. Lastly, I examined critically the literature on gender and cultural studies in Malaysia and noted the importance of combining both gender and cultural aspects in order to gain a more comprehensive understanding of women's position in the country. In the next chapter, I will review the Western literature on the glass ceiling.

CHAPTER 3 The Glass Ceiling

3.1 Introduction

The aim of this chapter is to examine the Western literature on women in the workplace, focusing on the barriers which women in the legal profession and other professions seem to face in reaching senior positions in their organisations. I also review the studies which have been undertaken in the West to identify and understand factors which may be influencing the glass ceiling.

3.2 Female workers and the glass ceiling in Western countries

In the Western world, the doctrine of separate spheres has been a long running tradition (Korabik :1999). This doctrine contends that due to men and women's different natures, which arise out of their biological differences, the roles they play in society should also be different. It is therefore 'natural' for men to involve themselves with activities outside the house and women to be relegated to activities within the house. It is seen as 'unnatural' for women to be involved in employment outside the house. Women due to their biology are viewed as not being mentally and physically capable of withstanding the rigours of outside employment.

The world wars in the twentieth century, especially the Second World War, played important parts in challenging this doctrine. As men were called to participate in these wars, more women engaged in work as their replacements. However, most women returned to their original positions at home once the men returned home from war. Indeed, it was not until several decades later that women really began a major migration to the workplace, in the late 1970s and 1980s, resulting in dramatic changes to the composition of the labour force. There has since been a worldwide increase in the number of women joining the workforce. Part of this increase has been explained by human capital theory. This theory suggests that the quality of the labour supply is influenced by investment made in human capital (Becker 1971). Thus, as more women have access to higher education, this creates more opportunities for women to

work. By investing in their education, their skills and knowledge have increased and this, in turn, is likely to enhance their future career prospects.

However, despite big increases in the number of women joining the workforce worldwide, there is still a pattern of male dominance in top positions across different professions and occupations (International Labour Office: 1996). Burke and McKeen (1992) found that overall within various countries there was a progressive decrease in the number of women at higher executive levels. Davidson and Cooper (1992) also noted that women accounted for only 1-2 per cent of top managers in Australia and Britain. Metz and Tharenou (1999) also reported that women represented less than 6 per cent of senior management in Australian banks. In America, only 3.8 per cent of women were in key positions (chief executive officer, chairman, vice chairman, president, and chief operating officer) in Fortune 500 companies compared to men (Catalyst 1998). Powell (1999) also reported that despite the increase in women entering management in America, there still remained a large gap between the proportions of women in management overall and in top management positions. Dipboye (1987) also found that despite more women in management than before, women were still a distinct minority at higher levels. Women do not seem to be moving up the hierarchy as rapidly as their male counterparts. Valdez and Gutek (1987) supported Dipboye's (1987) findings as they too discovered that the higher the job positions in an organisation, the less the number of women in such positions, especially those with children. Fosh and Ng (2005) similarly observed in their study that women were not holding senior positions in an airline company in Hong Kong.

Morley (1994) in her study of women academics noted the under-representation of women in senior positions, such as professors and readers/senior lecturers in British universities. She concluded that men seemed to get more promotions and at a faster rate than women academics. It is important to note that Morley's study was based on a very small sample of only twelve respondents. Bagilhole (2000) too noted the under-representation of women academics in top academic positions and argued that women academics still face barriers to top positions due to negative stereotyping and restricted entry to the 'old boys network'. Although women accounted for 31 percent of all academic members, women represented only 9 per cent of professors and 21 per cent of senior lecturers and researchers. Spurling (1997) also commented on the

discrimination faced by women academics. Doyle and Hind (1998) also found a difference between the distribution of men and women academics in senior positions.

The Hansard Society report 'Women at the top' (1990) also noted that the number of women grew progressively smaller the higher the position in Britain: "Many women are blocked in their attempts to gain access to the higher reaches of public and professional life. They remain clustered in positions that fail to make full use of their qualifications and abilities.....For too many there is a glass ceiling over their aspirations - it allows them to see where they might go, but stops them getting there" (p. 15). For example, although 75 per cent of employees in editorial departments were women, few got to ranks above editor, and women MPs (member of parliaments) accounted for only 6.3 per cent of the total in the British parliament. It also reported that barriers to equality were general and pervasive. These can be summarised as outmoded attitudes regarding the role of women, direct and indirect discrimination, absence of proper childcare provisions, and inflexible structures for work and careers.

The Equal Opportunities Commission report 'Sex and power: who runs Britain?' (2004) has also reported that women were still under-represented in positions of authority in business, the media, senior judiciary, and police. Although women make up almost half of the work force, only 23 per cent of top management in the civil service and 18 per cent of MPs are women. Women make up only 7 per cent of the senior judiciary, 9 per cent of top business leaders, 7 per cent of senior police officers and 9 per cent of national newspapers editor. This report concluded that women were prevented from reaching top positions in their profession due to structural inequalities, such as the long work hours and little flexibility.

Turning to studies of female lawyers, the pattern of male dominance seems to be the norm too rather than the exception in this profession, with more men being made partners compared to women. There are some who believe that more women will eventually reach senior levels in time, especially with the present increase of women in the legal profession. This is generally known as the 'trickle up theory'.

However, there are many legal writers who disagree with this theory and instead argue that this is not the case at all as the number of senior women should be much

greater by now, considering that women have been entering the profession at almost equal numbers to men for a sufficient amount of time to make considerable impact at the senior level. For example, The Young Women Lawyers' report "Soliciting Equality - Equality and Opportunity in the Solicitor's Profession" (1994) revealed that women were significantly represented at every level: 49 per cent of trainee solicitors were women, 53 per cent of legal executives were women, 50 per cent of assistant lawyers with 0-3 years experience were women, and 40 per cent of assistant solicitors with more than 3 years experience were women. However, the number of women at partner level was small, only 14 per cent of partners were women. The report further argued that it is important to understand that the mere passage of time is not enough to rectify women solicitors' unequal distribution in top positions. Organisational policies and practices need to change to allow this to happen.

Arguing against the 'trickle up theory', McGlynn (1998) rejected the claim that there are few women QCs because women have only been admitted to the Bar in sufficient numbers in recent years (being a QC or Queen's Counsel is the pinnacle for barristers). In 1998, there were just 73 women QCs (7 per cent) out of just under 1000 QCs. The usual requirement for taking silk is that the applicant has had at least 10 years' work experience. McGlynn pointed out that 12 per cent of juniors with over 15 years experience were women (1 in 8), but women only made up 1 in 15 of QCs in private practice. She did not understand why there were so few women QCs when there was a sufficient number of women lawyers available with the requisite experience. She suggested that the primary cause is the appointment process known as 'secret soundings'. This is a process which involves the Lord Chancellor's Department consulting with senior members of the Bar and judiciary to elicit their views on the appointment of new QCs. There is no interview process involved and no selection criteria. This system is still very much in existence despite recent efforts by female lawyers in Britain to abolish this system (*The Independent*: 13/4/02). Further, in the case of women solicitors, she stated that although there are now more women than ever entering the solicitor's profession in Britain, women solicitors still face barriers when it comes to senior positions within the legal profession. In her view, the 'trickle up' theory is wrong, as Law Society statistics for all firms showed that amongst solicitors with 10-19 years' experience, 88 per cent of men were partners

compared with only 63 per cent of women. She concluded her study by stating that discrimination still persisted for women solicitors and barristers.

Fisher (1999) similarly observed far fewer women than men at partner levels in Britain. In fact, the Law Society's Annual Statistical Survey (1998) found only 25 per cent of women solicitors in private practice were partners, the majority remaining at assistant solicitor level. In addition, the General Council of Bar Statistics (1998) reported low numbers of women barristers as Queen's Counsel, with men accounting for an overwhelming 93 per cent in this position. Wilkins and Abji (1995) also reported that the number of female partners had remained static, at one fifth the total number of overall partners in their survey of the top 50 law firms in London. Rose (2000) also noted that although the number of women solicitors had increased sharply over the years, from just 2 per cent in the late 1950s to 34.4 per cent in 1997, women only accounted for 25 per cent of partners in the profession. In the country's top 100 law firms, women made up just 17 per cent of the total number of partners in these firms.

Further, the 'Without Prejudice' report (1992) concluded that female lawyers still face discrimination and this seems to be institutionally present within the Bar. It is interesting to note that at the Woman Lawyer conference on April 12, 1997, Tony Girling, president of the Law Society, stated that he acknowledged there was still prejudice against women lawyers in Britain (In the News: 1997). It comes as no surprise then that Sommerlad (1996) found that more than half of the women lawyers surveyed in her study, 67.5 per cent, expressed negative views regarding their career prospects. She concluded that the current dismal position of women lawyers was due to professional inflexibility rather than their own choice or non conformity to the profession.

Carter (1996) questioned why there were very few women lawyers made partners compared to men, despite the increasing numbers of female law students in America. Epstein et al.'s study in 1995 commissioned by the American Bar Association (ABA), also found women lawyers faced more obstacles on their way to the top of their profession than male lawyers amongst eight large New York firms. They noted that

only 5 per cent of women compared to 17 per cent of men who were hired after 1981, became partners in these firms. Women were consistently left out of powerful positions in law firms and earned less than men.

Ramo (1997), a former President of the American Bar Association, credited the American Bar Association's commission of women in the profession as an attempt to highlight the problems faced by women in the profession. However she maintained that although there were more women lawyers than ever, there were some problems which still needed to be resolved for women to make progress in the legal field.

Dusky (1996) in her book asserts that although the dark ages are over for women lawyers, they are still confronted with a different universe compared to their male counterparts. In her view, the current gap between the placement of male and female lawyers in private practice is not closing. She commented that although women partners accounted for 13-14 per cent of the partners in the largest law firms, the number of women partners is only increasing at a meagre 1 per cent per year! Esther Rothstein, who was the first woman president of the Chicago Bar Association, was also pessimistic about women lawyers' future prospects. She commented, "...since they have one or two women they feel they do not have to do anything more, so the door is shut against women [to get to the top]" (cited in Dusky, 1996).

In a large survey in 1993 of almost 800 male and female attorneys in fourteen major cities in America (quoted in Dusky 1996), more than 60 per cent of the women interviewed believed that becoming a partner remained impenetrable to them. The findings of Dusky (1996), closely resonated with those of Harrington (1993), an American lawyer and writer, who also believed that American women lawyers are discriminated against in the profession.

In Australia, the Law Society of New South Wales' report (1993) 'Getting through the door is not enough' also recognised the gendered disproportionality of male and female partners. Women lawyers were not promoted to partner levels at the same rate as men. Thornton (1996) too claimed that women lawyers face much greater obstacles in attaining partnerships in Australia than their male counterparts, despite being as good, or in most instances, better than them. The discrepancy between the genders and legal position still remains very much in place.

In an earlier article, Kay and Hagan (1994) pointed out that Canadian male lawyers still had a higher likelihood of attaining partnership status than female lawyers (male lawyers are about 92 per cent more likely to become partners than female lawyers). The situation for women lawyers seemed to be worsening as, in their later study, Kay and Hagan (1999) found men lawyers 110 percent more likely to become partners than women lawyers. Kay and Brockman (2000), whilst acknowledging that women had large enrollments in law schools and growing representation in the legal profession in Canada, noted they still remain on the margins of power and privilege in law practice, since the majority of partners are male.

Kay's (1996) longitudinal survey (between 1975-1990) of lawyers in Ontario, Canada, revealed that 61 per cent of women and 25 per cent of men in her study believed that men were more favoured to become partners. In 1993, the Canadian Bar Association commissioned a Gender Equality Task Force to investigate the situation of women in the Canadian legal profession. Their report "Touchstones for Change" (1993) found that the law remained an unwelcoming environment for women. Women lawyers still faced persistent discrimination, both overt and covert in the Canadian legal profession: "Advancement is still controlled by men.....women are not promoted up the hierarchy in legal organisations" (p. 60).

In Brockman's (1992) survey of lawyers in British Columbia, 75.5 per cent of women and 43.7 per cent of men reported that the most frequent type of discrimination against women lawyers was career advancement. In later interviews with 100 Canadian lawyers, Brockman (2001) found that 88 per cent of women and 66 per cent of men thought there was discrimination against women in the legal profession which restricted their career progression. Further, 60 per cent of women interviewed claimed they themselves had been discriminated against on the basis of their gender whereas only 4 per cent of men reported this. The second biggest discrimination against women lawyers was career advancement (attaining partnership) with 38 per cent of women and 28 per cent of men agreeing on this.

Not everyone agrees that women lawyers face disadvantages in the legal profession. Dyer (1996) reported that Sir Christopher Rose, a senior Appeal Court judge, had stated that women barristers enjoyed reverse discrimination in Britain as he knew

instances where women were appointed QCs on the basis of their gender instead of ability. Hazel Williamson (QC) (cited in McGlynn, 1998) voiced the opinion that women lawyers should not blame discrimination for their lack of success but instead should strive harder to succeed as well as men in the legal arena. Martin Mears, the former President of the Law Society (1995-1996), contended that it was due to women's biology and their own choosing that they did not advance in their career rather than the existence of any glass ceiling in the legal profession. These dissenting opinions are, however, just opinions, and there seems to be no study which has confirmed their views on female lawyers' career prospects.

3.3 Studies of female workers in Western countries

In an attempt to understand why male dominance is still in existence in the workplace, there have been various studies conducted in the West to explain this phenomenon. In an early study of women in organisations, Riger and Galligan (1980) proposed two main explanations for the then relative scarcity of women in management: the person-centred explanation and situation-centred explanation. In the first explanation, women's scarcity in management was attributed to the socialisation practices directed towards them, which encouraged the development of certain personality traits and behaviours which were not consistent with the image of the traditional workers. For example, Horner (1969) and Kagan and Moss (1962) suggest that there were few women in the workplace at the time because they did not have the necessary managerial traits and feared success. In the situation-centred explanation offered by Riger and Galligan, they suggest that it was not the nature of the women themselves but rather the nature of the work environment faced by women, which determined their fate more than their own traits, skills and behaviour. This included aspects such as attitudes towards female managers and differences in the allocation of promotion and salaries for men and women. They concluded that of the two explanations offered in their study, greater emphasis should be placed on the situation-centred explanation for explaining the status of women in organisations.

A similar conclusion was reached by Bartol (1978). She also rejected the notion of the person-centred explanation that women lack the requisite skills for work and as a

result have different career outcomes in management. Instead, in her view, there are several filtering points at different career stages which keep women from progressing up the management ladder. These filtering points may take the form of giving women unchallenging assignments and the reluctance to promote women. She concluded that it was the formal, structural factors that accounted for women's relative scarcity and slow progression up the career ladder.

Later works on women in the workplace reported women as still experiencing difficulty in moving up the career ladder, despite their ever increasing numbers in the workplace. Morrison et al. (1987) suggest this was because women faced 'a glass ceiling' in their attempt to climb the career ladder. They define the glass ceiling as "a barrier so subtle that it is transparent, yet so strong that it prevents women and minorities from moving up in the management hierarchy" (Morrison and Von Glinow 1990: p. 200). Schwartz (2000) disagreed with their concept of the glass ceiling and called it a misleading metaphor. According to her, "a more appropriate metaphor, I believe, is the kind of cross - sectional diagram used in geology. The barriers to women's leadership occur when potentially counterproductive layers of influence on women - maternity, tradition, socialization - meet management strata pervaded by the largely unconscious preconceptions, stereotypes and expectations of men. Such interfaces do not exist for men and tend to be impermeable for women" (p. 109).

There are also other perspectives proposed for explaining the under-representation of women in top levels in organisations. Cooper and Lewis (1999) have offered both the individual and structural explanation for the glass ceiling. The structural explanation, they maintain, includes the long work hours expected from employees in organisations, and family obligations and responsibilities are not supposed to interfere with this work pattern. This is based on the assumption that the best employees are those that burn the midnight oil in the office. Clearly this puts women at a disadvantage compared to men as they are more likely to be responsible for childcare and home management which may prevent them from working as long as men in offices. The Individual explanation includes lack of human capital, such as education, work skills, personal career ambition and aspirations, commitment, etc. Kay and Hagan (1999) also suggested several plausible explanations as to why male and female lawyers differ greatly in partnership status by using human capital and

structural discrimination theory. They define structural discrimination as “the organization of law practice and work structures within law firms that are exclusionary to many women” (p. 526).

However, the individual explanation may not be adequate for explaining the glass ceiling as Cooper and Lewis (1999) note that there is now an emergent pattern of women investing as much in their human capital as men. They conclude that it is unlikely that organisations will be agreeable to structural changes as the men who hold power in such organisations will not be willing to give this away without a struggle. Antal and Krebsvach-Gnath (1988) found that having human capital, such as high levels of education or skills (the person centred explanation), will only do so much to propel women into top management ranks in organisations. They reported that the higher the position, the less importance is attached to objective criteria such as education. Education and work skills seem to play more important roles at entrance level job positions than high ranking job positions. Thornton (1996) reported that despite women lawyers having the academic advantage, i.e. performing better than men in their studies, this advantage tends to diminish within the organisational structure where more informal factors are ultimately accorded greater weight. Podmore and Spencer (1982) pointed out that undue concentration on female lawyers’ personal attributes diverts attention away from the more vital underlying issues of occupational and professional structures, ideologies and recruitment patterns which effectively discriminate against women.

Adler and Izraeli (1994) expressed the opinion that investment in human capital such as higher level education does little to help increase women’s numbers in top positions in organisations, as the number of such positions are generally more limited the higher the rank, and also such positions attract a lot of qualified males. Madden (1985) found educational level did not fully account for discrepancies in pay or job positions and therefore considered the person-centred explanation (i.e. women do not invest as much in human capital as men) inadequate to explain the differential treatment men receive in management. O’Leary and Johnson (1991) argued for the need to focus on structural barriers rather than women’s deficient traits as explanations for this discrimination.

Morrison and Von Glinow (1990) extended the person centred and situation centred explanations (formal structural practices, for example, lack of mentoring opportunities) offered in previous studies as obstacles to women's career progress, to include the social system centred explanation for the glass ceiling (informal practices, for example, bias shown by the dominant group (men) resulting in negative stereotyping of women and women's exclusion from men's socialisation). Other writers, such as Powell (1999), support this explanation believing that the personal and structural explanations are inadequate to explain the glass ceiling and that this phenomenon can be better explained by understanding the societal norms which influence women's role in the home and work place, as such norms still have an important bearing on women's placement in organisations. He argues that just because societal norms regarding women's role have changed greatly during the past two decades, this does not necessarily translate into greater opportunities for women to garner top level positions in organisations. He notes that throughout Western history there exists a long tradition of a patriarchal system which places authority and leadership in the hands of males, and whilst this tradition may have been diluted it still remains in place. Men were and still are the dominant group in the workplace. The existence of women in top positions challenges this male superiority to a much greater extent than women's placement in lower job positions.

Thornhill (1998) also concurs that it is important to include societal aspects into studies concerning the situation of women lawyers, and has criticised Kay and Hagan's (1999) approach to studying the lives of lawyers without this element. She argues that there is a need to look at the social construction of the masculine and feminine as an explanation for the discrimination faced by women lawyers.

According to the social-system centred theory, women will face greater difficulties in comparison to their male colleagues, in their career advancement in professions traditionally seen as masculine. Gender stereotyping still seems to be in existence in such professions. Powell (1993) in his study discovered that the successful manager is still perceived as having characteristics associated more with men than women. This was also the finding in an earlier study by Schein (1975) when she compared both male and female managers' perception of the successful middle manager. Thus, it

seems that women who aspire to top positions in traditionally masculine professions, e.g. in management, have to contend with negative stereotyping.

Negative stereotyping of women may also be perpetuated by the cognitive processes of decision makers regarding top positions. For example, in their study, Perry et al. (1994) discovered that decision makers in organisations develop a mental picture or schema regarding the characteristics and attributes of potential job holders. The decision maker is likely to have developed a number of schemas or mental pictures over time and these mental pictures will eventually affect their hiring decision. They found that generally schemas can be divided into two categories, gender neutral or gender based. A gender neutral schema is one which excludes gender as a requisite component of a job holder's characteristics, whereas a gender based schema includes gender as a requisite component. They found decision makers are most likely to have a gender based schema regarding the characteristics of potential job holders when these positions are predominantly occupied by one gender.

Alternatively, Byrne and Neuman (1992) have proposed the similarity-attraction paradigm in attempting to offer an explanation for the reluctance to promote women to top positions in organisations. According to them, people tend to associate themselves with others that they feel are similar to themselves. They are more trusting of similar others and more inclined to make positive evaluations of them. Conversely, they are more mistrustful of others whom they perceive as difference from themselves and thus make negative evaluations of them. In organisations, people in the top ranks holding real power are generally men, therefore according to this paradigm are more likely to promote men to their ranks than women. Kay and Hagan (1999) also suggested that decision makers often select candidates for the job who are most socially similar to themselves: "social similarity among people being selected for positions" (page 544).

Kanter (1977a) held the view that men's tendency to promote other men to top positions is the result of a need to minimise uncertainty or risks in organisations. She termed this need 'homosocial reproduction'. Men feel that by promoting others just like them, the uncertainty factor will be greatly reduced as they feel they can predict outcomes better and thus have greater control. As a result, women will encounter

more problems in joining their ranks as they will be regarded as unknowns and therefore dangerous entities, especially in power positions within organisations.

In stark contrast to the studies above, which strongly suggest there exists a glass ceiling for women, Tsui and Gutek (1984) found female managers seemed to be promoted faster than their male counterparts in their study of 217 male and 78 female employees in a multicompany corporation. Promotion rate was measured by number of promotions given over number of years in employment. However, this finding may be explained by the fact that comparisons were made at middle level management position and not top level position within that corporation. Women do not seem to have a problem reaching middle level ranks. It is only when they aspire to top levels that problems seem to exist.

In sum, the literature clearly shows that there is a pattern of male dominance across various professions and countries. Women seem to be allocated to secondary work positions in comparison to men. Despite the different terminologies and ideologies offered as explanations for male dominance in the workplace, the literature in this area strongly suggests that greater focus should be placed on the structural or situation centred and social system centred explanations for the glass ceiling as reasons for women's restricted promotion to top positions in the workplace. I would therefore argue that there is a glass ceiling barring women's move to senior positions in their professions and there is a need to rely on the situation centred and social system centred explanations for the glass ceiling since merely relying on the person centred explanation or human capital theory as explanations for this is clearly inadequate nowadays because women have greatly invested in their skills and knowledge, and such investment should be reflected in their positions in the workplace.

3.4 Chapter summary

In this chapter, I have attempted to provide a brief summary of Western women's progression into the workplace. I have outlined the problem of the glass ceiling for women in the legal profession and other profession and reviewed the different explanations of the glass ceiling, and the different approaches involved, specifically

the situation centred and social system centred explanations for the glass ceiling. In the next chapter I will discuss in greater detail the two explanations offered for the glass ceiling: the situation centred and the social system centred approaches. The review of studies on female lawyers above has been supplemented with studies on women in other professions as there are fewer studies on female lawyers. There are to-date, no comprehensive studies on female lawyers in Malaysia. I have therefore relied heavily on Western literature on women in the legal profession and other professions to guide my research. The aim of my study is to investigate differences between male and female lawyers in Malaysia, thus filling this research gap.

CHAPTER 4 Explanations for the glass ceiling

4.1 Introduction

The aim of this chapter is to further examine the Western literature on the glass ceiling and suggested explanations for the glass ceiling which began in the previous chapter. In this chapter I will review studies relevant to the situation centred and social system centred explanations for the glass ceiling. For each approach I will identify the individual components and then undertake a comprehensive review of the literature pertaining to these components. I will go on to examine how these components may act as barriers to female lawyers' career progression.

4.2 The situation centred explanation for the glass ceiling

In Chapter 3, I described the glass ceiling phenomenon and identified the various explanations offered for its existence in the workplace from the rather considerable amount of literature on the glass ceiling. In an attempt to make sense of the varied and prolific literature, I classify a major part of the material into two components for the situation centred explanation for the glass ceiling based on suggestions by Morrison and Von Glinow (1990). Specifically, barriers to mentoring for women in the workplace and rigid work practices are classified as components for the situation centred explanation for the glass ceiling for use in my study.

4.2.1 Mentoring

The situation centred explanation suggests that women may be excluded from important developmental practices, such as mentoring at work, which may result in the glass ceiling. The topic of mentoring relationships has garnered much interest in the past decade or so, probably as a result of various studies that have indicated that mentoring is an important resource for employees.

There is no single universal definition of a mentor, as yet. Kram (1985) and Hunt and Michael (1983) define a mentor as an experienced and knowledgeable individual who assists his/her protégés career progression and mobility. The most systematic pioneering work on mentoring has been that of Kram (1983) when she conducted in-depth interviews with 18 managers in a public sector organisation in order to identify the functions provided by mentors. According to Kram (1985), a mentor provides assistance on two levels. First, a mentor provides what she termed a career development function. This may involve coaching, shielding the protégés from negative forces in the organisation, providing challenging tasks and assignments, and visible promotion of the protégé's career within the organisation. The second function which a mentor provides is psychosocial in nature. S(he) provides encouragement, friendship and support to the protégé. No mentoring relationship is ever the same due to the different dynamics brought to it by the individuals involved. By the same token, no mentor is ever alike. Some mentors may choose to focus more on one of the two functions whilst others may include both functions in their role. Dreher and Ash (1990) claim that protégés receive the greatest benefits when a comprehensive approach combining both functions (career and psychosocial) is taken by mentors.

The mentoring relationship has been described as having four distinct stages: (1) the initiation stage – where expectations from both sides become firm and realised; (2) the cultivation stage - where the mentor functions increase to maximum; (3) the separation stage – where protégés may no longer need coaching, and finally, (4) the redefinition stage – where the relationship ends and a more peer-like relationship starts (Kram 1983).

There are various types of mentoring relationships which may be established. Ragins (1999) distinguished them as (1) the supervisory-non supervisory mentoring relationship - the mentor may or may not be the actual supervisor of the protégé; (2) the internal-external mentoring relationship - either developed within or outside the organisation and (3) the informal-formal mentoring relationship - either self initiated or company initiated.

As regards distinctions between these different types of mentoring relationships, Ragins (1989) and Ragins and Cotton (1991) suggest that women are more likely to

gain their supervisors as mentors than more high ranking officials in their organisation. This may be due to the fact that women have better access to their supervisors than higher ranking officials. Nonetheless, as Ragins (1999) points out, there has been no detailed study to-date examining the general distinction between the types of mentoring activities provided by supervisory-non supervisory mentoring. Burke and McKeen (1997) contend that, there will be a difference between the types of activities provided by supervisors and higher ranking officials due to the difference in the power and activities of each group, respectively. The second distinction in type made by Ragins (1999) is the internal-external mentoring relationship. She maintains that the mentor may either be 'internal' or someone employed inside the organisation or 'external' or someone employed outside the organisation. As yet, there has been no research identifying a clear difference in the mentor's functions in the two types of relationship. The last distinct type of mentoring relationship is the formal-informal one. In an informal mentoring relationship, the mentor and protégé are likely to have established the relationship spontaneously based on their mutual decision to work together, free of any formality, whereas the formal mentoring relationship is based on the organisational matching and choosing of protégés and mentors. Again, there is no information available regarding differences between these two types of mentoring relationships.

As mentioned earlier, numerous empirical researches have shown that employees who have been mentored in their organisations are promoted more often and have career progression than those that have had no experience of mentoring (Dreher and Ash, 1990; Chao, 1997). For example, Scandura (1992) found protégés received more promotions in organisations than non protégés. Career development and psychosocial coaching provided by mentoring affected pay, promotion and performance ratings of 244 manufacturing managers. Arnold and Davidson (1990) also stressed the importance of mentoring as an important training development tool for managers.

Whitely et al. (1991) in their study on 404 managers and professionals, also found protégés advanced faster than non proteges. They measured promotion according to the number of promotions made, increase in salary, increase in responsibility, bonuses, stock plans, change in hierarchical level in the organisation and change in office. Other positive associations with mentoring included greater compensation

(Dreher and Ash, 1990), greater job satisfaction (Fagenson, 1989; Chao, 1997), more commitment to career (Bachman and Gregory 1993), and better career planning (Chao 1997). Fagenson's (1988) study on a single health care industry also found protégés received more power in the organisation compared to non protégés. Here, power was defined as the level of organizational policy influence, access to important people and level of resources in the organization, e.g. centrality. Based on the studies cited above, individuals who have mentors seem to acquire a clear advantage over those without it. As a result of such prolific interest in mentoring, it is now a familiar concept in Western organisational literature.

Whilst mentoring is seen as important to anyone wishing to succeed in his/her career, some researchers have pointed out that it is particularly important for women to have mentoring relationships. If women in lower positions do not get mentoring opportunities, this will rob them of valuable learning experiences and put them at a disadvantage when competing for higher positions within the organisation. Powell (1999) for one asserted that the number of women in top level positions in organisations is also influenced by the development of their experience in lower level positions. If women are not given help to assist the development of their talents at this stage, they will have a harder time competing with the usually better groomed men for higher positions. They will not be as well prepared to handle future top level positions as men.

Burke and McKeen (1990) and Schein (1973) also suggested that mentoring is essential for women as it has the potential to reduce stress by infusing protégés with self confidence and the know how as to how to reduce stress by providing suggestions on how to deal with it in their work activities. Noe (1988a) and Ragins (1997) are amongst those that emphasise the importance of mentoring for women. They argue that as women are often perceived as 'outsiders' within organisations, it is necessary for women to equip themselves with as much help as possible in order to overcome potential barriers to their career growth and advancement within these organisations. It has also been suggested that mentors have the ability to buffer women from both overt and covert forms of discrimination. Mentoring relationships may also help women better develop their career plans and with acquire self identity.

Certain studies have also shown that women do not get as much personal support or important information as men in organisations. Ohlott et al. (1994) in particular discovered that women continue to feel left out of important networks and have difficulty in finding supportive people to talk to - hence the increased need for women to obtain mentors. Mentoring offers protection or buffering of women from both subtle and direct forms of discrimination in the organisation by conferring on them some form of 'legitimacy' through giving out the signal that they have the full support and backing of their mentors. This support may play an important role in cancelling any negative stereotypes which may arise (Ragins 1989, 1997; Burke and MacKeen 1990). Kanter (1977a) also states that mentors help their female protégées by providing them with 'reflected power'. Mentoring relationships convey to others in the organisation that female protégés have the powerful backing and resources of these mentors. This is especially important due to women's negative stereotyping, lower visibility, and performance pressures. Women can use this reflected power as a base to build their own influence and power base in the organisation.

Ragins (1989) also pointed out that mentors help their female protégés to understand the day to day workings of the organization concerned. Most mentors train their female protégés in the 'ins and outs' of office politics and supply them with important information about job openings, etc which would not otherwise have been accessed by these women as they are often excluded from the informal 'old boys network' and have less experience in corporate politics than their male counterparts. Lastly, mentors may promote advancement by providing valuable feedback on their protégés' management style and effectiveness.

In the case of women lawyers, several writers have acknowledged the importance of mentoring for them, too. For example, Fisher (1999) argues that mentoring is essential for the career development of young female lawyers since women lawyers who are mentored learn about their organisation quicker, have their self confidence enhanced, their work skills improved, and are more visible in the organisation. Similarly, Cox (1997) asserts that mentors are useful for giving advice, assistance, and encouragement to women lawyers. Carter (1996) also believes that the key to shattering the glass ceiling for women lawyers is mentoring. Dusky (1996) concurs that mentoring is a must for women lawyers as they face more obstacles in the firm. A

mentor assists by giving honest feedback, including the protégé in power lunches and important meetings, exposing them to high status assignments and protecting them with their political power. She stresses that it is absolutely crucial to have at least one mentor on your side when requesting partnership status. All the above assistance from mentors assists women in breaking through the glass ceiling (barriers to their advancement).

4.2.2 Barriers to mentoring for women

The current literature on gender and mentoring suggests, however, that women will encounter greater barriers to obtaining mentors and as a result will not be mentored and thus will be disadvantaged in their career compared to men. Noe (1988b) in particular identified six potential barriers for women in establishing mentoring relationships: (1) lack of access to information networks: women may fail to obtain mentors because they lack knowledge of informal networks and may not know how to interact; (2) tokenism: preferential treatment given to women may produce feelings of resentment and jealousy. Also, due to the high visibility of token women, potential mentors may be frightened to take them on as protégés for fear that any mistake made will reflect back on them; (3) stereotypes and attributes - negative stereotyping may hinder women's chances for mentoring; (4) socialization practices; (5) norms regarding cross gender relationships: often the relationship is interpreted as sexual in nature, leading to jealousy, resentment, and malicious gossip. For example, Bowen (1985) suggested that even unfounded rumours are enough to deter potential male mentors from selecting female protégés. In a study of 32 mentoring relationships in banking, insurance, health care, law, accounting, interior design, retailing, politics, TV, and utilities sectors, this sex-related problem was found to affect relationships at work and home. Respondents indicated that jealous spouses and resentful co-workers created problems for both mentors and their female protégés. Other authors, such as Clawson and Kram (1984), have reported similar findings. The sixth potential barrier is reliance on ineffective power bases.

Ragins (1989) studied both personal and organisational barriers to mentoring for women and suggested that women encounter greater organisational barriers to

mentoring than men and are therefore less likely to obtain mentors compared to men. She believes this is due to several reasons: (1) male mentors do not perceive women as potential protégés and prefer to choose protégés of the same gender as themselves; (2) negative stereotyping of women and their abilities; (3) the mentor's fear of a protégés high visibility in case of failure; (4) the fear of sexual involvement with protégés and the possibility of sexual innuendos; and (5) the fact there are still too few women mentors. Her reasons appear to be consistent with those of Noe's (1988b) above. Hill et al. (1989), in their study on 224 academic professors, reported a gender difference in the obtaining mentors, with more men than women stating they had mentors. Van Velsor and Hughes (1990) during their interviews with male and female executives also found women were given far fewer developmental tools than men. Women were given far fewer developmental tools compared to men. In addition, Ohlott et al. (1994) found a gender difference with regard to developmental experiences of managers, with women reporting men were given more task-related developmental challenges in the form of challenging tasks and greater responsibilities, such as international responsibilities, managing multiple and key business units and functions, than women.

In the case of women lawyers, Cox (1997) claims that for lawyers, a QC (Queen's Counsel) in chambers or a partner in a solicitors firm can easily act as a mentor to a junior tenant or assistant solicitor. However, this does not seem to be happening as often as it should. She suggested this could be due to several reasons – namely, senior men unwilling to undertake this responsibility and the relatively small number of senior women who can act as mentors for younger women lawyers. McGlynn (1998), a solicitor and writer, also believes women lawyers may be discriminated against in terms of the more limited mentoring opportunities offered by law practices to them compared to their male counterparts. Dusky (1996) found that amongst respondents in her study, women lawyers were less likely to gain mentors than men due to the overwhelming masculine presence in law firms which tends to shut out women. Women lawyers often did not have mentors to show them the ropes whereas men did. The Canadian Bar Association report "Touchstones for change" (1993) reported that women lawyers still experience barriers to accessing mentoring opportunities. It stressed the importance of mentoring and stated that it is essential for a lawyer's career development. It concluded: "Women, however, experienced difficulty in

establishing similar relationships. The lack of strong mentoring relationships is a key factor in failing to advance in one's career because it is linked to problems with allocation of work, performance evaluations, and, ultimately, the partnership decision" (p. 90).

In a comparison study between 510 matched pairs of male and female employees in research and development organisations undertaken by Ragins and Cotton (1991), female respondents reported greater difficulty in obtaining mentors compared to men and indicated that male mentors were unwilling to mentor them. They also had less access to mentors and that were hesitant to initiate the relationship for fear their efforts would be misconstrued as sexual interest in the mentor concerned. However, in spite of reported barriers for women, researchers found that, in actuality, women were as likely as men to have mentoring relationships. The authors suggested that these women had somehow overcome initial barriers in obtaining mentors by exerting extra effort and determination to gain mentors or had reported greater barriers than actually existed.

Other studies have reported women indicating their similar likelihood to men in obtaining mentoring relationships or even more likely to obtain mentors in certain situations. For example, Bachman and Gregory (1993) noted that women in their study reported they were more motivated to get mentors, and in fact, reported more mentors than men. Fosh and Ng (2005) reported similar findings in their study of an airline company in Hong Kong. In their comparison study of mentoring in managerial, professional and technical positions Dreher and Ash (1990) also found women were just as likely as men to report having mentors. They suggested this may be due to the changing characteristics of the labour market, with more women workers than ever before, and companies becoming more concerned about giving both men and women training and mentoring opportunities. On closer examination, the contradictory findings of the studies above may be explained in part by the type of profession involved. In a traditionally masculine profession, more women seem to report difficulties in establishing mentoring relationships, for example, in law and management (as in Hill et al.'s 1989 study) and less women seem to report such difficulties in a traditionally feminine profession (as in Bachman et al.'s 1993 findings).

In summary, from the discussion of the literature above, study results reveal inconsistencies in differences between men and women's mentoring opportunities. Some studies highlight women's difficulty in obtaining mentors in the workplace, while others report women are just as likely as their male counterparts to have mentors. The majority of the studies, however, suggest differences between men and women's obtainment of mentors. Thus, I would argue that men and women's mentoring opportunities are different, and such differences may affect women's future career prospects.

4.2.3 Work and family responsibilities

Another frequently proposed situation centred explanation for the glass ceiling is the rigid work practice of long working hours without the offer of more flexible work arrangements for women. Employees in organisations face great pressure to work longer hours nowadays. This long work hours culture makes family life difficult to sustain. Traditionally, men were the only ones expected to work long hours and long work hours for women were frowned upon as it was thought their time would be better spent at home. However, in an increasingly competitive labour force, women are working long hours alongside their male counterparts in an effort to show their worth to organisations. For example, Hoschschild (1997) interviewed employees in a Fortune 500 company and noted that both men and women were putting in more hours at work, which subsequently created greater stress for their family lives.

The rigid work practice of long working hours creates greater difficulty for women as they also bear the bigger responsibility at home. Parasuraman and Greenhaus (1993) observed that "women have had to base their lifestyle decisions on factors that men have generally not had to consider, and consequently their career accomplishments have been limited by factors that have not impeded men's accomplishment" (p.206). According to Greenhaus and Parasuraman (1994), this difficulty arises from the fact that despite there being an increase in women's employment nowadays, the traditional gender expectations with regard to work and family roles still remain strong. For example, Nivea and Gutek (1981) noted that women have traditionally had primary

responsibilities for housekeeping and children, and these responsibilities have not diminished when they are employed outside the house - thus creating greater difficulties for women at work. Specifically, Hochschild and Machung (1990) in their study found that working women reported doing about 75 per cent of the household tasks (e.g. putting out the garbage, vacuuming, making beds, routinely preparing meals, caring for pets/plants, cleaning up, grocery shopping) and 80 per cent of domestic arrangements (e.g. remembering, planning and scheduling domestic chores and events, paying bills, arranging baby sitting) and taking more physical care of the children (e.g. tending a sick child, feeding, bathing a child, taking a child to daycare or to doctors) than men. Only 18 per cent of men did half of the tasks in all three categories above. Stockman et al. (1995) in their comparison study of family life in China, Japan, America, and Britain, indicated that women still shouldered the major responsibility for domestic work (e.g. cleaning the house, washing clothes and cooking) despite working full time. They also found, that in each society, mothers still had the major responsibility for the children.

Further, Karambayya and Reilly (1992) found women in dual-earner couples restructured their work activities around their family responsibilities more than their husbands. This is consistent with traditional gender role experiences. Support for women doing more work at home is also found in Parasuraman et al.'s (1996) study which showed that women entrepreneurs devoted more time to non-work related activities than their male counterparts. Thus, the difficulty women face in balancing their work and family responsibilities may damage their future career prospects. It has been suggested that the glass ceiling will not be shattered until and unless men share in the family responsibilities (*In the News*: 2000).

Schein (1993) also argues that there will never be equality for women at work unless something is done to correct the unequal division of labour in the family.

In the case of women lawyers, the scenario seems very similar to that in the studies cited above. Menkel-Meadow (1989) accused law firms of greedily demanding excessively long work hours from their employees. Dusky (1996) pointed out that this was because the more hours lawyers work, the more money the firm makes. This makes it particularly difficult for lawyers, especially women, to lead a balanced life as

they often have other obligations outside the office as they shoulder the majority of non-work responsibilities in the form of family and domestic obligations.

Further, McGlynn (1998) maintains that aside from the long work hours expected in the legal profession, women lawyers are also adversely affected in another way - the need for practice development to bring in business to the firm means working time will extend into private time. Men do not seem to have a problem with balancing their work and family life. A male lawyer can still have some semblance of a normal life as he usually has a wife or partner to take care of the other aspects of his life. For example, a National Law Journal in 1993 (quoted in Dusky 1996) surveying the top fourteen firms found that 60 per cent of married male lawyers had a stay at home partner. Martha Fay Africa (quoted in Dusky 1996), a former co-chair of the ABA's Glass Ceiling Task Force, commented that the wives of male lawyers are "the equivalent of traditional military wives who run the home until the warrior lawyer returns home to repack his suitcase" (p. 178). An interviewee in Dusky's (1996) study also commented on the extra help which male lawyers enjoy: "In effect, with such a couple you have two people working on one career. These wives make sure the man's shirts are back from the laundry, they help their husbands pack for business trips, they may have a meal waiting in the microwave when they get home at ten p.m." (p. 177). Women therefore make choices about work and family in the context of pressures not faced by most male lawyers - these choices do not occur in a neutral or equal context.

The Transitions Report (1991) revealed further discrepancy between Canadian lawyers' childcare responsibilities. Women lawyers reported their childcare responsibility amounted to an average of 49 per cent, whereas male lawyers reported a lower average of 26 per cent. In addition, the women lawyers reported the percentage of childcare responsibility undertaken by their partners or persons they lived with as 21 per cent, whereas male lawyers reported their partners were responsible for 61 per cent of such responsibility.

Williams (1990) argues that there will never be equal opportunity for women lawyers unless the pattern of legal work as defined by the model of the male worker is dismantled. She believes there is a real need for structural changes in the legal

profession. The gendered structure of labour, especially the inordinate time demand which creates difficulty between work and family life, has to be challenged.

Ramo (1997), a one time president of the American Bar Association and also a mother, notes the increasing difficulty in combining work and family life. She believes traditional work hours pose problems and urges law firms to be more flexible. Cox (1997) concurs with this and states there is a need to make real changes in the way work is done in law firms. There is no substitute for the development of more flexible policies and procedures in chambers and solicitors' firms to help women balance their work and family life better so as not to damage their future career prospects. The current way of law practice is simply damaging for all concerned, especially women who desire to have a life separate from work.

Harrington (1993) writes of the professional rules which affect women lawyers and the punishing work hours. In her view, the only solution to the latter is for women to ask questions about the normalcy of work hours-exactly for whom are they normal? It is ironic for a society which encourages women to assume the lion's share of childcare responsibilities not to then respect such role by ensuring women's working lives have the flexibility for coping with such demands (Fisher 1999). This unfairness was commented upon by The Canadian Bar Association's report 'Touchstones for change' (1993) which pointed to the lack of consideration given to the needs of women lawyers with family responsibilities. This lack may play an important role in their future career prospects: "One of the main causes of discrimination against women lawyers is the culture that surrounds work in the legal profession. That culture has been shaped by and for male lawyers. It is predicated on historical work patterns that assume that lawyers do not have significant family responsibilities" (p. 65).

Mossman (1994) also believes it is time to question current legal work arrangements. Women lawyers in Canada and America experience their legal work in terms of competing demands from work and family life to a degree which is not experienced by their male counterparts. Current legal work arrangements, especially in large private law firms, gender bias in men and women's current roles in society and family responsibilities all contribute to the glass ceiling problem for women lawyers, as well as the competing demands of work and family. Taken altogether the aforementioned

factors constrain the choices available to women lawyers, thus creating a gendered lawyering experience.

Dusky (1996) asserts that organisation of law practice based on the life situation of a male lawyer with little or no outside obligations is unfair. Most women lawyers interviewed in her study commented that it was extremely difficult to have any semblance of a normal life! One interviewee commented that she had not used tableware for two weeks as she had been eating takeaway food in the office.

McGlynn (1995) indicated that many women solicitors would like to have the option of working part time, mostly to take care of their children - thus questioning the need to work the long hours associated with the profession. However, it is a view frequently expressed that clients are unwilling to accept part-time solicitors since they wish to be able to command the attention of their solicitor at all times. At present, there seems to be a lack of initiative and enthusiasm on the part of the legal profession to introduce greater flexibility into the profession. For example, a survey conducted in 1992 regarding the work hours of solicitors in Liverpool and Manchester highlighted the lack of flexible working arrangements and inadequate maternity provisions within law firms. Fifty three per cent of firms involved in the survey reported that they did not provide alternative work arrangements such as part time work or job sharing. Only 4 per cent of firms provided formal maternity provisions and the vast majority of firms indicated that individual lawyers had to conduct their own negotiations.

Notwithstanding, the 'Soliciting Equality' report published by Young Woman Lawyers (1995) points out that a number of successful large firms are demonstrating that it is possible to remain successful despite not working long hours. Clients want the best possible lawyer, who is not necessarily the one who works full time. This report found that almost half (43 per cent) of respondents allowed partners to work part time and well over three quarters (79 per cent) allowed assistant solicitors to do so. According to Dusky (1996), the law is very well suited for part-time work, due to the fact that attorneys generally worked on several cases part time, with the exception of a case going to trial. Moreover, billing sheets are usually broken down into different time segments. On account of the part time nature of the law, it should be

easy to schedule work around family demands. However, this is very seldom done, and doing part-time has the effect of branding the woman lawyer as a not serious player and stigmatising her career.

It is clear that not only do women bear the majority of non-work responsibilities, there is also the greater possibility of such responsibilities interfering with their work life. This is because women's work and family demands are simultaneous whereas for men, they are more typically sequential. For example, a woman may be called at work regarding a sick child (simultaneous demands) whereas, unless the demands are urgent, the father can fulfill role obligations after work hours (sequential demands). Such difficulties may lead to work-family conflict. Therefore, basic assumptions about the way work is done need to be questioned and challenged in order to change the design and structure of work to facilitate the balance between work and family. The work world is still structured as if there was a full time spouse at home taking care of domestic and childcare responsibilities. For as long as women continue to bear the major share of domestic responsibilities, the rigid demands of a full time career will continue to bar their way to the top.

4.2.4 Studies on work-family conflict

In the previous section, I have discussed the literature on the difficulty women face with work practices because of their family responsibilities. This difficulty may lead to women experiencing greater work-family conflict.

The interface between work and family life can either create conflict or integration for the persons involved. Most research on the work-family has concentrated on areas of conflict which might arise from these two separate spheres or domains. There have been relatively few studies which acknowledge the possibility that work and family may have positive effects on each other.

A notable few, for example Marks (1977), suggest that instead of the enactment of multiple roles required in balancing work and family needs depleting time and energy, participation in multiple roles may in fact expand or increase resources and thus

create more energy. The result is an enhancement of the overall well being of the individuals involved. Marks argues that the work-family conflict perspective arises because of the 'scarcity approach' hypothesis which is prevalent in the work-family literature. This assumes time and energy levels are fixed, and, therefore, people who participate in multiple roles will eventually experience impairment to their well being as a result of the depletion of both resources in acting out multiple roles. The scarcity approach stresses that multiple roles are very demanding on energy reserves. Marks (1977) instead proposed 'an expansion approach' where participation in multiple roles can expand rather than deplete resources and create energy, thereby enhancing overall well being: "Some roles may be performed without any net energy loss at all, they may even create energy for use in that role or other role performances (p. 962). He argued that the human resources of energy and time are flexible and abundant.

Siebert (1974) also suggested that multiple role participation may result in positive rather than negative outcomes. He argued that the benefits of role accumulation outweigh any stress which might arise. He identified several positive outcomes of role accumulation, such as role privileges, overall status security, resources for status enhancement and enrichment of the personality, and ego gratification. Status enhancement and personality enrichment can result in psychological wellbeing and health. Status enhancement refers to the application of resources derived from one role to another. Thus, the generation of money, status, connections, and other resources from work or family can promote well being in the other domain. Personality enrichment refers to the transfer of skills or attitudes developed within one role to solve problems in another role. Kirchmeyer (1992a, 1992b, 1993) also found no support for the scarcity approach in her studies on spillover from work to family. Instead, she found that positive work-family spillover resulting in enhancement was more likely to occur than negative work-family spillover resulting in conflict.

Hence, most studies suggest that conflict is more likely to occur than integration. Kahn et al.'s (1964) study on organisational stress was amongst the first to identify inter-role conflict as a source of work stress- "role pressures associated with membership in one organization are in conflict with pressures stemming from membership in other groups (p. 20). They defined role conflict as the "simultaneous

occurrence of two (or more) sets of pressures such that compliance with one would make it more difficult compliance with the other” (p. 19).

Greenhaus and Beutell (1985) later applied Kahn et al.’s (1964) role conflict perspective in their work. They identified three types of work-family conflict: (1) time based conflict, where time spent in one role cannot be devoted to another role. This includes hours worked per week, hours commuted per week, frequency of overtime, and inflexibility of work schedules; (2) strain based conflict: where strain syndromes, e.g. anxiety, tension, fatigue, apathy, depression and irritability in one role affect performance in another role. Absence of support in the family unit, e.g. lack of spousal support, may contribute to work-family conflicts and (3) behaviour based conflict: where the specific behaviours required by a role make it difficult to fulfill the requirements of another role. They noted that behaviour based conflict is less well documented than the other two types of conflict, confirmed later by Greenhaus (1988). Greenhaus and Beutell (1985) defined work-family conflict as arising from “simultaneous pressures from both work and family which are mutually incompatible in some respect” (p. 77). Participation in one role is made more difficult due to this incompatibility with the other role.

Work-family conflict has negative repercussions for the individuals involved. For example, it has been suggested that dissatisfaction and distress in work and family spheres arise from prolonged conflict (Frone et al., 1997; Parasuraman et al., 1996). Netemeyer et al. (1996) observed that the sources of work-family conflict are generally (1) demands, e.g. responsibilities, requirements, duties and commitments, of a role; (2) time devoted to a role; and (3) strain produced in a role interfering in the performance of another role, e.g. anxiety, irritability. This is similar to Greenhaus and Beutell (1985). Higgins et al. (1992), Rice and Frone (1992), and Chiu (1998) have suggested that work-family conflict can also produce a negative quality of life, as studies have shown that work-family conflict is negatively correlated with overall quality of life. Quality of life involves the individual’s affective beliefs and evaluations (or attitudes) regarding his/her own life (Rice and Frone, 1992). Goff et al. (1990) discovered that high levels of work-family conflict are related to high levels of absenteeism in the workplace. In extreme circumstances, it may lead to dysfunctional behaviour such as alcoholism (Frone et al., 1993).

There are two directions for interference between work and family roles to occur - either work demands interfere with family life or family demands interfere with work. Netemeyer et al. (1996) defined work-family conflict (WFC) as “a form of of interrole conflict in which the general demands of, time devoted to, and strain created by the job interfere with performing family related responsibilities” and family to work conflict (FWC) as “the form of interrole conflict in which the general demands of time devoted to, and strain created by the family interfere with performing work-related responsibilities” (p. 401).

Research, however, suggests that interference of work into family life is more likely to occur than the converse since family life allows for more permeability of its boundaries than work life (Eagle et al., 1997; Gutek et al., 1991; Matsui et al., 1995; Netemeyer et al., 1996; Frone et al., 1992). The demands of the work role are permitted to intrude more in the family role than vice versa due to the fact that such demands made by organisations are deemed as more important than family demands due to economic necessity. An illustrative example is Higgins et al.'s study (1992) conducted on 220 career oriented individuals with children. They found work conflict was a greater predictor for work-family conflict than family conflict. They reasoned this was because individuals do not have as much control in their work life, therefore, family life has to adjust to work schedules. They also found that quality of work life was a more powerful predictor of life satisfaction than quality of family life. This was supported by Kossek and Ozeki (1998) who also found work family conflict (WC) bears stronger negative relationships with job satisfaction and life satisfaction than family to work conflict (FC).

4.2.5 Gender differences in work-family conflict

There are some studies which suggest that men and women experience similar levels of work-family conflict. For example, Frone and Rice (1987) discovered no gender difference with regard to the level of work-family conflict experienced by 141 non-teaching professionals at a major public university. Loerch et al. (1989) also noted that men and women reported similar levels of strain based and behaviour based conflict in their study on 156 employees holding administrative or support positions in

a university. Voydanoff (1988) examined the relationship between work characteristics (e.g. amount of work time and scheduling of work demands) and family characteristics (e.g. time spent in family work, spouse's work hours, number and ages of children) to assess their importance in relation to work-family conflict amongst men and women. She found men and women experienced more similarities than differences for levels of work family conflict.

In stark contrast, Vinnicombe and Colwill (1995) contended that life differs for men and women in various ways, many of which exert a profound impact on their working and personal lives. Women are more likely than men to be absent from the office, to work part-time in the interest of the family, or to accept the major share of the household and family responsibilities, thus placing additional strain on their time, energy, and areas of commitment.

Duxbury and Higgins (1991) in their study on the antecedents and consequences of work-family conflict, found gender differences in the levels of work-family conflict experienced amongst the sample of 131 men and 109 women in managerial or professional jobs. Specifically, gender differences were observed in 11 out of 17 measures used. They suggested this was the result of societal expectations and behavioural norms that people face as they occupy a combination of roles, rather than the result of inherent biological differences. Women with high work involvement experienced higher work-family conflict compared to men. They experienced more work family conflict due to family conflict as home maintenance and childcare are still the domain of women and work demands make it more difficult for them to perform their family tasks. In addition, Frone et al. (1992b) in their survey of 278 men and 353 women also found women experienced more frequent work-family conflict than men. Hammer et al. (1997) similarly noted men reported lower levels of work-family conflict than women in their sample of 399 dual earner couples. Wiersma (1990) also reported that working mothers experienced more work-family conflict than their male counterparts amongst a sample of 155 males and 161 females. Another study on dual career families undertaken by Hochschild and Machung (1990) reported that women typically spend more combined time on work and family activities than men. It is thus not surprising that women experience more work-family conflict in comparison to men.

In their study on role stressors and perceptions of work-family conflict, Williams and Alliger (1994) used daily reports for one week of 41 working parents and found that the women reported experiencing more work-family conflict than the men. They attributed this to the fact that women spend more time on non-work responsibilities, e.g. childcare and home management, than men. Likewise, Wiersma and Van Den Berg (1991) in their study on 102 men and 106 women who were parents employed full time, found that women continued to spend more time than men on home and family activities and suffered more conflict compared to men due to their additional household and family chores on top of their work load. Domestic responsibilities were found to be a mediator between gender and role conflict in their study. The Hansard Society Report (1990) highlighted the responsibility for the care and well being of the family as one of the barriers for women in their careers.

Davidson and Cooper (1984) found women managers reported experiencing more occupational stress compared to their male counterparts in their study. Similarly, in their study of role conflict between professional and familial roles amongst teachers, Greenglass et al. (1988) found that the women experienced higher levels of role conflict compared to the men. Gutek et al. (1991), in their study of work-family conflict amongst psychologists and managers, also indicated more women reported experiencing work-family conflict than men.

How to reconcile the differences found in the studies above? I suggest that in the studies which found no gender differences in the level of work-family conflict, the women may have purposely selected to work in areas which they felt were less demanding and therefore unlikely to generate much work-family conflict. Some of the women also may have purposely chosen to remain single or childless in an effort to circumvent conflict from occurring between work and personal life. The study findings of Powell (1988) and later Parasuraman and Greenhaus (1993), that the work-family conflict level for women who are single or childless is similar to that of men, are suggestive of this.

It would also seem that women's work-family conflict is occurring worldwide and not just in developed Western countries as Aryee ((1992) noted that urban, middle class

women in Singapore are also starting to experience work-family conflicts which Western working women have already been experiencing. The married professional women in his study all experienced the three types of work-family conflict studied (job-spouse, job-parents, job-homemaker).

There is a real need to address the issues discussed above (difficulty with work practices and work-family conflict for women), as Brockman (1994) found women more likely than men to cite lack of flexibility in working arrangements offered by law firms, work hours demanded by practice, and childcare commitments as reasons to leave law practice. Men were much more likely to cite the desire to use different skills as reason for leaving law practice. The aforementioned finding was also supported by Thornton (1996), who observed that due to the long work hours, many women lawyers found it very difficult to balance their lives successfully. As a result, some were leaving private practice and seeking alternative employment in the public sector, academia, corporate business sector in order to lead satisfying lives with time for families and other pursuits.

The literature also suggests it is possible to enhance work-family role experience by making certain changes to the structural characteristics of the work role, i.e. by introducing flexibility to the way that work is currently being done. For example, Hammer et al. (1997) found that making flexible work hours available to employees in organisations results in less work-family conflict as this flexibility enables the individual to have greater control over his/her life and fulfill his/her responsibilities better.

In summary, the literature strongly suggests that women in the legal profession and other contexts have great difficulty in coping with their work practice because of their greater share of non-work responsibilities in comparison to men. However, the results from studies of differences between men and women's work-family conflict are inconsistent. While some studies have found little or no gender differences, most have highlighted gender differences. Thus, I would argue that female lawyers will have greater difficulty in coping with work practices because of their greater share of non work responsibilities and this may lead to different levels of work-family conflict, all of which will impact on their future career prospects of getting to the top.

4.3 The social system centered explanation for the glass ceiling

In the section above, I reviewed previous studies on the two components for the situation centred explanation. In this section, I have classified two components for the social-system centred explanation for the glass ceiling, specifically, the negative stereotyping of women's work commitment and ability and difficulties in networking for women.

4.3.1 Underlying masculine culture

In order to understand the social system centred explanation for the glass ceiling, it is first necessary to locate the historical underpinning and importance of the masculine culture in Western society and to see how this, in turn, produces negative stereotyping of women and contributes to networking difficulties for women in the workplace. Marshall (1984) suggested these problems are due to the prevailing patriarchal social system in which the male is considered superior to the female and this ideology also affects women in organisations.

In ancient Greece, there was a clear separation between the public sphere or 'polis' and the private sphere or 'oikos'. The 'polis' was regarded as the realm of freedom and equality, whereas the 'oikos' was the realm of inequality and subordination. The master, planted clearly in the realms of 'polis', reigned supreme over his wife and slaves who were bound in the state of 'oikos' due to the widespread view that they lacked the requisite cognitive skills.

This separate spheres ideology was instrumental in shaping the later Western tradition. Throughout the centuries, women were confined to the private sphere of the home as part of their matrimonial or filial duty, whilst men played a more dominant role in the public sphere, e.g. work and politics. The prospect of women becoming breadwinners was seen as a threat to the sanctity of this ideology and to the very way of life itself.

Many writers argue that the glass ceiling exists in the modern workplace because of the persistence of this duality ideology (McGlynn, 1998). According to Thornton (1996), the public sphere is still regarded as the sphere of rationality and intellectual endeavour whilst the domestic sphere represents nature, nurture and non-rationality. Women are thus viewed as a disorderly and dangerous force and to include them in the public sphere could lead to possible corruption of the public sphere values of rationality and objectivity. Symons (1992) suggests that the glass ceiling's persistence is due to the fact that organisations are gendered and therefore all social relations are gendered too. Acker (1990) described the gendered organisation as follows: "advantages and disadvantages, exploitation and control, action and emotion, meaning and identity, are patterned through and in terms of masculine and feminine. Gender is not an addition to ongoing processes, conceived as gender neutral. Rather it is an integral part of those processes" (p. 8).

In other words, men still lead organisations, so it is they who determine the culture at work. In institutions and organisations, the hierarchy of male dominance and female subordination is replicated and as newcomers enter into such organisations, they encounter a long standing dynamic of domination and subordination which is already well embedded. Harlow and Hearn (1995) defined culture as the rules by which the organisation is run and by which organisational members operate. Rules constrain, guide and define social action. They can be written and formal or unwritten and informal. As men usually control organisations, both formally and informally, it is they who generally make the rules. Even though women are rightful members of the organisation in which they work, in reality they are just travellers in a male world (Marshall 1984). They can never really claim they belong there.

Turning to studies of female lawyers, the literature suggests they face similar barriers. Thornton (1996) states there exists a 'homologous relationship between masculinity and legal practice' and this relationship is at the root of the problem for women in the legal profession as this homologous relationship emphasises masculine characteristics, such as assertiveness and competitiveness. These characteristics are considered right and normal for the legal environment. In sharp contrast, femininity is perceived as a deviation from the norm and is characteristically depicted in terms of

emotion and affectivity. It is not surprising then that female lawyers will be perceived as outsiders and will face stereotyping and exclusion from informal gatherings. Jack and Jack (1989) have also noted the masculine culture prevalent in the legal profession. They have attributed this to sports as 'the first stage of pre-law training'. According to them, the character building of competitive sports prepares men for life in an adversarial society.

4.3.2 Studies in commitment

Becker and Carper (1956) were early pioneers in the study of commitment in the workplace. They defined three types of experiences related to commitment: (1) investments - time spent in training; (2) involvement - with colleagues; and (3) interest in the skills of the profession. Later, Gouldner (1957, 1958) expanded on this concept of commitment with his typology of two types of workers: "Cosmopolitans" and "Local". He described a cosmopolitan worker as one who is committed to the profession whereas the local worker is one who is committed to the organisation itself. Later works have focused more attention on the concept of organisational commitment than professional commitment.

There are conflicting views as to what constitutes organisational commitment. On the one hand, organisational commitment has been perceived as the result of psychological bonding of the employee to the organisation. The degree of psychological bonding is determined by factors, such as degree of involvement, identification, and desire. The more the employee identifies and involves himself/herself with the organisation, the higher his/her level of organisational commitment will be. Others, such as Salancik (1977) have argued instead that organisational commitment is best measured by observing the behaviour of the employee. A committed employee will act in a manner differing from that of one who is not committed. Likewise, Becker (1960) argues that commitment is displayed by the employee's actions rather than his/her attitude.

I suggest that the conflicting views as to what commitment is exactly can be better answered by combining both views in order to obtain a more comprehensive

understanding of it. Commitment can be ascertained by the action and attitude shown by the individual towards his/her organisation. Meyer and Allen (1984) have suggested that it is unwise to place emphasis on one approach over another and that a more complete assessment of commitment may necessitate combining both approaches.

4.3.3 Gender differences in work commitment

There are some studies which suggest that women are less committed to work than men. For example, in their study, Greenberger and O'Neill (1993) observed that men reported greater commitment to work and spent more time on work and work-related activities than women. Women continued to spend more time on non-work related activities. Burley (1991) in her sample of 79 men and 198 women involved in dual careers, also found a gender difference with regard to time involved in non-work activities, with more women reporting spending time in such activities compared to men. Schwartz (1989) suggests women are generally less involved in their careers because their family responsibilities are their primary focus of attention. In their study, Uhlenberg and Cooney (1990) reported that for women physicians, marriage and children reduced their organisational commitment. Chusmir (1986) also reported that having a family reduced a woman's work commitment. Further, Pittman and Orthner (1988) in their study of commitment in the Air Force found women reported lower levels of work commitment than their male counterparts. They suggest this may be due to the fact that women have more difficulty with the fit between work and family.

Hakim (1991) claimed that the career commitment of women is lower than that of their male counterparts. She distinguished two groups within the female work force: (1) self made women and (2) grateful slaves. The first group sees work as a career and not merely a job. Work is of paramount importance to them and since they are interested in climbing career ladders into high positions while the second group view work as of secondary importance. For them, their roles as wives and mothers come first. According to Hakim (1991), in the female labour force, there is a minority of the self made women and a majority of the grateful slaves. Interestingly, Hakim used a

unidimensional concept of commitment which was simply based on one question being asked of full time and part time workers regarding the desire of women to work in the absence of the financial need to do so. In actuality, there was very little gender difference with regard to work commitment amongst full time workers. Further, Hakim relied heavily on the viewpoint of employers about the instability of women workers (this was directed towards part time workers).

In contrast to the above studies which show gender differences with regard to level of commitment (measured primarily by time spent at work), Coates (1998) found women reported they were as committed and loyal to the organisation as their male counterparts, especially if they were unlikely to leave for other jobs or become self employed. However, women are still seen as poor bets for organisational commitment and as long term employees. McKeen and Bu (1998) observed both male and female Chinese business students expressed similar levels of work commitment. Nonetheless, female students expressed doubts that their commitment would propel them further in their career advancement. In her study, Morley (1994) observed that women academics professed to be committed to their work - even to the stage where they had a tendency to overwork compared to their male counterparts.

In sum, the result of research conducted on women's commitment is conflicting and far from clear. It could be argued that most of the studies on commitment seem to focus on just one focal point - time - rather than also include psychological or affective involvement which is just as important. For example, in a study combining both affective and time aspects of commitment, Kaldenberg et al. (1995) found that women dentists were spending less time doing professional work than men dentists but did not differ in their attitudes towards commitment to work. Thus, the women in their study only showed less behavioural professional commitment than men in terms of time spent at work and did not differ in their attitude towards commitment.

4.3.4 Negative stereotyping of women's lower work commitment

Working long hours in the office is generally perceived as a sign of commitment to the organisation (Schein 1993). Fixed, full time schedules are the norm with career success characteristically dependent upon full time, uninterrupted commitment to an occupation. The prevalence of this 'male model of work' assumes that the ideal employees are those who work long rigid hours without allowing family or other responsibilities to interfere with work (Cook 1992).

Such standards may have dire consequences for women who have dual responsibilities. Employers may interpret women's attention to family responsibilities as reflecting their lower commitment level to the organization compared to men. For example, Jones and Causer (1995) found that women's work commitment was often questioned by the organisation to a degree not experienced by their male counterparts.

The ideal worker's attributes are often thought of as masculine characteristics and therefore women are not seen as good workers or even leader material due to this negative stereotyping. Women various negative stereotyping as a result of bias on the part of the dominant culture in organisations (i.e. men). Crowley et al. (1973) discovered stereotypes regarding women's motivation and aspirations abounded in organisations. Similarly, Davidson and Cooper (1992) found women were still held back by prejudicial attitudes in Britain and faced blocked promotional advances. O'Leary (1974) also noted that as women do not comply with the 'male managerial model' - they face negative organisational attitudes towards them which act as barriers to them reaching top positions.

Women are often portrayed as being less committed to their work and also as less able to do the work in comparison to men (these two stereotypes will be examined in greater detail below). This is especially so when the women work in traditionally masculine professions. For example, Corcoran-Nantes and Roberts (1995) in their research on women in male dominated industries (automobile, oil, motor car, telecommunication manufacturer and service industries) found women still face

negative stereotyping of their commitment and ability in areas still regarded as belonging to men.

Rosin and Korabik (1990) also found married women with children were more likely than single women to hold lower level jobs or be unemployed as they are viewed as lacking work commitment. In his study, Burke (1997) observed significant differences in women's work prospects due to gender and marital status. The presence of a family seems to be damaging to women's career progress as organisations often insist on total commitment (in terms of time) and involvement, and women are less able to meet such demands due to their dual responsibilities. Thus they are perceived as not as committed as their male counterparts.

Pfeffer and Ross (1992) also noted marriage had a detrimental effect on women's work related achievements compared to men. Marriage was found to have a positive impact on men's work wages whereas married women were paid less in comparison. Married men were perceived as stable and responsible, which may be explained by the conformance to social expectations argument - men are expected to marry and support their families whilst working women should work only because of divorce or being widowed. Their wage has been referred to as the 'family bonus'. It has been suggested that married men are rewarded due to the perception that they are more mature and responsible due to their marital status. Married women on the other hand are perceived as not stable and not committed to work.

Tharenou et al. (1994) made similar observations. Marriage appeared to inhibit women's career prospects as they were viewed as being more committed to their families than work. They found married women with children did not appear to be promoted as much as men. Lewis and Cooper (1988) in their study also reported that organisations were less willing to invest in women's career development compared to men as a result of them being perceived as less committed to work in comparison to their male colleagues. Support for this view is also found in Valdez and Gutek's (1987) study. They reported that employers viewed marriage and children as a burden or hindrance for a woman's career development but as assets for a man's career progress. The impact of marriage and children are typically seen as detrimental to women's work commitment due to conflict between parental and work

responsibilities. Organisations generally view women's family commitment as being detrimental to their work commitment.

In contrast, some studies have reported that marriage does not affect the way that women's work commitment is viewed in the organisation. For example, Schneer and Reitman (1993) found that being a mother had no effect on women's work outcomes in a sample of 925 male and female managers with MBA degrees. The women did not seem to be affected by any negative perception of their commitment by their employers. Lobel and St Clair (1992) also reported that being married and having children did not affect merit increases for women.

In the case of women lawyers, negative stereotyping of women as being less committed to their work also plagues their career prospects. Collier (1998) has argued that men hold the monopoly on cultural, economic and social capital in the legal profession. This is partly due to men's exemption from childcare. They are thus able to devote long hours in the office and in turn are rewarded for this supposed devotion, as the legal profession associates visible displays of availability to work long hours with personal commitment to the institution. However, this does not take into account attitudinal involvement and bonding of the employee with his/her organisation.

The literature on female lawyers shows numerous examples of women being perceived negatively in terms of commitment to work. For example, McGlynn (1998) indicates that where once women solicitors were at a disadvantage because of marriage, now they seem to face limits on their career progression after having children. She believes this is due to the fact that pregnancy is seen as problematic by employers as it necessitates women solicitors taking breaks from continuous employment and this signals reduced commitment to the work. Having children is viewed as an unjustified interruption to the law firm's business routine. Law firms view the arrival of children as a sign of women's wavering commitment to their work.

Dixon and Seron's (1991) study on lawyers in New York found that women with children were considered to be 'unstable professionals'. Their commitment to work was frequently questioned. The Equal Opportunities Commission report 'The lifecycle of inequality' (1995) also showed that women solicitors' careers are

negatively impacted by having children as their commitment levels are always questioned by their employers. In a study on Canadian lawyers, Brockman (2001) reported that women lawyers often felt they were discriminated on the basis of their family, with 10 per cent of women and only 2 per cent of men reporting that their work commitment was regarded as different from those of single lawyers. *The Independent* (1990) reported that women in the Bar were still expected to have “invisible pregnancies and self-raising families”. An extreme example of such prejudice can be seen from an article in *The Guardian* (1997) which reported that a woman solicitor was advised to have an abortion upon informing her employer of her pregnancy. It was also reported in another instance, that the employer had offered to pay for the abortion for the woman lawyer involved (quoted in McGlynn 1998).

Women lawyers are also asked more questions regarding their families compared to men when it comes to interviews in an attempt by the prospective employer to gauge their commitment level. In the case of women barristers, the Without Prejudice (1992) report found that 39 per cent of women were often asked questions regarding their marriage and children when applying for tenancies compared to only 15 per cent of men. Gibbs (1998) also reported that one woman pupil was asked at five out of six tenancy interviews about her childcare arrangements. Most American women lawyers interviewed by Dusky (1996) for her book commented that they were often asked questions regarding their family obligations in an effort to assess their work commitment. This was in line with the findings of a 1990 survey conducted by the Young Lawyers Division of the ABA (American Bar Association) which indicated that more than 30 per cent of women interviewed were asked about their family arrangements and at least 25 per cent were asked about future plans regarding children and spousal support. In comparison, only 6 per cent of men interviewed were asked future plans for marriage and only 20 per cent were asked their marital status.

This frequently reported intolerance towards family and other obligations is due to the fact that lawyers are now expected to work excessively long hours. It is not uncommon for big law firms to expect up to 14 ½ hour days, 7 days a week. The long work hours associated with law practice negatively impact on women lawyers with families as they are less likely to spend as much time in the workplace compared to their male colleagues with fewer family responsibilities. As a result, they are often

viewed as lacking commitment compared to their male counterparts. Sommerlad (1996) in her study reported that women lawyers felt they were perceived by their employers as lacking work commitment as they had difficulty balancing their work hours with family demands. Women lawyers with children are generally believed by their employers to lack commitment, which is the characteristics most employers identify with professionalism.

The penalty of having a family is commonly experienced by women in the legal profession. In their study on Canadian lawyers, Hagan and Kay (1995) found that fathers and mothers were treated differently by their employers. Whereas being a mother represented a deficit of commitment to the law firm, this was not the case for fathers. Male lawyers who were fathers were regarded as being more responsible and committed to work. The 'Without Prejudice' report (1992) also reported that there were more women squatters (36 per cent) than men (18 per cent) (practicing from chambers without being a full tenant). Women also squatted for a longer period compared to men. Again, this was because they were viewed as not having as much commitment to work as their male colleagues.

4.3.5 Negative stereotyping of women's work skills

The gendered division of labour in organisations may also manifest itself in the form of horizontal segregation whereby men and women work in different types of work areas or occupations (Buswell and Jenkins 1994). Horizontal segregation may also play an important role in perpetuating and maintaining the glass ceiling in organisations. It has been suggested that horizontal segregating results from the negative stereotyping of women's work skills. As Kottis (1993) has argued, women are judged by different criteria compared to men in organisations due to men's perceptions about women and their roles and capabilities.

Some writers assert that the negative stereotyping of women's work skills resulting in horizontal segregation has its roots in the selection process of organisations, whereby jobs are allocated based on the gender of the applicant and not the actual true qualifications of applicants. For example, Perry et al. (1994) found gender segregation in organisations in their study and suggested this was due to the selection processes

which were inherently biased. They found that women were relegated to jobs that were deemed as more 'feminine' whereas men were directed towards jobs that were more 'masculine'.

The literature is filled with many instances of women facing negative stereotyping of their work skills. Bruegel and Perrons (1995) observed a gendered division of labour in organisations at a variety of levels with different jobs being allocated to men and women. Gammie and Gammie (1997) also found women were segregated into less prestigious functions of the accountancy profession whereas men were often moved into better areas of work. In her study on women engineers and scientists, Devine (1994) noted that women faced negative stereotyping of their work skills in traditionally masculine professions. The traditional masculine image in these types of professions was still very much present. Further support for gender segregation is provided by Buswell and Jenkins (1994) who found examples of horizontal segregation, with the women segregated to certain jobs seen as more suitable for them than men.

In the case of women lawyers, stereotyped assumptions regarding what women lawyers are good at or not, also influence their employment in different areas of legal practice. There are several sources of negative stereotyping of their legal skills. For example, the Without Prejudice Report (1992) which was commissioned by the Bar Council and the Lord Chancellor's Department, found many women lawyers believed there was unfair distribution of work, with 38 per cent of them citing their clerk as the source of discrimination. There were also clear indications of women and men directed to working in different areas of the law. Only 68 per cent of women compared to 89 per cent of men practised in their area of preference. Women barristers were usually found working in areas such as family law whereas men were usually found practising commercial or criminal law as these areas were thought to be more suitable for the respective genders. This negative stereotyping of women's work skills in the British legal profession has also been commented upon by Kennedy (1992).

Flood's research (1993) also found many clerks employed discriminatory practices towards women barristers' work allocation. McGlynn (1998) also asserts that women

barristers are often given work based on the stereotypical assumption of law clerks. Work in chambers often comes with no request for specific barristers. As such clerks have the power to distribute work as they see fit. Women barristers are allocated work in areas deemed to be 'women's work' such as family law whereas men are given cases considered more appropriate to them, such as commercial law. In addition, women are assumed to naturally gravitate towards certain types of legal work due to their supposedly inherent feminine qualities. Even single women are affected by the stereotyping of women with children as more committed to the home, emotions and playing a supportive role to men, while men are associated with work, rationality, and authority. Women are viewed as less authoritative or work oriented because of such associations, due to the fact that they do not apparently conform to the image of the ideal worker inherent in the masculine culture of the legal profession.

In their comparison study on professional women in Britain and France, Hantrais and Walters (1994) also observed there existed type casting of jobs for women based on their gender. They were more often found in areas deemed more compatible with their perceived ability. In Canada, the 'Touchstones for Change' report (1993) commented that women lawyers were still perceived as different and this perception impeded their career progression. The report revealed a gendered allocation of legal work with women lawyers being allocated more 'pink files' involving less high profile matters, less client contact and reduced opportunities to develop legal skills and a client base compared to men with their 'blue files'. Problems with clientele preference for male lawyers were also revealed. The report stated: "It has been suggested that women are segregated into certain areas of practice, that they are channelled into family law and estate practice, and are unable to fully penetrate corporate or general litigation practice" (p. 86).

Shuaib (1991) reported that women barristers were still channelled into appropriate areas of law on the basis of their gender. For example, certain areas of law such as crime and commerce "are considered to require assertive or aggressive practitioners, and women are not thought to have the necessary qualities". Harrington (1993) in her interviews with 100 American females, ranging from law students, practitioners, judges, etc. found men were doing more trial work compared to women. However, it

is important to note that her interviews excluded the views of male lawyers, thus provided a rather unbalanced approach to the subject. Further, use of the interview alone may not be the most reliable research tool.

The Australian Law Reform Commission Report 'Equality before the law' (1993) also revealed that stereotyping of skills existed for Australian women lawyers. The report is significant as it was the first time that the concept of gender bias and discrimination had entered into official knowledge in Australia. It stated that 'gender bias arises from stereotyped assumptions about the roles of men and women' (para 3.28) and concluded that 'the law is gendered, that is, as being responsive principally to the needs and experiences of men and as operating principally from the perspective of men' (para 3.37).

Thornton (1996) found organisational resistance to the acceptance of women as authoritative legal knowers. In her interviews with 100 Australian women, she discovered many of her respondents' training obligations were not taken as seriously as those of men, and women were frequently denied the opportunity to obtain experience in non-stereotypical areas of the law. Some clients even questioned the ability of women lawyers, demanding proof of their formal credentials or asking if they could speak instead to the boss. She also referred to problems with solicitors and barrister's clerks stereotyping cases given to women lawyers. However, her study concluded only the views of female lawyers, it is possible male lawyers had similar experiences. Moreover, the reliability of the findings may be questioned as the interview was the only research tool used.

Brockman (2001) in her study on Canadian lawyers, also found gender differences in the type of law practised amongst her 100 respondents and suggested this was because they faced stereotyping of their abilities based on their gender. Women were more likely to practise family law than men (20 per cent of women compared to 14 per cent of men). Men were more likely to practise in more lucrative areas of the law, such as real estate, corporate-commercial and criminal law compared to women. Twenty six per cent of the women and only 6 per cent of men in her study identified assignment of work as a form of discrimination against women lawyers. Female respondents

reported they were expected to practise family law, even against their wishes. She termed this the “pink-collar ghetto” in family law (p. 98).

Dusky (1996) asserts there is a real need to question why the representation of women is uneven in different practices of law. In spite of their better work, women lawyers often do not get the respect accorded to their male counterparts. Dusky suggests this is because women are still perceived as not effective lawyers because they do not have the right macho attitude: tough, loud and abrasive. She believes this is due to the fact that law firms are not subjected to the same scrutiny as organisations by the Equal Employment Opportunity Commission to ensure they employ diversified workforce. She also noted that some women interviewees resorted to adopting the macho attitude of male lawyer in an attempt to circumvent the negative stereotyping attached to women in this profession. However, she pointed out that this adoption of machoness could backfire. One woman interviewee in her study said, “If a woman was aggressive she was a bitch. If she were nice, she was too weak to be a good lawyer. You couldn’t win either way” (p. 180). According to her interviewee, women lawyers are still being put into different categories: the good girl, bad girl, tough litigator, soft litigator - and it seems that they are not allowed to cross over these categories and develop more rounded personalities.

Negative stereotyping of women’s work skills can be particularly damaging to their future career prospects as it may have the adverse effect of keeping them in the same position permanently and thus maintaining the glass ceiling. Consider Kanter’s (1977b) assertion that the gender composition of any occupation affects not just relations amongst the group members but is also likely to affect the gender composition of such occupation in the future too. Cohen et al. (1998) also suggested that when a man or a woman is perceived as productive in a certain job or is easy to train, then that job will subsequently be reserved for that gender in the future. With the passing of time, this gender-typing or casting of jobs will be taken for granted and will be likely to persist, despite changes in the qualification of male and female applicants. This practice has the result of reinforcing bias against women when they apply for jobs that have been traditionally seen as more suitable for men. Support for the study findings above can be seen in Ely’s (1995) study where she found low numbers of women partners reinforced women lawyers’ stereotypical roles in law

firms. This becomes even more problematic in firms with very low numbers of women partners. McGlynn (1998) also argued that women lawyers' negative stereotyping has negative repercussions for those wishing to attain partnership status as the partners are less likely to view their application as seriously as they would a man's.

In summary, the literature strongly suggests that women in the legal profession and in other professions face negative stereotyping of their work commitment and work skills. Thus, I would argue that male and female lawyers' work commitment and ability will be perceived differently and this may affect female lawyers' future career prospects.

4.3.6 Networking

Another social-system centred explanation for the glass ceiling suggests that women in organisations may face the glass ceiling due to barriers they face in networking. This is because men prefer to socialise with other men outside of work and thus exclude women from such socialisation. The significance of such socialisation lies in the fact that business and new contacts are often made during such interactions, to the exclusion and detriment of women. In today's increasingly competitive world, one's social contacts and ability to generate new business for the organisation may be important factors for moving up the work ladder. Stapley (1996) stresses the importance of wooing clients and having important social contacts in bringing profits to law practices.

Vinnicombe and Colwill (1995) define networking as "the banding together of like minded people for the purposes of contact and friendship and support" (p. 88). Networking is also another developmental technique which can be an important resource for career advancement and progression in organisations (Morrison, 1992; Ibarra, 1993; Kottis, 1993; Powell and Maneiro, 1992). Although mentoring and networking are both important career development techniques, less research has been conducted on networking in comparison to mentoring. Nevertheless, most of the research on networking extols its virtue in advancing one's career.

According to Van Eck Peluchette (1993), networks not only provide social support to those who belong to them but also play a major role in getting one's name and reputation established. Indeed, Rothstein and Davey (1995) have argued that networking should not be overlooked as a developmental tool and is as equally important as mentoring as it supplements the support offered by mentoring activities. This is because mentoring activities are generally limited in their scope and amount offered and are also dependent on the length of the relationship and the number of available potential mentors.

Networking has the ability to open up informal channels of information, favours, persuasion, and contacts to influential individuals (O'Leary and Johnson, 1991). Nieva and Gutek (1981) found that networking provides essential additional information regarding work situations which cannot be found from formal publications. It does this through the establishment of supportive relationships with others, including peers, senior colleagues, and other associates for mutually beneficial results (Tichy 1981). Kram and Isabella (1985) have suggested that networking provides instrumental and expressive support - similar to the type of support derived from mentoring activities.

4.3.7 Gender differences in networking

Most of the literature on networking has suggested that women in organisations have limited access or are even excluded from networking compared to men. As a result, women have less support and access to important information which may prove to be detrimental to their career development and progression. For example, Davidson and Cooper (1992) found that women still find it hard to break into the male dominated 'old boy's network' and therefore are denied the contracts, opportunities and policy information it provides. In a study on an airline company in Hong Kong, Fosh and Ng (2005) found the existence of a men's club which excluded women from informal gatherings. Their finding was in line with that of Ibarra (1993) who found women managers did not have equal access to networking as they were excluded from men's informal networking. Brass (1992) reported differences between men and women's



access and use of networking as a factor for career advancement and development amongst managers. Women were found to have less access and use of networking compared to men. Zoltie and Clark (1993) also reported that more men than women found employment through networking.

Mattis (1995) noted that women working in sales and the food marketing industry in his study reported they were less familiar with or even excluded from networking activities by men. As a result, they were often not privy to job openings within the organisation and lacked the visibility required for career advancement. Kottis (1993) also found significant differences for men and women in their networking capabilities. Women were disadvantaged because they were regarded as outsiders and thus excluded from informal relationships which may provide significant opportunities for building networks.

Bagilhole (2000) believes women academics face difficulty in their career progression due to the fact that they are not as integrated into the networks of the academic community as men, as they often lack access to this networking. This networking is especially important as universities place great value on the academic reputations of staff. Schwartz (2000) also noted women were often excluded from social events where business was being transacted, e.g. over lunch, on the golf course, etc. and missed out on career opportunities, likely due to men being more comfortable with other men.

The Hansard Report "Women at the top"(1990) reported that women still faced difficulty in networking as they were often excluded from access to the use of the 'old boys' network and insider word of mouth. Burke and McKeen (1996) suggested managerial and professional women may suffer from negative work experiences and lack of support as a result of being excluded from the 'old boys' network which is prevalent in male dominated professions. Ohlott et al. (1994) in their study on developmental job experiences amongst managers also discovered that women reported feeling isolated and kept out of men's networking activities. In contrast to the above studies which suggest limited access or restrictions for women to network, Rothstein and Davey (1995) found that although there were significant differences in the networking of men and women academics, these differences were more

favourable to women than men. Women academics were found to have larger networks and to receive more support compared with men. It is important to note that the women academics in their study networked amongst themselves and as women often do not hold very senior posts in academia, their networking may not be as effective as those of men with their more powerful and influential contacts. This was the case in Brass' (1985) comparison study of men and women's network groups in organisations. He discovered that women were just as able to form their own groups, however, he conceded that their networks lacked real power or effectiveness in comparison to those of men.

In the case of women lawyers, Dusky (1996) pointed out the importance of networking for women lawyers. Bringing in new clients is the litmus test for making partners in law firms today. Thus, the inability to move from business meetings to drinks and dinner can prove to have a negative impact on the career progression of female lawyers as business is often conducted in social gatherings. She also acknowledged the fact that male lawyers in America are much more likely to have a network of acquaintances to bring in business or rainmaking to the firm, compared to women lawyers.

The difficulty for women lawyers in networking is also observed by Sommerlad (1996) who found they were often excluded from the networking activities of male lawyers in Britain. Similar findings were found in Canada by Brockman (2001) who in her book revealed that her female respondents complained of being left out of the 'old boy's' network. They were not invited out for a beer after work or lunches with other male lawyers.

Willette (1997) and Feinman (1980) also noted the difficulty that women lawyers face in competing with men when it comes to networking activities. Thornton (1996) is another who believes that fraternal bonds intersect with and underpin the notion of legal authority, which is associated with the most prestigious positions within the legal profession. She believes that the Bar epitomises the metaphysical legal club. According to her, 'men's clubs', in both their physical and metaphysical sense (the Bar), are the sites in which fraternal values are fostered to keep out women in the legal profession. This separation ensures that the homogeneity of the upper echelons

of the organisation is reserved for up and coming young men only. Support for her claim can be found in the 'Without Prejudice' report (1992) which reported that 'secret soundings' - a method of appointing silks or Queen's Counsel (for barristers in Britain), was based on the system of patronage: appointments are made based on the 'old boys network'. The Canadian Bar Association report 'Touchstones for change' (1993) also reported the difficulty women lawyers face with networking in comparison with men in the Canadian legal profession.

Many writers have also commented on the importance of sporting and other masculine activities, such as drinking in pubs, to networking activities in the legal profession. In their study, Sommerlad and Sanderson (1998) found that such activities were seen as necessary in the bonding of male clients and solicitors. Sommerlad (1996) also commented on the blatantly sexist nature of networking activities. McGlynn (1998) discovered women lawyers also face exclusion either explicitly or implicitly from networking activities which typically revolve around masculine interests and institutions. Women lawyers are often advised to conform to the masculine cultures inherent in networking. For example, Willetts (1997) commented that women lawyers were advised to play golf and learn to bet in order to fit in with the men.

Women lawyers, aside from exclusion from men's informal gathering, also face the additional difficulty of trying to fit in networking alongside their usually busy schedules. They have greater time constraints as they also have more family obligations than men. McGlynn (1998) and Dusky (1996) have argued that women with family responsibilities have more difficulty in finding time for networking or 'practice development' compared to their male counterparts with fewer family responsibilities.

Some writers are, however, not too optimistic about women lawyers' efforts to network. Willetts (1997) argues that although women lawyers are now taking matters into their own hands and are networking, women lawyers' networking groups are not as powerful as men's because they do not always open the door to the widest circle of contacts. Even now it is the man who is doling out the legal work. Her view is supported by McGlynn (1998) who also believes there is a limit as to how much a

woman lawyer can do to emulate her male colleagues and peers as they will always remain honorary instead of full members of the male clubs and culture. Dusky (1996) also made the observation that women lawyers' networks are generally smaller and less powerful compared to men's in the legal profession. They are less likely to know the people with power to bring in business for them.

In sum, from the discussion of the literature above, it is clear that the results of studies on the differences between men and women in networking are not consistent. While some studies have found little or no gender differences, they are in the minority. The vast majority of studies have found gender differences in networking. I would thus argue that male and female lawyers will differ in their networking and this may affect female lawyers' future career prospects.

4.4 Chapter summary

In this chapter, I have provided a critical summary of the literature on the situation centred and the social system centred explanations for the glass ceiling. For each approach, I have identified individual components to be used in my study and provided a comprehensive review of the literature pertaining to these components and examined how they may act as barriers for female lawyers' careers. In order to accomplish these tasks, I have had to rely on Western literature as there are inadequate studies from Malaysia and other eastern countries. In the next chapter, I will present my research methodology.

CHAPTER 5 Methodology and Research Design

5.1 Introduction

In the previous chapters, I reviewed the literature on gender and cultural issues affecting women in Malaysia and Western countries. In this chapter, I discuss methodological issues, my research design and the methods I chose for collecting data on the work experiences of both male and female lawyers in the Malaysian legal profession. The central themes covered in my chapter are philosophical perspectives, research strategies, qualitative and quantitative methods of research, choice of country and profession, and choice, design and implementation of research instruments. I also include the methods chosen to analyse quantitative and qualitative data.

5.2 Philosophical perspectives in business and management research

Social research is essentially a study about social behaviour or interaction. It is concerned with learning about the world with the different concepts that are characteristic of different schools of disciplines, for example, business, psychology (Hughes 1990). Underlying every research is the philosophical paradigm or worldview of the researcher. Social researchers use a variety of paradigms in order to organise the subject matter that they inquire into and to understand social life (Babbie 1992). This world view colours every aspect of the research, including the practical choices of strategy, research design, and data analysis, whether it is a deliberate conscious decision on the part of the researcher or not.

There are various research perspectives in business and management research. Every perspective is associated with a paradigm. Guba (1990) defines a paradigm as a set of beliefs that guides action. A paradigm contains the principles that define a world view which, in turn, guide the investigator/researcher, not only in the choice of his or her methods but also in ontologically and epistemologically fundamental ways.

The paradigm can be divided into three basic elements: ontology, epistemology, and methodology. Each element deals with different questions. Essentially, ontology brings forth questions about the nature of reality - for example, what is there that can be known about it?, Epistemology raises questions regarding the theory of knowledge - for example, who is the knower and what sort of things can be known? Methodology centres on the ways in which the knower gains knowledge about the world.

Wass and Wells (1994) describe ontology as the nature of human action and epistemology as the way in which this nature is made known to us or the way in which it is researched. Although these authors define these terms differently from Hughes (1990), they still identify the same main components for research philosophical perspectives. To put it more simply, ontology asks questions about what exists in the world and this inevitably leads to epistemology, which questions how what exists in the world can be made known.

The importance of ontological and epistemological philosophical perspectives to research is stated emphatically by Hughes (1990). According to him, every research tool or procedure is inextricably embedded in commitments to particular versions of the world and knowing that world. For example, using a questionnaire or to take on a role as a participant observer denote different conceptions of the world.

Esterby-Smith et al's. (1991:21) summary of the importance of understanding philosophical issues in research is most succinct: "Firstly, it can help to clarify research designs, and by 'research designs' we mean more than simply the methods by which data is collected and analysed. It is the overall configuration of a piece of research....Secondly, knowledge of philosophy can help the researcher to recognise which design will work and which will not. It should enable the researcher to avoid going up too many blind alleys and indicate the limitations of particular approaches. Thirdly, a knowledge of philosophy can help the researcher identify, and even create, designs that may be outside his or her past experiences. It may also help the researcher to adapt research designs according to the constraints of different subjects or knowledge structures".

There are many different research perspectives in the social sciences. Some of the philosophical perspectives in business and management research are summarised below in Table 1. These are positivism, realism and naturalism. In the social sciences, there is long tradition of a split between the positivist and naturalist perspectives, which is still ongoing, though to a smaller extent than previously. Bohman (1991: vii) wrote of the distinctions between them as follows: “At the end of one extreme, naturalistic philosophers of science have demanded that the social sciences imitate the natural sciences.from the opposite end of the spectrum, advocates of the ‘human sciences’ have placed interpretation and meaning at the centre of the social sciences; their methods were to serve higher, moral purposes”.

TABLE 1 Different philosophical perspectives commonly used in research and management studies

Epistemological perspective	Ontological assumptions	Epistemological assumptions	Scientific objective	Nature of scientific knowledge	Cycle of enquiry	Methodology	Type of data	Techniques for data collection	Bias
Positivism	etic 'realist', real world exists independently of subjective consciousness, this latter is irrelevant to explanations; enquiry can converge on reality	(i)phenomenalism: only that which is objectively observable is valid knowledge (ii)empiricism: explanation comprises of causal laws inferred from empirical regularities; subjects subservient to definition of knowledge, subjective consciousness is meaningless	nomothetic with natural science; abstract from subjective ideosyncracies to uncover general laws; replicability generalizability	privileged, impersonal, value-free, exact, precise, causal, rational, determinate, general	deductive: abstract theories ↓ operational hypotheses ↓ observations using statistical tests 'predictive'	nomothetic e.g. census or sample survey, quasi-experiment, operationalism; outsider looking in: extensive and general	quantitative, systematic and precise; directly observable and measurable	self-completion questionnaire, structured interviews, simulation, use of secondary data	concern to account for measurement error and missing data; the use of statistical controls
Realism	real world exists independently of the	(i)knowledge includes the observable and the intangible	inclusion of subjective in traditional model of science to	personal, value-bound, multi-causal, plausible,	'retroductive' interactive cycle observation	methodological pluralism, triangulation, interactive,	all data which are relevant to subject; quantitative	complete tool kit of techniques often in context of a case study	methods are combined with a view to compensate for weaknesses in a single

	subjective consciousness but experience of the real world is through subjective consciousness	(ii) general laws are not deterministic; they only partially explain human action; equally subjective interpretations are partially explained by the external world; human action open to various interpretations; possibility of indeterminates	uncover general laws and how these are interpreted by subjects; laws are tendencies i.e. not deterministic; often applied research, practitioner driven	indeterminate, particular	↓↑ theory	participatory, action research; method determined by subject of research	and qualitative, observable and interpretive		method
Naturalism (naïve)	emic 'idealist', real world does not exist outside consciousness of the individual, hence multiple conceptions of reality and enquiry cannot	(i)phenomenalism: valid knowledge comprises individual comprehension of the 'external' world (ii)empirism: explanations comprises of causal laws inferred from actors subjective	from hermeneutics to uncover and explain individual conceptualization and interpretation of external factors; ecological validity	personal, interested, value-bound, uncertain, non-rational, indeterminate, particular	inductive: theory grounded in empirical world observation ↓ reflection ↓ construction of abstract concepts of 'descriptive'	ideographic e.g. ethnography; insider seeking 'verstehen' with subjects	qualitative, intangible, subjective conceptions and interpretations of actors; intensive and contextual, detailed, penetrating, 'processual', written texts	participant observation, unstructured interviews, textual analysis	concern to account for reactivity and reflexivity in data; use of reactive and reflective accounts

	converge on a single reality	perceptions of their social world; definition of knowledge is determined by the subject; generalization beyond context is meaningless			explanations					
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Source: Wass and Wells (1994:9).

In my study, I have adopted the use of the realist perspective which, as can be seen above, is a blend of both the positivist and naturalistic perspectives. My chosen perspective will colour every aspect of my research process, including choice of methodology (I will use both quantitative and qualitative methods), choice of research tools (postal questionnaire survey and in-depth interviews), and choice of methods of data analysis, as will be seen later in this chapter.

Realism can be seen as the middle ground of the great positivist-naturalist debate in the social sciences. It is a blend of positivism and naturalism. The basic underlying ontological assumption is that the real world exists independently of any subjective consciousness placed on it, but, at the same time, this is experienced through subjective consciousness. The epistemological assumption states that knowledge includes both the observable and also the intangible, and human action can be partially explained by deterministic laws and possibly by subjective interpretations (Wass and Wells 1994).

Robson (1993: 28) believes that “realism can provide a model of scientific explanation which avoids both positivism and realism (naturalism).” Realism offers the researcher the opportunity to incorporate both features of the positivist and naturalist perspectives through the integration of both perspectives. The social researcher’s task is not only to collect observations of the social world but also to explain the underlying mechanisms which affect people’s actions. Realism is thus neither inductive nor deductive, but a combination of both, i.e. observation and theory interplay with each other. The methodology for realism is a combination of qualitative and quantitative methods, enabling the researcher to triangulate (combine both elements in the methodology).

There are, of course, various other philosophical perspectives in the social sciences, such as critical theory, post positivism, and feminism. I have focused mainly on the research perspectives commonly found in business and management research. Some authors argue that it is impossible to separate technique from these paradigms, whilst others believe it is pragmatic to select the right technique based on the weakness and strengths of each one (Symon and Cassell 1998). Easterby-Smith et al.

(1991:21) warn of the potential pitfall in neglecting philosophical issues in research: “Failure to think through philosophical issues..... while not necessarily fatal, can seriously affect the quality of management research”.

5.3 Deductive and Inductive Processes

Every scientific enquiry requires a link bridging theory and research. It is impossible to conduct a purely empirical research that is totally devoid of theory, as research is dependent on theory (Gilbert 1993). Such enquiries, generally involves either deductive (theory testing) or inductive (theory construction) processes. The deductive process arises from the positivistic perspective, while the inductive process arises from the naturalistic perspective. See Table 2 below for a comparison of deductive and inductive processes.

TABLE 2 Comparison of deductive and inductive processes

Comparison of deductive and inductive processes	
Explanation via analysis of causal relationships and explanation by covering-laws	Explanation of subjective meaning systems and explanation by understanding
Generation and use of quantitative data	Generation and use of qualitative data
Use of various controls, physical or statistical, so as to allow the testing of hypotheses	Commitment to research in everyday settings, to allow access to, and minimise reactivity among research subjects
Highly structured research methodology to ensure replicability	Minimum structure

Source: Gill and Johnson (1997: 37)

Babbie (1992: 59) asserts that, in actual practice, theory and research interact with one another “through a never ending alternation of deduction, induction, deduction, and so forth’ and both are routes to constructing social theories. This interaction is also commented upon by De Vauss (1996: 9):“The development of good explanations involves two related processes: theory construction and theory testing.” This view is

also shared by Gilbert (1993: 24) who states: "...but in the course of doing research they often get intertwined. First one has an idea for a theory, perhaps by contemplating the commonalities of a set of causes and inducing a theory. Then one checks it out against some data, using deduction. If the theory does not quite fit the facts, induction is used to construct a slightly more complicated, but better theory. And so on".

5.3.1 Quantitative and Qualitative methods

First and foremost, the researcher needs to review his/her research aims and objectives before deciding on the adoption of any research method. This will rely on the researcher's prior theoretical perspective as mentioned earlier. Quantitative methods originate from the positivistic perspective, while qualitative methods originate from the naturalistic perspective. The researcher must assess the strengths and weaknesses of different research methods and make judgements as to which method he/she should use based on his/her assessment and also his/her research aims and objectives. Some subjects are better investigated using quantitative methods whilst for others; the qualitative method is more suitable.

Whilst preference is usually given to quantitative research, Dey (1993: 12) argues that it is wrong to give this research method precedence because it relies on numbers. He states that, although the qualitative research method may seem 'shifty and unreliable....often they may also be more important, more illuminating, and more fun." It is wrong to rely on numbers alone as they are never enough. Although quantitative research methods are powerful because of the statistical operations that they permit, the numbers mean nothing without meaningful conceptualisations. Dey (1993: 26) states: "Social science without qualitative data would not connect up with the world in which we live."

Bouma and Atkinson (1995: 208) summarise the differences between quantitative and qualitative methods as follows: "quantitative research is structured, logical, measured and wide. Qualitative research is more intuitive, subjective, and deep." Others, for example, Dey (1993) compare quantitative and qualitative methods according to the

data produced, with quantitative data dealing with numbers and qualitative data dealing with meanings that are mediated through language and meanings. Hakim (1987) states that these differences are due to the different perspectives offered the researcher, in that qualitative research offers the worm's eye view whereas quantitative research offers the bird's eye view. Quantitative research offers generalised findings for subject matter whereas qualitative research is more interested in the individual or group accounts. Another difference between qualitative and quantitative research is the method of data analysis employed. Quantitative research relies on data which are amenable to statistical analysis whereas qualitative research requires a different method of analysis (Bryman 1988).

5.3.2 Qualitative methods

Bouma and Atkinson (1995) defined qualitative research methods as those that produce results not obtained through statistical procedures or through any other methods of quantification. Van Maanen (1983) offered a more detailed definition. He described qualitative methods as a range of interpretive techniques used to describe, decode, translate, and come to terms with the meaning of more or less naturally occurring phenomena in the social world. The qualitative method is not used for counting frequencies of such phenomena.

One of the underlying characteristics of the qualitative method is to view events through the perspectives of the individuals being studied. Researchers produce data based on these individuals' words or observable behaviour. Bryman (1989: 135) stated "qualitative research is a research design which reveals many different emphases from quantitative research. Probably the most significant difference is the priority accorded the perspectives of those being studied rather than the prior concerns of the researcher, along with a related emphasis on the interpretation of observations in accordance with subjects' own understandings". Social reality is seen as something that is internal to the individual- one in which he/ she has an active part in fashioning. A person's own definition of the social world is an important element of social research. Hakim (1987:26) noted: "Qualitative research is concerned with individual's own account of their attitudes, motivations and behaviour. It offers richly descriptive

reports of individual's perceptions, attitudes, beliefs, views and feelings, the meaning and interpretations given to events and things, as well as their behaviour; displays how these are put together, more or less coherently and consciously, into frameworks which make sense of their experiences; and illuminates the motivations which connect attitudes and behaviour, the discontinuities, or even contradictions, between attitudes and behaviour, or how conflicting attitudes and motivations are resolved in particular choices made."

In qualitative research, there is no emotional distance required between the researcher and those being researched. Qualitative research allows for close proximity between them. The role of the researcher is to empathise and to understand the study subjects. Importance is also attached to the settings or the context of the research in contrast to quantitative research which pays little attention to such things. Qualitative research allows for the 'feel' of what is being studied.

Another underlying characteristic of qualitative research is that it is relatively unstructured compared to quantitative methods. The research strategy is usually not set out in advance. Thus, the researcher might not have very clear objectives in mind at first. This allows the researcher to focus on unexpected topics that might emerge after he/she has begun the research and which may warrant further investigation. The researcher is given the flexibility to capitalise on chance remarks that might lead to the development of new and unexpected topics (Bryman 1989). It is the subjects themselves that set the parameters of the research - they decide what is interesting or important. Clearly, qualitative methods reject the formulation of theories at the beginning of the research and only produce theories as the research develops, in contrast to quantitative methods that seek to formulate hypotheses to test such theories from the onset of research. Quantitative research, which is more rigidly structured, requires a framework for the collection of data. The researcher is not given the opportunity to change the direction of the research once it is in progress as it has been strictly laid out from the beginning. What the researcher can or cannot do is set out very specifically in advance. For little known social phenomena, qualitative research helps the researcher to achieve understanding, whilst qualitative research often adds new insights or fresh slants on social phenomena that have been previously

investigated. Qualitative methods enable the researcher to acquire a deeper and richer approach to social research in comparison with quantitative methods (Dey 1993).

Qualitative research has its own advantages and disadvantages when compared with quantitative research. Hakim (1987) argues that its main advantage is the validity of the data obtained. This is because the people involved are usually interviewed in sufficient detail to warrant the correctness, completeness, and believability of the reports of their accounts. Also, qualitative research can look at past events in greater detail.

Another advantage related to qualitative research is that it can help to answer the questions of 'how' or 'why'. These questions are usually fairly complex and require several factors which may have links between them or even links with other factors which may not on the surface look apparent. Qualitative research helps the researcher to identify patterns of relationships and interactions amongst the various factors and also in acquiring a 'feel' for them, something which quantitative research which relies on correlations cannot do.

Qualitative research can also be used as an important exploratory tool before mounting a large scale study, i.e. it can be used as an insightful pilot stage. Thus, it is frequently used as a preliminary step in survey design and implementation, paving the way for the main research as well as generating interesting ideas and hypotheses to be included and tested in the main research.

Another advantage of qualitative research is illustrated by Hakim (1987): "it is used in conjunction with other types of study to help clarify causal processes and explanations in the form of motivations, or to flesh out reports providing quantitative data with illustrative examples and quotations on typical, minority or deviant cases." For example, quantitative survey data cannot explain statistical relationships while qualitative methods can. Qualitative research enables for a more direct accessibility to the subjects' lives compared to the surface understanding offered by quantitative methods.

The main criticisms made of qualitative methods are that they are unreliable, untidy, and impressionistic, especially in the earlier stages of research. Allan (1991:180) observes that this is just the “other side of the coin to their being flexible”. He stresses that, whilst the researcher has to be sensitive and keep an open mind to new ideas, suggestions and new relationships that may arise from discussions with respondents, there is a need for the researcher to be systematic in every other aspect of the research. The researcher must include all cases, not just the ones which fit in with current theories but also those that run counter to them. This systematic approach will help prevent the research from being impressionistic.

The second problem associated with qualitative methods is the issue of verification. In quantitative methods, the precise procedures used to achieve the data can be replicated by others, thus confirming or refuting the study findings. In the qualitative method, this exact replication in all its detail is impossible. However, Allan (1991) argues that in qualitative research, studies can be replicated in purpose, and can also be cumulative. He wrote (1991: 183): “while no two qualitative researchers will ask the same questions in the same order or observe exactly the same action, they can both study the same range of phenomena and generate analyses which can each inform the other and of course lead to new studies.”

In qualitative research, where the role of the researcher is to understand and empathise with respondents, critics argue that there is a danger that the researcher will bring his or her own assumptions into the research, thus affecting the findings. As a result, different researchers will produce analyses based upon their different perspectives. Allan (1991) accepts that whilst this argument may be valid, the very flexibility of the methods, the quality of the data produced along with their time span, allow for greater reflexivity about those assumptions when compared to quantitative methods.

There is also greater demand placed on the researcher's part in analysing qualitative research due to the very rich and detailed data that it produces. This makes it a more complicated and complex activity than analysing data from quantitative research and it is also likely to be a long and difficult process due to the need to link ‘messy’ data which has been uncovered in the research. The main task of the researcher is to make some sense of the data by devising categories and themes and also by ensuring the

completeness of boundaries for such categories. It is easier to see surface patterns, trends, and correlations in quantitative research analysis.

Qualitative research is also criticised for lacking generalisability. A disadvantage that qualitative research has is that the research normally will not be seen as representative due to the small number of people interviewed. Hakim (1987: 28) argues that, if qualitative research is seen as weaker compared to quantitative methods, this is because the validity problems in surveys are 'largely invisible and regularly overlooked, particularly by economists and statisticians who routinely work with large datasets and official statistics.' There are various techniques employed in qualitative research. Amongst them are participant observation, in- depth interviews, observation, and diary methods.

5.3.3 Quantitative methods

Quantitative data can be broadly divided into two categories: primary and secondary data (Skinner 1991). Primary research is where the researcher collects and analyses data, whereas secondary research is where the data is analysed from secondary sources, for example, government surveys.

Quantitative research is usually perceived as providing factual and descriptive evidence in contrast to qualitative methods which, while providing rich insightful data, lack generalisation. Quantitative research involves the research objectives being translated into a more specified plan for data collection. Essentially, quantitative research is concerned with investigating how a dependent variable Y is affected by the independent variable X. X is assumed to be dichotomous, representing the absence or presence of some condition (Skinner 1991). One of the main characteristics of quantitative methods is that the process of data collection remains distinct from the analysis of the data.

The collection and analysis of data is very structured in quantitative methods. The data collected from quantitative methods is systematic and allows for systematic comparison between cases and of the same characteristics (De Vauss 1996).

There are basically several techniques employed in quantitative research, namely, interviews, questionnaires, tests and observations (Easterby-Smith et al. 1991). The interview form used in quantitative research is the structured interview, where the interviewer asks a series of precisely worded questions in the exact same sequence and in the same manner to each respondent. The answers will be given a numerical code so that the whole interview can be recorded as a series of numbers. This can be done either face to face, over the telephone, or using a self completion questionnaire. This type of highly structured interview is the opposite of the unstructured and free flowing interview commonly used in qualitative research.

Tests and measures are commonly used in quantitative research to find out respondents' thoughts. Respondents are asked a number of questions with Yes/No or scaling answers. The result of this test will then be compared with others to see whether the respondent is normal or abnormal compared to past results. Examples of such tests include personality tests, intelligent tests, etc.

Observation is a technique commonly associated with qualitative research. However, it can also be used in a standardised and systematic manner whereby observations are made at regular intervals of the individual or activity involved, and later classified and recorded. The frequency of each category is later calculated as a percentage of all activities recorded. This is termed Activity Sampling and is used in operations management.

The design of quantitative research is more difficult compared to that of qualitative research. The researcher has to operationalise the research objectives into a quantitative research design and he/she has to be very specific as to what type of data is to be collected and what are to be variable definitions. However, the analysis of quantitative data is usually straightforward compared to qualitative data.

An advantage associated with quantitative methods is the issue of verification. The precise procedures used to achieve data can be easily replicated by others, thus enabling the study findings to be confirmed or refuted.

There is less demand placed on the researcher's part in analysing data from quantitative research due to the fact that the data uncovered are straightforward and can easily be analysed using statistical procedures. This makes analysis a less complicated activity compared to analysing data from qualitative methods. It is easier to detect surface patterns and correlations in this type of research.

Another advantage with quantitative research is that the research will be seen as representative due to the large number of people involved. Quantitative methods allow for generalisations to be made from the sample to the target population. They are also useful for research that needs explanation of the social phenomena under investigation.

As the very nature of quantitative methods is very structured, it does not allow for much flexibility in the research process. The researcher has to be very aware of the variables or information that have to be collected from the start of the research. There is no room for new information to be added to the research. Initially, this puts more demand on the researcher as he/she has to be very exact about the information needed and has to operationalise the variables into measurable concepts. H/she has to first conceptualise the issues, then refine and polish the initial ideas and theories to finally arrive at the precise formulation of the research questions that he/she wants to answer or the research hypotheses that he/she is seeking support for.

Quantitative methods offer only surface understanding of the subject matter. The researcher is not invited into the lives of the people being investigated, to know why they make the choices they make, their motivation, etc.

I will now summarise the strengths and weaknesses of each of the philosophical perspectives and their accompanying methods. This will help to determine which method is most likely to help me in answering my research questions and objectives. In the case of quantitative methods and the positivist perspective, their positive points are that they are good for generalisation and are capable of wide coverage of a range of situations. They can be fast to analyse and also economical, getting to more people at less cost. Their data is often seen as more 'reliable'. On the minus side, they can be rigid and often seem artificial. They do not provide understanding of the people being

investigated and do not generate theories. Also, they do not allow room for 'new' data. The strengths and weaknesses of the naturalistic perspective and the associated qualitative methods are just the opposite of those above. Their positive points are they are useful at generating theories due to their flexibility and aid in understanding the subject matter. They also allow scope for 'new' data. On the minus side, the data collected is usually untidy, thus takes more time to be analysed. It is sometimes given low credibility due to its untidy nature. A great deal of resources is also required.

5.3.4 Multimethod Approach

The multimethod approach is an alternative to the positivist/quantitative – naturalistic/qualitative dichotomy. The philosophical perspective associated with multimethod research is the Realist perspective. Several authors argue that this provides for the strengths and weaknesses inherent in each group to counterbalance each other. More studies than ever are now done using the multimethod approach in business and management and also in the social sciences. Using a multimethod approach can enrich and cross-validate the research findings generated from the different methods if the approach is blended well together. Denzin and Lincoln (2000) argue that more and more researchers are utilising multimethod approaches in order to achieve broader and better results in research due to the realisation that pitting one method over another is futile. Human beings are complex creatures whose lives are constantly changing; therefore researchers have a better chance of understanding such complexities by employing a number of methods in order to study them. Gillham (2000a and b) observed that by using different methods, the researcher can put together a more accurate picture. This is because different methods have different strengths and weaknesses (although they might overlap).

Hakim (1987: 32) also pointed out that qualitative research can be combined with quantitative research. In such cases, qualitative research can help with informing the interpretation of statistical data: "this {combination of research} greatly reduces the risk that invalid conclusions will be drawn from the researcher's untested assumptions about the motivations and processes underlying correlations in the quantitative data, the attitudinal factors underlying observed behavioural differences between sub-

groups, or the range of factors that might affect change in behaviour over an interval of time.”

Dey (1993: 14) asserts that there is an unnecessary polarisation between quantitative and qualitative methods. Instead of this dichotomy, he argues that researchers need to consider the reliability and validity of whatever methods are chosen. “We would do better to focus on the data which has been produced, rather than implying rigid distinctions between styles of research and methods of data collection. It makes more sense to see how they can complement each other”.

Although, as can be seen from above, many authors agree that the multimethod approach is a viable one, there are others that argue against combining methods without first considering the consequences. For example, Fielding and Fielding (1986) warned about the problems of combining diverse results from different methods. It may be difficult to judge if results from different methods are consistent or not, or the results may even be contradictory. Mason (1996) in her book ‘Qualitative Researching’ states that it is first important to establish the reasons for combining methods and also to understand the repercussions of combining methods with different perspectives that may also have different forms of analysis. It is essential that there be logic, “based on sound ontological and epistemological principles, and tied into specific research questions - to that choice.....” (p. 59).

The multimethod approach is the one I have adopted in my research as I feel it is most conducive to generating the answers needed to accomplish my research aims and objectives. Further, as every method has its inherent weaknesses and strengths, I believe that by using a combination of quantitative and qualitative methods, I will minimise their weaknesses by maximising their combined strengths.

5.4 Choice of profession

The profession I have chosen for my study are lawyers working in the capital city of Kuala Lumpur in Malaysia. Although there have been numerous studies conducted on gender in the legal profession in Western countries (for example, Thornton 1996;

McGlynn, 1998; Brockmann, 2001), I believe that my study is the first comprehensive study of its kind in Malaysia as my analysis of the relevant literature points to a lack of studies on gender in the legal profession in Malaysia. I chose Kuala Lumpur as the focal point of my study as it is the most modern city in the country, thus will allow greater compatibility for the comparison with Western modernised countries. Kuala Lumpur also has the greatest concentration of lawyers and law firms, almost a quarter of all practising lawyers in Peninsular Malaysia. I chose lawyers as they are supposed to be the stewards of justice in the society and I was intrigued to see if the legal profession itself actually treated its members equally. My choice of profession is also influenced by the fact that I myself am a law graduate and have some knowledge of the inner workings of this profession and have friends in the legal profession in Malaysia that could help with matters of accessing this profession.

5.5 Research Design

Ghauri et al. (1995: 26) defined the research design as: “the overall plan for relating the conceptual research problem to relevant - and doable - empirical research”. This is the overall strategic choice made by the researcher for the main purpose of choosing a research approach that will help to answer the research questions in the best possible manner, allowing for certain constraints, such as time and budget. The choice for the research design can be conceived as the overall strategy to obtain the information needed for the research. The research design is the blueprint for the research process. The choices for research design will ultimately impact on subsequent research activities, such as the type of data to be collected and the way in which data will be collected.

The research design I have chosen for the project is two-tiered. I decided to adopt the questionnaire based survey for the first stage and an in depth interview for the second stage. Williams (1997) noted that the survey is often used as part of the multimethod approach wherein qualitative methods either precede or follow a survey. This permits for the development of understanding to the respondents’ perspectives. Below I reviewed different types of survey and interviews, describing their characteristics and

discussing their advantages and disadvantages before presenting my reasons for choosing my actual research approaches.

5.5.1 Choice of a self completion questionnaire survey

Surveys have their origin in the positivist perspective discussed above. Bryman (1989: 104) defined survey research as: “entailing the collection of data on a number of units and usually at a single juncture of time, with a view of collecting systematically a body of quantifiable data in respect of a number of variables which are then examined to discern patterns of association.”

Surveys are useful for measuring three main concepts (Weisberg et al. 1996: 13-15):

1. Attitudes and preferences: questions concerning attitude compare respondents’ likes and dislikes. Questions regarding preferences usually involve a comparison of these likes and dislikes in some manner. The themes covered can be general or specific.
2. Beliefs and predictions: surveys are also helpful in investigating people’s beliefs. These beliefs are the respondent’s own subjective beliefs; they do not have to be ‘true’ in the objective sense. The main objective here is to find out what the respondent believes to be the truth in the situation.
3. Facts and past experiences or behaviours: surveys are useful in gathering factual information regarding respondents’ lives, for example, educational experience and material status. Surveys can also be useful for asking respondents questions about their lives and experiences.

The usefulness of surveys can be seen from the type of data they can provide in answering the research questions. There are three main types of research:

- (1). Descriptive research: the basic aim is to collect information on how some characteristics or other attributes are distributed amongst respondents;
- (2) Theory testing research: the basic aim is to test the theories formulated from the literature in

real life situations; and (3) Theory constructing research: the basic aim is to develop new theories rather than to test them.

There are three main types of survey:

1. Self administered questionnaire survey
2. Telephone survey utilising a questionnaire
3. Face to face interviews utilising a questionnaire

1. The self administered or postal survey: this usually involves sending a cover letter explaining the research with the accompanying questionnaire to a specific individual through the post. Postal questionnaire surveys are relatively low in cost to administer (Fowler, 1993; Czaja and Blair, 1996; Williams, 1997). All that is required are papers, envelopes and stamps. Mailing rates are usually low too. In this type of survey, there is a need for only minimal staff and facilities for administration (De Vauss, 1996). In fact, in most cases, for small scale research, the researcher can cope well with administering the surveys alone. The postal questionnaire survey can cover a broad range or widely dispersed geographical sample population that might otherwise be too difficult or expensive to reach by other means (Robson 1993). This type of survey also provides respondents with time to reflect and give thoughtful answers, to look up answers or records for questionnaire completion (Fowler 1993). Postal surveys are also more effective in generating answers to more sensitive questions compared to face to face interviews (Czaja and Blair, 1996; De Vauss, 1996; Williams, 1997).

However, this type of survey has the potential for low response rate compared to personal face to face interviews and telephone interviews (Robson, 1993; Fowler, 1993). It is more difficult to enlist cooperation from respondents when the researcher is absent. Careful questionnaire design is also required as the questionnaire will have to be self explanatory (Czaja and Blair, 1996). The researcher will not be on hand to answer the respondent's queries. This also means that open questions and complicated questions must be limited as respondents may not bother to fill in answers or may not understand the complicated concepts asked. Misunderstandings about the definitions of complicated concepts may also occur. Moreover, as the researcher is not physically present during questionnaire completion, there is a possible danger that the respondent might not be the person who actually answers the questionnaire (Williams 1997). As

such, in this type of survey, the researcher has little quality control, even over the sequence of questionnaire completion. It is also essential to have proper and current addresses for the sampling frame which might not be available. Czaja and Blair (1996) also warn of the danger of response bias occurring as one group may be more likely to respond than another. This is potentially greater in this type of survey compared to other types.

2. The telephone survey: this involves the researcher administering the questionnaire to the respondent over the telephone, whilst typing data into the computer. This type of survey method is less expensive than personal face to face interviews as there is no need for travel expenses or training of personnel to administer questionnaires for the researcher (Williams 1997). The telephone survey also results in shorter data collection time compared to the postal questionnaire. Data is collected during the length of the phone conversation between the respondent and the researcher.

Administering this type of survey is also less costly and less complicated compared to personal face to face interviews as there is no need for a large staff and supervisory quality control. The telephone questionnaire is also likely to produce a better response rate compared to the postal questionnaire. Using the telephone might also provide better access to certain populations, for example elites, compared to personal face-to-face interviews. Nonetheless, in this type of survey, there is the possibility of sampling bias as a result of omitting respondents without telephones. Also, there may be errors in the telephone number listings resulting in wrong number calls. When compared to personal face to face interviews, the response rate is likely to be lower. The questionnaire design also needs to be simpler compared to those in face to face interview schedules so that the interviewer does not have to explain the meaning of questions at great length. Also, there is no opportunity to use visual aids for the researcher to observe the respondent and the interview setting. Moreover, this type of survey may not be very appropriate for sensitive questions which may require rapport and confidence building between the respondent and researcher.

3. Face- to- face interviewing: this involves interviewers (usually trained personnel) asking respondents to answer the questions set out in the questionnaire face to face. This is probably the best survey method to use for generating cooperation from respondents. It usually has the highest response rate compared to other methods as

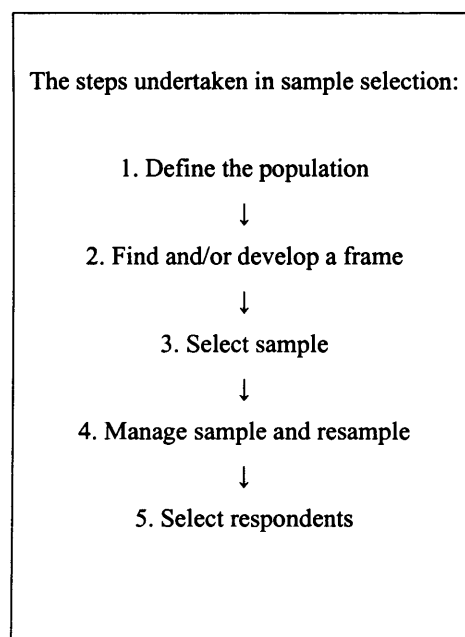
rapport can be built between the respondent and interviewer, thus encouraging the generation of more answers (Czaja and Blair, 1996; Williams, 1997). The questionnaire design can also be more complicated compared to other survey types as the interviewer is able to answer any questions that might arise on the spot. The interviewer can also employ the use of visual aids. There is also greater control over quality as the interviewer can probe for more adequate answers and ensure that the instructions or sequence of the questionnaire are followed by respondents (Czaja and Blair, 1996). The questionnaire can also be longer in length compared to other methods (De Vauss, 1996). There is also the possibility for adding observations as part of the research method as the interviewer is able to observe respondents and the interview setting (Williams 1997).

Notwithstanding, the face to face interview can potentially be more expensive compared to other types of surveys, especially if there are trained personnel involved, particularly in terms of travel expenses (Czaja and Blair 1996). There may also be need for trained staff to administer the questionnaire and to have a command post geographically near to respondents (De Vauss) 1996. For this type of survey, the data collection is more likely to take a longer time compared to telephone surveys. Moreover, it may not be suitable for some sample population, such as elites, who may be more accessible by other survey types. The face- to- face interview can also be potentially dangerous, especially for data collection in high crime areas and also when there is a need to work at night when respondents are more likely to be at home. As the interviewer is present during questionnaire completion, there is the potential for interviewer bias to occur as the interviewer's sex, age, or other characteristic may influence the respondent's answers (De Vauss, 1996; Robson, 1993). Further, respondents may give answers which are socially acceptable or ones which they believe the interviewer wants. This type of survey is not suitable for answering sensitive topics (Robson, 1993).

There is no one right or perfect way for surveys. The type of survey chosen in the research will depend on the research aims and objectives, the resources at hand and the time limits for the research. Choice of the type of survey is ultimately a matter of the researcher's pragmatic judgement. After weighing the strengths and weaknesses of each survey type, I have concluded that the best survey type to employ in my

research process is the postal survey. My decision is also affected by my resource limitations, i.e. time and money. I believe that the advantages it offers outweigh its disadvantages and it will be an effective way to collect some of my data. After deciding which survey type I will use in my project, I then have to turn my attention to the decision regarding my sample. For this, I will follow the basic steps as outlined by Czaja and Blair (1996: 145) in Table 11 below:

Figure 2 Stages involved in sample selection



1. Defining the population

The issue of sampling choice is connected with issues of external validity or generalisability discussed later in this chapter. Fink (1995: 1) defined a sample as a “portion or subset of a larger group called a population. The population is the universe to be sampled. Sample populations may include all Americans, residents of California during the 1994 earthquake, and all people over 85 years of age....a good sample is a miniature version of the population - just like it, only smaller.” Robson (1993) also

commented that the issue of sampling choice is dependent on the target population itself. The target population is essentially the universe of enquiry, and the sample is just a smaller copy of this universe of enquiry.

It is important after defining the population to set boundaries for the study. Criteria may include the geographical boundaries of the study area, demographic characteristics such as age (Czaja and Blair 1996). In my project, the target population is practising lawyers and I set the boundary to include only those working in the Kuala Lumpur area. Czaja and Blair (1996) state that it is important to know the target population and the criteria for setting boundaries to the study at an early stage as these factors will be likely to impact on subsequent activities, such as the sampling frame to be used. Again, all decisions on defining the population and boundary- setting have to be made against resource restrictions, for example, time and money. Although it would have been interesting to include all practising lawyers in Peninsular Malaysia or all Malaysia in the study, this would have been much too expensive and time consuming.

2. Find and or/develop a frame

The importance of the sample lies in the accuracy with which it mirrors the larger target population. A good sample should be representative of the characteristics evident within the target population (Fink 1995). The sampling frame is used to select those that will be included in the sample. Fowler (1993: 11) defined the sampling frame as “the set of people that has a chance to be selected, given the sampling approach that is chosen.” Sampling is useful as smaller samples make it quicker to study results compared to larger populations. Small samples are also efficient and cost- effective. However, despite the evident usefulness of using a sample, there is always the danger of some degree of bias or error involved in its selection.

Fink (1995:7) stated that it is important to first set the inclusion and exclusion criteria for the target population. “The criteria for inclusion into a survey refer to the characteristic of respondents who are eligible for participation in the survey, the exclusion criteria consist of characteristics that rule out certain people.”

As my target population are lawyers, I used the Malaysian Legal Directory for the years 2002-2003 as my sampling frame. This was the membership list of all practising lawyers for all of Peninsular Malaysia for that period. It included their names and contact information. The Malaysian Legal Directory is updated yearly. This was the only source of viable information regarding current practising lawyers that I could find. Practising lawyers are those that are currently working in the legal profession and pay an annual fee for their practice certificate. Another alternative sampling frame might have been the telephone directory. However, it did not make sense to use this as a frame as not all lawyers advertise their offices in the phone book. In fact, on looking through the phone book there were not many pages of legal offices listed under the headings of lawyers or solicitors. It is essential to have a sampling frame which is complete in its coverage and without errors and omissions (Czaja and Blair, 1996).

Following Fink's (1995) advice, I removed those lawyers not working in Kuala Lumpur (using addresses given for firms) from the sampling frame. In the end, I was left with a population consisting of only eligible participants. To include everyone in the Malaysian Legal Directory was just impractical and would have added the burden of additional costs for administering and analysing data from a large number of lawyers. As Fink (1995) points out, setting the inclusion and exclusion criteria helps the researcher to focus on just the people that are needed.

3 And 4. Select sample and manage sample

There are two types of sampling methods. The first is probability sampling. In probability sampling, every member of the target population has an equal chance of being selected to participate in the research through random selection. This provides a statistical basis for stating that the sample is representative of the target population (which is a hallmark of a good sample). The second type of sampling is non probability sampling. The sample is chosen not based on random selection but rather on subjective judgement regarding the characteristics of the target population itself, for example, the researcher may choose respondents that he/she knows for convenience. This means not everyone in the target population will have an equal chance of being selected - some will have better chances than others. The results from non probability sampling cannot be deemed as representative of the target population

and there is the likelihood that the findings will not be applicable to the target population (Fink, 1995; De Vauss, 1996; Czaja and Blair, 1996).

In probability sampling, it is necessary to have a sampling frame. There are various types of sampling methods:

1. Simple random sampling: everyone has the chance of being selected from the sampling frame. Members of the target population are chosen one at a time and independently of each other. Those chosen are not returned to the pool to ensure they are not chosen again. Usually, a table of random numbers is used to prospective participants, there is also the option of using a computer generated list of random numbers.

2. Systematic sampling: in this method, the list of the target population is divided by the number of samples needed; for example, if the target population has 1000 names and only 200 names are needed for the sample, then dividing 1000 by 200 yields 5. This will mean that one out of five people will be chosen for the sample, starting from a random start usually with the throw of a dice.

3. Stratified random sampling: for this type of sampling, the target population is first divided into subgroups or strata (Fink, 1995). A random sample is then selected from each of the groups using a table of random numbers. The subgroups are chosen according to the research objectives that, in turn is informed by the literature. If the research focuses on the difference between men and women, then these are the subgroups that will be used for this type of sampling. A subgroup which constitutes 20% of the population will then constitute 20% of the selected sample.

4. Cluster sampling: this type of sampling involves the use of clusters. Clusters are naturally occurring units, for example, schools and hospitals. The clusters will be chosen randomly and all members of each cluster will then be included in the sample (Fink, 1995). This is different from stratified random sampling, because in the former the subgroups are chosen by the researcher, whereas here the clusters are already formed naturally.

Probability sampling is best used when the researcher wants to infer generalisation from the sample to the target population or when the researcher needs to know the characteristics of the sample to estimate the population parameters. Probability sampling is also more appropriate for studies involving empirical theory testing. This fits into the positivistic perspective discussed earlier in the chapter.

Non- probability sampling is used when there is no available sampling frame or where it would be too costly or too difficult to acquire one. Its main attractiveness lies in the fact that it can be conveniently assembled.

The various types of non probability sampling are as follows:

1. Convenience sampling: this type of sampling involves the use of people that are ready and interested in being involved.
2. Snowball sampling: this type of sampling involves the cooperation of previously selected members in identifying other members of the group. Hence, the name snowball, as with each member naming another, the sample grows bigger and bigger until no further member can be identified.
3. Quota sampling: in this type of sampling, the target population is divided into the needed subgroups. Later, estimation is made on the proportion of each subgroup. The sample will then be chosen to reflect this proportion, for example, the researcher may stop people in the street that he/she believes fits into her sample group. This is widely used in market research, opinion polls, etc.

Non probability sampling is used when there is a need for the researcher to generate new theories rather than test theories empirically (Gilbert 1993). It is also used when there is a need for understanding social processes. Here, the representativeness of the sample has less importance attached to it compared to probability sampling. The researcher uses his or her judgement to pick the sample. This fits into the naturalistic perspective discussed earlier in the chapter.

For my study, I chose the use of stratified random sampling (SRS), which is a probability sampling type, as I was fortunate enough to have a sampling frame. Four

reasons for using a stratified sample are: (1) when groups are of interest to the study; (2) when variances occur by group; (3) costs to conduct interviews vary by group; and (4) amount of prior information differs by group (Sudman: 1976). I was able, using my frame, to stratify the population into different subgroups: the literature I reviewed earlier in this study suggested there were likely to be differences between the lawyers of different genders of different cultural groupings. To stratify my sample, I followed the steps outlined by De Vauss (1996: 74):

1. I select the stratifying variable
2. I then divide the sampling frame into separate lists-one for each category of the stratifying variable
3. Draw a systematic or stratified random sampling (SRS) of each list

I first divided the sample by gender as this was my main stratifying variable, thus forming my first subgroups of male and female lawyers. Later, I divided each subgroup of male and female lawyers into three ethnic groups, Chinese, Malay and Indian. Thus, I had a list for six subgroups. From each list I then drew a simple random sample using a random numbers table. I drew equal numbers from each subgroup. Although some authors suggest that subgroups should be representative of the target population, Robson (1993) states that in certain cases it may be better to have disproportionate sampling in cases of unequal weighting as this allows for the oversampling of a small but important subgroup, to ensure some representation of them. In certain circumstances, this may extend to the complete inclusion of all within that subgroup.

Czaja and Blair (1996) asserted that the best way to compare groups is to ensure equal sample sizes in each group. Oakley's (1974) study on housework used equal sample sizes in subgroups. She selected equal numbers of middle class and working women as she hypothesised that class would be an important variable in her study. In my study, I elected to follow Robson's advice and selected equal numbers of men and women from the three different ethnic groups for inclusion in my project as I had identified gender and race as important variables for my project. I wanted to ensure that smaller groups were represented.

5. Selection of respondents

Czaja and Blair (1996) indicated there is no straight answer to what sample size to use in a study. The sample size depends on several factors, such as the type of research design used, the variability amongst key variables, whether the researcher aims to estimate population value or to test hypotheses. For example, the researcher who is testing a hypothesis will need a sample size that minimises making Type 1 and Type 2 errors. A Type 1 error occurs when we claim that variables are related when in fact they are not, and A Type 2 error occurs when we claim that variables are not related when in fact they are.

According to Saunders et al. (2000), the choice of sample size is affected by the following factors:

1. The confidence, or level of certainty needed so that generalisation can be made from the sample characteristics to that of the total population (e.g. 95%);
2. The margin of error to be tolerated, i.e. the accuracy required for estimates made from the sample (e.g. 5%);
3. The type of statistical analyses which will be conducted on the research data and, finally;
4. The size of the total population to be drawn.

Most researchers in business and management choose to work with a 95 % level of certainty and within 3% -5 % margin of error (Saunders et al., 2000). Sample sizes for different sizes of population at a 95 per cent level of certainty are shown in Table 3 below.

TABLE 3 Sample sizes for different sizes of population at a 95 percent level of certainty

Population	5% margin of error	3% margin of error	2% margin of error	1% margin of error
50	44	48	49	50
100	79	91	96	99
150	108	132	141	148
200	132	168	185	196

250	151	203	226	244
300	168	234	267	291
400	196	291	434	384
500	217	340	414	475
750	254	440	571	696
1000	278	516	706	906
2000	322	696	1091	1655
5000	357	879	1622	3288
10,000	370	964	1936	4899
100,000	383	1056	2345	8762
1,000,000	384	1066	2395	9513
10,000,000	384	1067	2400	9595

Saunders et al. (2000) also provide a formula for calculating the actual sample size required:

$$n_a = n \times 100 \text{ divided by } re\%$$

Where n_a is the actual sample size needed, n is the minimum sample size (from the Table above), and $re\%$ is the estimated response rate expressed as a percentage.

At the time of my study, the total population of the lawyers working in the private sector in the Kuala Lumpur area was 2812. I decided to choose a response rate of 30%-40% as the worst case scenario in my calculation of sample size. Therefore, following the above formulae, the sample size required for my study would be 1073 if I allowed for a 30 per cent response rate. Allowing for a 40 per cent response rate, the sample size required would be 805. Due to time and financial constraints, I chose a sample size of 900 as an appropriate compromise for my study.

5.5.2 Pre-testing my questionnaire

Robson (1993) has stated that the number of people needed for the pre-testing of a questionnaire depends on several factors, such as the sub-groups of interest (e.g. males and females, ethnic groups and ages) and also available resources. He also recommended that this number be not less than twenty. Czaja and Blair (1996) suggested that a pre-test should include twenty to forty respondents. Again, there is no exact number for pre-testing as there are several factors to take into account, such as time and budgetary constraints, etc.

The questionnaire in my study was pre-tested by 20 friends in the legal profession and also by my father who had practiced as a lawyer for many years. The pre-test consisted of roughly the same number of male and female lawyers drawn from different ethnic and age groups. Questionnaires were sent to them in Malaysia via fax machines and emails as I was prevented from returning home by cost constraints. I chose faxes and emails as these were the fastest methods for respondents to receive and send back questionnaires to me. They were asked to read through and provide constructive comments on the wording and also to fill in the questionnaires themselves. I was concerned that my questions should be simple and unambiguous. I wanted to understand what the questions meant to them in order to help improve my wording and also to confirm there were no obvious problems with the question length and sequencing of questions. I was also concerned with the flow of the questionnaire and the time that it took respondents to fill it in. Czaja and Blair (1996) advise researchers to ask for feedback from respondents as this is vitally important at the pre-testing stage.

The pre-testing phase of my survey took almost a month to complete. Czaja and Blair (1996) commented that the pre-testing phase may take as short as a month for completion or as long as 2 to 3 months.

In the end, I only needed to make minor editorial corrections, chiefly to do with the layout of the questionnaire, spelling mistakes, and change in the size of the font used.

5.5.3 Development of my questionnaire

Robson (1993) stipulated that surveys work best with standardised questions so that the questions have the same meaning for all respondents. Therefore, there is the requirement that the researcher must be very well versed with the kind of information he or she needs to collect.

Decisions to be made in questionnaire design concern the type of questions to be utilised and the questionnaire's overall layout (Easterby-Smith et al., 1991). The guide to items to be included in the questionnaire was my specific research questions and the aims of the research. The researcher needs to operationalise the research questions, derived from the literature, into research hypotheses. The research hypotheses are very important as they guide the researcher as to what variables to have in the questionnaire.

TABLE 4 Operationalisation of research hypotheses

Research Hypotheses:	Measures needed for:	Actual questions in questionnaire:
1a. There will be a glass ceiling barring female lawyers' promotion to the partner position in Malaysia, with more men occupying this position compared to women.	Proportion of work positions between the genders for partner and legal assistant positions.	Q20. What is the proportion of male and female lawyers in your workplace in legal assistant positions? Q21. What is the proportion of male and female lawyers in your workplace in partner positions?
1b. Female lawyers will be more likely than male lawyers to perceive the legal profession as having a glass ceiling and the difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).	Opinion of respondents as to whether there is actually a glass ceiling for female lawyers in the legal profession.	Q30. 12 opinion statements for the glass ceiling.
2a. Female lawyers will have fewer mentors than male lawyers. This will act as a barrier to women being promoted to partner level. The difference between the two gender groups will be greater than the three cultural groups (Malay,	Proportion of male and female lawyers who have/had mentoring relationships.	Q29. Do or did you have a mentor?

Chinese, Indian).		
2b. Female lawyers will face greater difficulty with work practices than will male lawyers and that this will result in female lawyers experiencing higher levels of work-family conflict. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).	<p>a) Difficulty female lawyers have with different work practices, such as long hours, business travel, and extra work.</p> <p>(b) The distribution of childcare and domestic work amongst respondents and their spouses.</p> <p>(c) Conflict between work and family for male and female lawyers.</p>	<p>(a) Q31. 3 opinion statements for work practices.</p> <p>(b) Q8. What kind of childcare arrangements do you have? (Tick as many as apply).</p> <p>(c) Q28. Small and Riley's (1990) work-family spillover into home management scale.</p>
3a. Female lawyers will be more likely than male lawyers to see women in the legal profession as being as committed to their work and as having the same skills. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).	<p>(a) Actual time spent at work per week for male and female lawyers.</p> <p>(b) Actual level of importance male and female lawyers attach to their work.</p> <p>(c) Opinion on female lawyers' skills and commitment.</p>	<p>(a) Q18. How many hours in total do you spend on work per week?</p> <p>(b) Q27. Amatea et al.'s (1986) work value scale.</p> <p>(c) Q37. 10 opinion statements for respondents' views on women's work skills and commitment in the legal profession.</p>
3b. Female lawyers will face greater difficulty in networking than do men and this will act as a barrier to their promotion to partner levels. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).	Opinion of male and female lawyers on women's networking activities in the legal profession.	Q33. 5 opinion statements for women's networking opportunities in the legal profession.
3c. Female lawyers will be more likely than male lawyers to agree that women in Malaysia should have an equal role to that of men. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).	Opinion of male and female lawyers on women's position in society, both at home and at work.	Q26. 12 opinion statements regarding women's role for home and work

I followed the recommendations set out by Easterby-Smith et al. (1991) for the format and layout of my questionnaire. I set out the procedures I followed below:

1. I provided a cover letter with an official letterhead of Cardiff University, which was included on page one of the questionnaire, explaining the purpose of the research,

providing instructions on how to answer the questions, detailing why the answers were pre-coded, my contact information for queries, how and when to send the questionnaire back, and also an assurance of confidentiality. I also included a letter from the Chairman of the Kuala Lumpur Bar, to show formal support for my research. Czaja and Blair (1996) advise researchers to provide assurance of confidentiality if the study investigates sensitive issues. This cover letter was no more than a page long as advised by De Vauss 1996.

2. I started the questionnaire with simple factual questions, moving on later to more complicated items. Czaja and Blair (1996) are of the opinion that it is best to begin with easier questions as respondents may feel frustrated and quickly fill in the questionnaire if first confronted with difficult questions.

3. I kept similar types of questions grouped together to provide structure and coherence to the questionnaire layout. Respondents could then sense the flow or natural progression of the instruments in the questionnaire and acquire the feeling of rapidly finishing the questionnaire (Czaja and Blair, 1996; De Vauss, 1996).

4. I also differentiated the font size and put different theme sections and the instructions accompanying them in bold type. I also photo reduced the questionnaire as recommended by Easterby-Smith et al. (1991), to make the task of completing it less daunting to respondents. Czaja and Blair (1996) also referred to the paramount importance of the appearance of the survey instrument (layout of the questionnaire, spacing, type size, question length), which, in their opinion is as important as the actual number of pages.

My questionnaire was printed in a pink booklet form-A5 size. Saunders et al. (2000) advise that postal questionnaires in warm colours, such as pink, garner more response than cool colours, such as blue or green. Also, by using a coloured booklet, I hoped this would help to differentiate it from the various papers that would likely be on respondents' desktops.

For each of the scaled questions, I mixed up negative and positive statements to avoid an acquiescent response set as advised by De Vauss (1996). I also limited the use of

skips in the questionnaire to avoid confusion for respondents. In my questionnaire booklet, I also left spaces in between questions in order to prevent questions appearing too densely packed together like sardines in a tin in order to reduce confusion and irritation on the part of the respondents when trying to answer them.

Along with the cover letter and the questionnaire, I included a postcard for non interested respondents to send back with the questionnaire. It stated that they did not want to participate in the study (a stamped envelope addressed to me was included for their use). Returned postcards helped me to keep a check on those who were not interested in participating. This helped to save my time and avoided irritating non-interested parties since they would not be sent a follow-up questionnaire two weeks later. Those who completed the questionnaire were similarly provided with a stamped envelope, with my name and address already written on it, to return it to me.

Type of questions

According to De Vauss (1996), there are two main types of question associated with a survey questionnaire. They are (1) open questions, where respondents are free to formulate their own responses, and (2) closed questions, where the respondent is forced to choose an answer(s) from the list of alternatives already selected by the researcher.

I kept the use of open ended questions to the bare minimum with only four such questions (the number of years spent in the workplace, the number of years respondents had worked as lawyers, the number of hours spent on work per week, and the number of lawyers working in respondents' workplace) as it is generally harder to categorise them for statistical analysis purposes later on, and this categorisation also leads to some loss of information (Robson, 1993). It may even lead to information not being used (De Vauss, 1996). Czaja and Blair (1996) also advised against the use of too many open questions as they have additional problems attached to them, such as illegible handwriting, ambiguous answers, and abbreviations. All these would contribute serious problems in data coding and analysis.

There are various ways to develop alternatives for closed choice questions, namely, numerical rating scales, scores, ranking, checklists, binary choice formats, and

multiple choice formats (De Vauss 1996). Regardless of which types are chosen, it is very important to ensure that the answers for closed questions are mutually exclusive, it should not be possible for a person to answer two categories rather than just one, and exhaustive, all possible answers must have been provided (Williams, 1997). De Vauss (1996) also stressed the importance of the exhaustiveness and exclusiveness of the answers provided for closed questions.

Closed questions, although they have been criticised as creating false opinion due to the limited range of answers, are easier to code and analyse (De Vauss 1996).

Closed questions are also useful in that they are quick to answer, especially beneficial where the questionnaire is long, and keep the respondents sufficiently motivated to answer the questions. De Vauss (1996) also advised that attitude statements should include a 'don't know' or 'no opinion option' to counterattack the earlier argument presented of closed questions forcing respondents to create false opinions. I have followed his advice and included the options of 'don't know' or 'not applicable' for the attitudinal statements.

De Vauss (1996) further noted that closed questions have another usefulness in that they do not discriminate against the less articulate or less talkative respondents. The danger is that the researcher may pick up on the more articulate answers and ignore the less articulate answers that may be generated by open questions.

In this project, I rely mainly on the use of numerical rating scales in the form of attitude statements to investigate male and female lawyers' working experiences in the Malaysian legal profession.

Procter (1993) wrote of an attitude as a hypothetical construct. He pointed to the importance and necessity of linking one construct to another construct in theoretical terms and also the possibility of making empirical observations that produce evidence that is then consistent or not with the theoretical links. There are various types of attitudinal scales adopted in the literature on gender studies. These scales consist of a set of statements. De Vauss (1996: 180) defines a scale as "a composite measure of a concept, a measure composed of information derived from several questions of

indicators.” I outline below some of the main types of scales that I adopted in my survey questionnaire.

But first, I detail the many advantages to using scales with multiple indicators rather than just one measure observation. For example, they:

- (1) help to get to the complexity of the concept. This is important as most concepts are not defined very narrowly;
- (2) assist in producing more valued measures. Relying on just one observation can be misleading, thus the need for others to avoid misinterpretation;
- (3) help to increase reliability as people tend to be affected by the wording of the question. Thus, by using more questions, the effect of a poorly worded question will be minimised;
- (4) allow greater precision, as multiple questions help to more precisely differentiate people’s responses compared to a single question; and
- (5) make the analysis of data simpler and quicker with the summarisation of different questions into just one variable (De Vauss, 1996).

The selection of the scale is dependent on which type of scale is most appropriate to the research process. I have chosen to use the Likert-type Scale for my questionnaire due to its many advantages. Essentially, in Likert-type Scales, respondents are asked their level of agreement or disagreement with a statement. He or she is then free to choose from the possible alternatives given. Usually this type of question is asked as either a single item or a set of questions arranged in a grid format. This is the most common type of scale (De Vauss 1996). This Likert-type Scale is relatively easy to develop and is a less labour intensive procedure in comparison to other scales, such as the Thurstone scale which requires obtaining a large number of people who will be available for the assessment of a large set of items. This is not an easy task. It has also been stated that people enjoy filling in the Likert-type Scale, which is important as bored people will not complete a questionnaire (Robson, 1993). An added advantage of this is the space that it saves and it is easy for respondents to answer (De Vauss 1996). Another advantage of the Likert-type Scale is that the five response alternatives also produce flexibility. This scale provides for a measure of intensity, extremity, and direction. A Likert-type Scale is also most relevant when the study of attitude patterning is needed, which it is in my study.

In choosing to provide five response categories, I rejected using a longer scale. I believe that in my case, the five point scale is sensitive enough to pick up on real differences, although a longer scale would have allowed for greater discrimination, especially in cases where providing fewer categories would not have been sensitive enough to pick up on differences,. Further, too many fine distinctions would have the effect of adding confusion to the data and, as De Vauss (1996: 107) warns, “there is a danger that fine distinctions confuse greater precision with greater accuracy”.

Most of the scaled questions are my own creations as I could not find existing scales that were suitable for my research purposes: I had the assistance of my former supervisor, Professor Fosh, in constructing them. This process was a somewhat long and arduous process. According to De Vauss (1996), there are two ways to identify possible scale items. The first is the conceptual method. The researcher gets an idea of where each item should go by looking at their content. The second is the use of a correlation matrix of items that may belong together. He states that both these methods are complementary. The researcher starts with the conceptual method and then proceeds with using correlation matrix.

In selecting the best items for the scale, it is necessary to investigate whether they belong to each other. This process is called the ‘item analysis’ and is divided into two aspects. The first is the unidimensionality aspect and the second is the reliability aspect (De Vauss 1996):

(1) The unidimensionality aspect: items which are not unidimensional, i.e. measure the same underlying concept, must be removed. In order to check whether the responses on an item reflect the responses on other items, it is necessary to calculate the correlation coefficient between this item and the other item. The correlation coefficient can range from 0 to 1. Item-to-scale correlation is the specific correlation that tests whether a specific item actually fits in with the rest of the items. Low values (less than 0.3) would indicate that the item is measuring something different to the scale as a whole. The higher the item-to-scale value, the better the fit between that item and the other items on that scale. By calculating the item-to-total scale and dropping items with low values, we ensure the unidimensionality aspect of the item analysis.

(2) The reliability aspect: an unreliable scale is the result of unreliable items. A reliable scale is one which generates the same answer from the same person on more than one occasion. It may be easier to check the consistency of a response compared to each scale item or by item-item correlations. Cronbach's alpha coefficient is used to measure the overall reliability of the scale. The value ranges from 0 to 1. As the size of the alpha value is affected by the reliability of the scale, an alpha value of less than 0.7 would indicate that the scale is unreliable. The higher the alpha value the more reliable the scale is. It is necessary to drop items which have a low alpha value. This is done by looking at the corrected item-to-scale correlation provided. By removing items with an alpha value of 0.3 or less, the reliability of the total scale increases. SPSS has a feature which allows for the simultaneous calculation of item-to-scale values and item-item values. After testing for unidimensionality and reliability, the next step is to create a final scale using an arithmetic transformation (provided by SPSS). SPSS does this by adding together the scores of each item on a scale together into one total score for that scale.

Aside from the method discussed above, which is deductive in nature as we began with concepts and later set questions to measure them, De Vauss (1996) suggests an alternative method to scale formation which is more inductive in nature. This alternative method starts with posing a set of wide ranging questions to people and looking for patterns in the way that people answer them. We then look at what set of questions people answered consistently. De Vauss (1996) maintains that we can then see what concepts might be reflected from looking at the sets of questions.

Exploratory Factor Analysis is the statistical method associated with this more inductive method of scale formation.

In my study, I have adopted the more deductive method to scale formation discussed above. I follow De Vauss' (1996) guidelines for both the unidimensionality and reliability aspect in testing scales used in my study.

As mentioned earlier, I have adopted two well established scales from other authors, namely Small and Riley's (1990) work-family spillover scale and Amatea et al.'s (1986) work value scale. I chose Small and Riley's (1990) scale as their work is well

known in the work-family conflict literature and their scale has also been adopted in other studies. I chose Amatea et al.'s (1986) scale as this scale will allow me to measure the affective value or importance that respondents place on their work, instead of just concentrating on the time aspect of work commitment. Further, both Small and Riley (1990) and Amatea et al.'s (1986) work allows for the partial adoption of their subscales rather than the whole scale in my study. I only chose the subscales in their work which corresponded with my research questions.

By using someone else's questions it is possible to include comparisons between my results and results from their previous studies. This can either include whole parts of their work or just certain parts. This also gave me the option of taking notes on how they defined their concepts and what type of questions they included for these concepts. However Czaja and Blair (1996) warned of the need to also pre-test previous instruments, along with one's own original work, instead of simply assuming they will work just as well in another study. Instead of relying on the assurance of the authors that the scales had presented no problems for their studies, I pre-tested them in my study.

After deciding on the nature and the types of questions I would use, I then began the process of working on the actual wording of the questions themselves. This is an important task and also a difficult one. As Oppenheim (1992: 20-21) noted: "in reality, questioning people is more like trying to catch a particularly elusive fish, by hopefully casting different kinds of bait at different depths, without knowing what goes on beneath the surface!"

The contents of my questionnaire

My questionnaire consisted of 29 questions in total. I divided it into four main parts. Part One: respondent-descriptive questions, which were mostly closed-ended questions (except for four open questions). Part Two: respondents' views about women's position in society and respondents' feelings about work-family life issues. Part Three: mentoring, and Part Four: respondents' views on possible barriers for women in the legal profession (see Appendix 2).

My questionnaire was nine pages long, which is the average length for postal questionnaires (Czaja and Blair, 1996). Questionnaire length, like other parts of the research design, is affected by other factors, specifically resources, for example, money and the type and amount of information needed to answer the research questions. I had to balance this with respondents' motivation and interest to continue answering the questionnaire. I felt that a longer questionnaire would have had a negative impact on respondents' interest in completing the questionnaire.

I kept the instructions as short and clear as possible in order to avoid confusing respondents. Czaja and Blair (1996) indicated that the researcher should make the respondent work as little as possible while completing the questionnaire. The researcher should also include clear instructions. Unclear instructions increase the likelihood of respondents not bothering to answer the questions involved or may lead respondents to answer incorrectly.

The scaled questions included in the questionnaire are presented below:

In Part Two, in order to investigate respondents' views on the role of men and women in Malaysian society, I asked them to what extent they agreed or disagreed with the following statements. I sought to test whether or not these statements would constitute a scale. Respondents were asked to place a circle on a scale from 1-5 with the two extremes labelled 'strongly disagree' and 'strongly agree'. Women's role in society statements consisted of the following twelve items.

- (1) A man's duty is to provide financially for his family, a woman's is to take care of her husband and children.
- (2) A woman should sacrifice her career to that of her husband's.
- (3) Women can lead as well as men.
- (4) Major decision making should be left to men.
- (5) Men should hold the top positions in society.
- (6) Fathers can stay at home while mothers go to work.
- (7) Looking after children is women's work.
- (8) Women should be in the home, not at work.
- (9) Women should put family before work.
- (10) Women should have opportunities to develop all their talents.
- (11) Women should not combine work and motherhood.

(12) Women should not go out to work as this takes jobs away from men.

In Part Two, in order to investigate the importance that respondents attached to their work, I asked them their opinions using a five item scale developed by Amatea et al. (1986). Respondents were asked to place a circle on a scale from 1-5 with the two extremes labelled 'strongly disagree' and 'strongly agree'. I found this subscale was very useful in assessing respondents' affective commitment to their work. The five items were as follows:

- (1) Having a work/ a career that is interesting and exciting to me is my most important life goal.
- (2) I expect my job/career to give me more real satisfaction than anything I do.
- (3) Building a name and reputation for myself through work/a career is not one of my life goals.
- (4) It is important for me that I have a job/career in which I can achieve something of importance.
- (5) It is important to me to feel successful in my work/career.

Also, in Part Two, I included questions asking respondents their opinions employing a five item work spillover scale developed by Small and Riley (1990). Respondents were asked to give their response to each item on a 5 point scale with the extremes labelled 'strongly disagree' and 'strongly agree'. I did not deviate from Small and Riley's use of their work spillover scale. I found the scale useful for analysing work spillover into respondents' home management. I considered the length of the scale to be sufficient. The five items were as follows:

- (1) My job makes it difficult for me to get household chores done.
- (2) I spend so much time working that I am unable to get much done at home.
- (3) Worrying about my job interferes with my ability to get things done around the house.
- (4) When I get home from my job, I do not have the energy to do work around the house.
- (5) Having a job makes it easier to get my household chores done.

In Part Three, I included questions asking respondents their opinions regarding mentoring. I asked respondents whether they had had/had a mentor in their careers.

For Part Four, I included questions asking respondents their opinions on the existence of the glass ceiling, work practices, women's work skills and commitment and networking in the legal profession. Respondents were asked to give their response to each statement utilising a 5 point scale, with the extremes labelled 'strongly disagree' and 'strongly agree'. Respondents were first asked their opinion of the following items which made up the Glass Ceiling Scale. They were asked to give their response to each statement on a 5 point scale, with the extremes labelled 'strongly disagree' and 'strongly agree'. I intended to test whether or not the six statements would constitute a scale. The 6 items were:

- (1) In the legal profession, there is a glass ceiling preventing women from working their way to the top.
- (2) In the legal profession, women are working their way up the career ladder.
- (3) In the legal profession, discrimination against women is a thing of the past.
- (4) In the legal profession, you need to be a man to get on to the top.
- (5) In the legal profession, senior men tend to promote up and coming young men to their ranks but ignore bright women.
- (6) In the legal profession, senior men are keen to increase the number of senior women lawyers.

Respondents were then asked their opinion of the following items which made up my Work Practices Scale. They were asked to give their response to each statement on a 5 point scale, with the extremes labelled 'strongly disagree' and 'strongly agree'. I intended to test whether or not the following three statements would constitute a scale:

- (1) In the legal profession, long working hours creates difficulty for working mothers.
- (2) In the legal profession, business travel is a problem for women with families.
- (3) In the legal profession, women are not as available for extra work as men.

Respondent were also asked for their opinion on women's work skills and commitment in the legal profession. They were asked to give their response to each of 10 statements on 5 point scale, with the extremes labelled 'strongly disagree' and 'strongly agree'. I intended to test whether or not these statements would constitute a scale. These ten items were as follows:

- (1) In the legal profession, only men are seen as having real leadership ability.
- (2) In the legal profession, women's work skills are valued equally with men's.
- (3) In the legal profession, women who want to succeed must become just like men.
- (4) In the legal profession, men would find it hard to work for a woman.
- (5) In the legal profession, women are believed to be better at desk-work whilst men perform better in the courtroom.
- (6) In the legal profession, only men are considered aggressive enough to be successful.
- (7) In the legal profession, married women are seen as less committed to work than married men.
- (8) In the legal profession, both women and men are encouraged to pay attention to their families' needs.
- (9) In the legal profession, childcare responsibilities are seen as being incompatible with top jobs for women.
- (10) In the legal profession, we think happy families make productive employees.

Respondents were finally asked their opinion of the following five items which made up the networking scale. They were asked to give their response to each statement on a 5 point scale, with the extremes labelled 'strongly disagree' and 'strongly agree'. I intended to test whether or not these statements would constitute a scale. The five items were:

- (1) In the legal profession, the 'men's club' excludes women from opportunities.
- (2) In the legal profession, men appear closer than women to those with organisational power.
- (3) In the legal profession, men always get information about new opportunities from outside sources before women.
- (4) In the legal profession, women know as many important people as men do.
- (5) In the legal profession, men are more likely than women to meet each other outside work.

As the vast majority of my questions were closed ended, I did not find it difficult to code responses. I had considered the possible range of response in the drafting of questions and assigned a specific code to each one of them. De Vauss (1996) advised the use of pre-coded items on the questionnaire itself. These codes also included in

the questionnaire to make the implementation of my data analysis easier in the later stage. This procedure has been recommended by Robson (1993) amongst others.

Administration of the questionnaire survey

I administered the questionnaire survey, with the occasional help from a friend. I kept a book record to keep abreast of developments. These records included dates of posting questionnaires and follow ups, and also returns or non returns of the questionnaire. I also contacted respondents who had failed to answer some sections of the questionnaire or whose comments were unreadable.

Non- response

There are two types of error associated with the survey questionnaire. The first is sampling error and the second is non- sampling error (Glastonbury and MacKean, 1991). Sampling error happens because a sample is used rather than the population. There will be differences between the sample and the population. However, in probability sampling (which I used in the form of stratified sampling) it is possible to estimate this error, using a statistic called standard error, thereby ensuring precision. On the other hand, non sampling error occurs because of non- response, or because the researcher may have made errors in coding and analysing the data or collected inaccurate information.

The researcher needs to maximise the response rate as much as possible as the lower the nonresponse rate, the higher the probability that the sample will be biased, as there will be an unacceptable reduction in sample size. This is because non-responders may differ from respondents in significant ways and, as such, it will be difficult to infer generalisations from the sample to the target population (Arber 1993). Czaja and Blair (1996) advise that the first mailing should be followed with a reminder postcard two weeks later, a second mailing of the questionnaire and a cover letter a few weeks later, and a third mailing after that. According to them, the whole data collection process should take between 8-10 weeks for any sample size and geographical distribution. De Vauss (1996) also gave advice for follow ups. He stated that the first follow up should be a week after the first mailing, followed by the second follow up three weeks later, with a new letter and a replacement questionnaire, and then a third follow up should funds and time allow. Babbie (1992) also noted that three mailings

(one original with two follow ups) were most efficient in increasing return rates for survey questionnaires.

In my study, I followed the above advice and sent out the first follow up two to three weeks after the first mailing. I included the questionnaire again accompanied by a letter urging respondents to fill in the questionnaire. I then made the second follow up two weeks after the first follow up, and again included a questionnaire and a letter. I provided a new questionnaire in case respondents had lost or misplaced the original one. A third follow up was done two weeks later with another questionnaire attached and a more urgent letter requesting respondents to fill in the questionnaire attached to it. The response rate generated, even with 2 subsequent follow ups, was 21.2% (191 people responded out of 900 people). Considering gender and especially race are extremely sensitive topics in Malaysia and respondents may have been anxious and suspicious regarding my study, I consider this a good response rate for a Ph.D student, as students frequently have problems with response rates.

There is wide variation in postal response rates. There is no consensus as to what a good response rate is for a postal survey. A response rate of approximately 30% is considered reasonable in some cases (Owen and Jones, 1994; Gillham, 2000a) whilst for others this may not be adequate. According to Babbie (1992), a response rate of 50 per cent is adequate for analysis, whilst a 60 per cent response rate is good, and a 70 per cent response rate is very good. However, he points out that these are only guidelines and have no statistical basis. Conversely, Saunders et al. (2000) have reported rates as low as 15-20% for postal surveys in their analysis of recent business surveys. Gillham (2000a: 14) believes that low response rates may be the result of 'a questionnaire saturated society' and therefore people tend not to bother filling them in unless they have very good reasons or motivation to do so.

Weighing is a procedure that can be use in cases where there is non-response (Arber 1993). In this procedure, data from respondent groups is replicated the appropriate number of times to simulate probable result from non-responders. However, Arber (1993) warns that weighing assumes that respondents and the non respondents are similar, which may not be the case after all. This is also the view of Glastonbury and MacKean, (1991:240) who state: "if this is done and estimates are based on

respondents only, then one is making the assumption that the responders are like the non-responders in relevant aspects. This is very often not so.” Oppenheim (1992: 107) is of the same opinion and warns that weighing is of the opinion that in some cases, “it is safer to do no more than to indicate the direction of the bias due to non-responseand leave it at that.”

Other authors assert that in cases of non-response, it is necessary to compare respondents with non respondents. Comparisons can be made on a few demographic variables such as age and gender (De Vauss 1997). However, Bryman (1988) argues that even when such checks are made, these comparisons can only be made for the most superficial of characteristics. Although respondents and non respondents may appear alike in terms of age, gender and employment level, it is much harder to infer comparisons on a deeper level, for example, on attitudinal divergences or deviations. He states: “it is the systematic bias deriving from people’s differential propensity to participate that is critical but which is rarely amenable to checking” (113).

In my study, I decided not to use weighing as I felt it was inappropriate and even dangerous to assume that my non-respondents and respondents were similar, especially as there were no previous studies to guide me. As such, I follow Oppenheim’s (1992) advice and can only indicate that my study is under-represented due to non-response. On checking for the characteristics of non-respondents, I found non-respondents were older than respondents and predominantly men, belonging to all ethnic groups. That is as much as I can infer from my dataset. Moreover, as a result of the fact that the vast majority of respondents belonged to younger age groups, I was unable to undertake comparison by age groups.

5.5.4 Data Analysis

Glastonbury and MacKean (1991) note that it is necessary to seek advice on available statistical packages at an early stage in the project. There are various software packages to help analyse data collected from surveys. The chosen software package will depend on factors such as availability and the analysis required. Some software packages are listed below:

1. SPSS: this is the abbreviation for the Statistical Package for the Social Sciences. This is an especially popular package mainly due to its ease of use and its ability to handle various types of data. Its main drawback is that it is not suitable for some of the more complex statistical analyses.
2. MINITAB: this is probably the easiest to use. It is a general purpose package and as such its scope is limited compared to more sophisticated packages. It also cannot be used for large amounts of data.
3. SNAP: this is a programme for simple survey analysis and offers cross referencing and tabulations but very few statistical tests. The main attraction is that with this programme it is possible to design and handle a survey from the beginning to the end. The questionnaire can be designed on it and it also provides for automatic coding.

The software package that I have chosen to use in analysing my survey data is the SPSS due to fact that it is readily available and commonly used in Cardiff University, and its ability to handle various types of data and the complex analyses needed for my analysis. Before any statistical analyses were performed, I performed two tasks. Firstly, I edited questionnaires and did a visual check. Secondly I screened and cleaned the data after data input using preliminary analyses utilising the SPSS to check for anomalies. I have displayed the statistical techniques that I used in my quantitative data analysis in Table 5 below, along with their basic functions.

TABLE 5 Statistical techniques used in quantitative data analysis

Statistical techniques used	Functions
1. Two-way between groups ANOVA	Explores for differences between groups. Allows for testing of the impact of two independent variables on one dependent variable.
2. Tukey's Honestly Significant Difference test (HSD)	Provides specific multiple comparisons between the groups chosen for Two-way between groups ANOVA.
3. Chi-square test of independence	Checks for relatedness between two categorical variables by comparing frequencies of cases in the various categories of one variable across the different categories of another variable.
4. Cronbach's alpha coefficient	Checks the reliability of scale items by measuring the internal consistency of these items.

5. Phi	Measures the association between two categorical variables
6. Eta squared (Cohen's f)	Represents the proportion of variance of the dependent variable which is explained by the independent variable

Source: adapted from Pallant (2001).

5.5.5 Choice of in-depth interviews

Selection of interview type and style

Gillham (2000b: 1) defines the interview as “a conversation, usually between two people. But it is a conversation where one person - the interviewer - is seeking a response for a particular purpose from the other person-the interviewee.” There are various forms of interviews used as research tools in the Social Sciences. Interviews are used extensively across all the disciplines of the Social Sciences. The most common forms of interviews are face- to- face, but interviews can also be group, telephone surveys, etc.(Fontana and Frey 2000).

Fontana and Frey (2000) state that it is very important for the researcher to first gain a better understanding of interviewing by recognising the various types of interviews and to become familiar with their advantages and disadvantages before choosing an appropriate interview type for the research. The three main interview types are the structured, semi-structured and in-depth interviews, ranging from the more quantitative to the more qualitative. The main difference between them is the degree to which the interview is structured and the freedom given to the interviewee to lead the content of the interview itself (Gillham, 2000b).

Interviews have many uses: they help to discover what the respondent likes or dislikes (values and preferences), what the respondent thinks (attitudes and beliefs), and can even help to measure what the respondent knows (information) (Cohen and Manion, 1985). Interviews can also be used to help test hypotheses or to gain a deeper understanding from previously gained results, or even the inner motivations of respondents. Individual types are detailed below:

1. The in-depth interview: this is also known widely as the unstructured interview. This interview is placed along the more qualitative range of interviews. However, this does not imply that there is no focal point to the interview. Whyte (1982: 111) reminded researchers that: “a genuinely non-directive interviewing approach is simply not appropriate for research.” Burgess (1982: 107) described the in-depth interview as ‘framing a conversation with a purpose.’ Gillham (2000b:1) argued that “even so-called non-directive interviewing constructs a direction from the material brought up by the person being interviewed.” The main objective of the in-depth interview is to gain greater understanding and generate a free flow of information between the interviewer and the interviewee. In the in-depth interview, the interviewee is free to talk about topics which are of interest to him or her. Of course, the interviewer usually has an interview guide or an ‘aide memoire’ to help clarify and remind him/her of important topics to be explored during the interview and to bring the conversation back to these important points during the interview (Bryman, 1988). Lofland and Lofland (1995: 85) defined the interview guide as: “not a strictly structured set of questions to be asked verbatim as written.....rather, it is a list of things to be sure to ask about when talking to the person being interviewed.”

In the in-depth interview, the interviewer does not have to follow the rigid sequencing of pre-set questions, he or she is free to ask questions out of sequence and to ask questions about other topics of interest that the interviewee may bring out during the interview. As such, the success of the in-depth interview depends to a large extent on the relationship between the interviewer and the interviewee. This relationship is based on the establishment of rapport and understanding between them. This type of interview is most appropriate where a study focuses on the meaning of a particular phenomenon to interviewees, where exploratory work is required before a quantitative study can be carried out and where a quantitative study has been carried out and qualitative data are required to validate particular measures to clarify and illustrate the meanings of findings (King, 1994).

2. The structured interview: this type of interviewing differs greatly from the in-depth interview. It is placed along the more quantitative range of interviews. Here, the interviewer asks the same set of pre-established questions with a limited set of response categories from a pre-existing schedule (Bryman, 1988) in the same manner

and sequence for all interviewees. There is little variation allowed in this type of interview for the questions and answers involved (Fontana and Frey, 2000). The interviewer should not deviate from the sequence of questions or any question wording or make improvisations to the interview schedule. The researcher adopts a neutral role during the interview, never showing agreement or disagreement with the interviewee so as not to reveal his/her personal views. This is done to reduce any bias which may arise from the interviewee giving a socially acceptable answer that he or she may think the interviewer wants to hear. The interviewer is never supposed to give his or her opinions regarding the subject matter. The interviewer must maintain what Fontana and Frey (2000) describe as 'balanced rapport', on one hand being casual and friendly and on the other hand impersonal and directive. The characteristics of the interviewer should not have an effect on the interview process. The structured interview is best used where testing of a formal hypothesis is desired, where the data is readily quantified, and where the researcher knows in advance the type of information interviewees will be able to provide (King, 1994).

3. The semi-structured interview: its approach lies midway between the in-depth and structured interview. In this type of interview, the interviewer uses an interview schedule whilst at the same time is aware that there is no need to strictly adhere to the sequencing of the questions, if interesting topics were to emerge during the course of the interview (Bryman 1988). Question wording can be changed and the interviewer can also give explanations needed by the interviewee (Robson 1993). The interviewer is also free to omit questions which are not applicable or inappropriate to the interviewee. This clearly gives some latitude and flexibility to the interviewer and interviewee. This type of interview is suitable where a quick, descriptive account of a topic is required, without formal hypothesis testing, where factual information is to be collected but there is uncertainty about what and how much information interviewees will be able to provide, and where the nature and range of interviewees' likely opinions about the topic is not known in advance (King, 1994).

The type of interview I chose for my study was the in-depth interview. I believe that its many advantages outweigh its disadvantages and it fits into my research objectives better than the others as my main aim is to use interviews to add further illustration of and insight into the results generated by my earlier analysis of survey questionnaire

findings by presenting excerpts that show the range and variety of views on each question (see Appendix 3). The advantages of the in-depth interview are many: it provides rich and vivid data; the interview material is usually more interesting and enables the researcher to understand the material better, especially when investigating people's motivations, than the abstract concepts generated by quantitative data (Mason 1996). Gillham (2000b) also notes that a direct quotation from an interviewee can convey more meaning and impact than general written statements as it provides direct access to the interviewee him/herself.

There are, nevertheless, disadvantages to in-depth interviews: they are generally time consuming, especially in the setting up of appointments or replacement appointments, and the travelling time involved, and the transcribing and analysing of interviews (Gillham, 2000b; Robson, 1993; Mason, 1996). In my study I had to spend considerable time on the phone setting up an appointment or even scheduling a replacement interview. Travelling time also took its toll. I found that on average it took almost 1-2 hours of travelling time per interview, especially when caught up in the notorious Kuala Lumpur traffic jams! I also found that transcribing interviews consumed a vast amount of time. Gillham (2000b) warned of the amount of time and energy needed for transcribing interviews. He notes that a one hour interview may take up to 10 hours to transcribe. I found this was very true as I spent countless hours transcribing my interviews into a neat format!

5.5.6 Selection of interviewees

Whilst my questionnaire survey included both male and female lawyers, I only interviewed female lawyers that responded to my survey. My selection of interviewees was affected by social mores and personal safety issues. As a young woman and a Muslim, it was difficult for me to move freely and interview men who were unknown to me, as women are still not expected to freely socialise with men. I had to hire a private taxi driver to ferry me to and from different interviews and to act as a chaperone as my parents were worried about my safety travelling in Kuala Lumpur. Sometimes, when the taxi driver was unavailable, my brother took the part of chaperone and accompanied me during interviews. Aside from the factors above, I

believe Malaysian men would have been more restrained towards me as a Malay woman and therefore defensive about the issues covered in my study. This would have made it difficult for them to speak openly to me.

Gillham (2000b) is of the opinion that even as little as four or five interviews of carefully selected individuals are effective to help achieve an understanding of the social phenomena being investigated. Overall, I made calls to ninety women lawyers in Kuala Lumpur that had taken part in the survey questionnaire in order to then select thirty women lawyers as interviewees. These women were selected on the basis of their ethnicity (10 women per ethnic group), marital status (single, married with no children, married with children) and work position (legal assistant, partner, sole proprietor). See Table 6 below for a list of interviewees:

TABLE 6 List of interviewees

Pseudonym	Ethnicity	Marital status	Work position	Interview date	Interview duration
Arya	Indian	Single	Legal assistant	22/5/03	35 minutes
Lakshmi	Indian	Married	Sole proprietor	21/5/03	61 minutes
Parvati	Indian	Single	Legal assistant	20/5/03	38 minutes
Tanushri	Indian	Married	Legal assistant	23/5/03	36 minutes
Rajani	Indian	Married	Partner	26/5/03	60 minutes
Haripriya	Indian	Married	Legal assistant	6/6/03	38 minutes
Nalini	Indian	Married	Sole proprietor	17/6/03	38 minutes
Jayanti	Indian	Married	Legal assistant	18/6/03	35 minutes
Sanjeevani	Indian	Single	Legal assistant	19/6/03	37 minutes
Kushala	Indian	Married	Partner	15/7/03	50 minutes
Mingmei	Chinese	Single	Consultant/partner	22/5/03	41 minutes
Li Ming	Chinese	Married	Partner	16/5/03	43 minutes
Ting	Chinese	Married	Partner	16/5/03	60 minutes

Hua	Chinese	Married	Consultant/partner	20/5/03	54 minutes
Xiaoli	Chinese	Single	Legal assistant	14/5/03	51 minutes
Shu Fang	Chinese	Separated	Partner	5/6/03	46 minutes
Zhen Juan	Chinese	Married	Legal assistant	23/5/03	40 minutes
Bing Qing	Chinese	Single	Legal assistant	23/5/03	37 minutes
Fang Yin	Chinese	Single	Partner	30/5/03	42 minutes
Yue Yan	Chinese	Married	Legal assistant	24/6/03	38 minutes
Siti	Malay	Married	Partner	28/5/03	40 minutes
Aminah	Malay	Married	Partner	19/5/03	65 minutes
Laila	Malay	Married	Legal assistant	27/5/03	37 minutes
Ramlah	Malay	Married	Legal assistant	26/5/03	35 minutes
Mariam	Malay	Married	Partner	27/5/03	41 minutes
Nuri	Malay	Single	Legal assistant	31/5/03	40 minutes
Jamilah	Malay	Married	Legal assistant	6/6/03	40 minutes
Sharifah	Malay	Single	Legal assistant	13/6/03	54 minutes
Zarina	Malay	Married	Legal assistant	18/6/03	40 minutes
Salmah	Malay	Single	Partner	16/7/03	50 minutes

5.5.7 Administration of in-depth interviews

Bouma and Atkinson (1995:216) offer the following checklist for planning interviews:

1. Decide what the researcher wants to find out and make a list of topics;
2. Outline some questions and place them on cards;
3. Decide an order of questions;

4. Be prepared to depart from it if interesting points arise; and
5. After the interview write up notes and decide what topics to follow up.

Before interviews, I always asked interviewees where they would like the interview to be conducted, whether in their office or elsewhere, and whether it was alright with them if I tape recorded the interview. There are many authors that advise the use of tape recorders for interviews. Bouma and Atkinson (1995; Robson, 1993) advise the use of tape recorders in in-depth interviews, despite the fact that their use may be off-putting to the interviewee initially, since such use will ultimately ensure that the information gathered is accurate. It will also help keep the concentration on the interview since the interviewer will not have to pause now and then to write down what the interviewee had just said (Fielding, 1993). All the interviews were conducted in English, as interviewees were all proficient in English. As I have written earlier in Chapter 1, English is widely spoken in Malaysia.

People often feel more comfortable in their own settings (Gillham 2000b). Most of my interviews took place during office hours and in the offices of interviewees. Only two interviews took place away from the workplace as the interviewees felt they would be more comfortable away from the prying eyes of their bosses and colleagues and be less inhibited during interviews. For the most part, interviewees were happy to be tape-recorded when assured of the confidentiality of the information provided. I felt that conversations flowed more freely when using the tape recorder compared to when I was not able to do so. There were, however, a few interviewees that did not want to be tape-recorded. During all interviews, whether taped or not, I always made notes, in the event of my tape recorder breaking down!

I generally started the interview following the guidelines from Bouma and Atkinson (1995). First, I started by introducing myself and telling the interviewee the purpose of my research. I also provided a letter from my supervisor on official stationery to verify my study. Secondly, I promised anonymity to interviewees, that their identities would be concealed under different names in the study.

I used an interview guide which contained the themes, loosely structured, that I wanted to discuss in interviews. I divided the interview guide into two parts, the first

focused on characteristics of the interviewee herself, e.g. family background, career history, current work position, etc. whilst the second part dealt with the themes that I wanted to explore further, e.g. existence of the glass ceiling in the profession, networking in the legal profession, work practices, mentoring activities, women's work skills and commitment in the profession, and the societal view of women's roles. The more sensitive questions were asked later in the interview, so that rapport and trust could be established before moving on to them. I let the interviewee set the boundaries of the interview, but when she veered off the course of my themes, I had to bring her back to the point under discussion.

Gillham (2000b) and many others have stressed the importance of listening during the interview. Gillham (2000b: 3) wrote: "it takes confidence to be a listener, to decentre from oneself and focus on the person being interviewed. It is he or she who has something to tell you: you may know your broad aim, the particular topic that you want information on, but it is only the interviewee who can provide this." In my experience, I found it difficult sometimes to just listen, instead of jumping in and interrupting the interviewee, especially when she was hesitant in answering the questions. However, I found that by keeping silent and sometimes by using appropriate prompts, interviewees were more likely to supply answers!

Gillham (2000b) also points out that interviewing is not simply a technique that can be learned and rehearsed, there is always an element of unpredictability attached to it. I found this to be true for no matter how prepared I felt I was, there was always something 'new' and unexpected from the interview. Oftentimes I was caught off guard by a comment or observation made by the interviewee.

I tried to be cheerful and polite when conducting interviews, always answering questions that interviewees may have had about myself and the study. I noticed that they were often curious as to which cultural group I belonged to. I believe that because I was a woman and because I was of mixed race, interviewees felt at ease and many talked freely as they could relate to me. I did not detect any distinction between cultural groupings' responses to me in interviews.

I was often surprised by what some interviewees were willing to reveal about themselves and share with me during the course of the interview. Perhaps they viewed the interview as a 'special occasion'. Gillham (2000b) has noted that people are often not listened to – that their experiences and views are not treated as important. Therefore when an opportunity arises to express their views they will tend to be expansive and effusive. Time for actual interview session ranged from 35 minutes (shortest) to 1 hour (longest) (see Table 6 above). Robson (1993) is of the opinion that anything under 30 minutes is unlikely to be valuable to the researcher. After the interview had taken place, I wrote to all interviewees thanking them again for agreeing to take part in my study. I also enclosed my contact details should they wish to get in touch with me again.

5.6 Methods for analysing qualitative data

There are various types of software programmes for use in the Social Sciences. They can be divided into three basic types: text retrievers, theory building, and code and retrieve software packages (Fielding 2002). In using computer software for qualitative analysis, Easterby-Smith et al. (1991) pointed to the importance of choosing software that is relevant to the task research. In my study, I chose to use the Nvivo software to help me to retrieve and analyse data from the in-depth interviews. Nvivo was chosen because it not only can offer code and retrieve functions by dividing the interview transcript into different segments, attaching codes to each segment, and allowing for retrieval of these segments by code, but also has the added ability to emphasise relationships between the different categories or segments. Whilst using Nvivo sometimes seems more complex and time consuming in the initial stages compared to the conventional method of pen and paper in analysing qualitative data, in the end I believe that using Nvivo made the handling of data much quicker than if I had chosen a more conventional method of retrieval and analysis. It allowed me to obtain a better overall picture of my interviews and was very helpful dealing with the amount of data generated from interview transcripts. At times I felt that Nvivo rescued me from being buried underneath mounds of paper produced from transcripts!

Another advantage of using a computer software noted by Fielding (2002: 168) is that “it obliges researchers to be clearer about their reasoning, and enables the analytic process to be more transparent and therefore accountable.” I also believe that by using Nvivo I made less mistakes in my analysis as errors which may have gone unnoticed by human eyes are easier to detect by the computer as it ‘reads’ line by line all of the transcripts/texts in its database (Robson, 1993).

Whilst some detractors may argue that using computer software distances the researcher from the transcripts (Lee and Fielding, 1991), I found this was not the case at all in my study. There is a misconception amongst some researchers as to what computer softwares can do by way of qualitative data analysis. Some believe that all one has to do is type in some commands and the analysis will be done instantly. This is far from the truth as the researcher still has to identify key themes and categories from the various interviews. In using qualitative analysis software, the researcher must remember that the computer software always depends on the judgement of the researcher (Easterby-Smith et al., 1991).

5.7 Reliability of findings

Carmines and Zeller (1979) state that reliability is measured by how reproducible the survey is. Reliability thus implies consistency and the ability to replicate findings in other studies. Hakim (1987: 48) notes that it is easy to assess the reliability of a questionnaire survey because of the survey’s transparency: “the methods and procedures used can be made visible and accessible to other parties (be they professional colleagues, clients, or the public audience for the study report), so that the implementation as well as the overall research design can be assessed.”

In my questionnaire, reliability was ensured by the fact that the same questionnaires were reproduced for all respondents with the same set of clearly worded and unambiguous questions, and the same analysis of data derived from the questionnaires was conducted. I also employed Cronbach’s alpha coefficient to ensure there was internal consistency. In my interviews, I had a fixed list of interview themes which I discussed with all interviewees so that my results would be reliable. I also adopted a neutral role in interviews so as to not prejudice the interviewee’s responses.

5.8 Validity of findings

The validity of findings is usually implied as the degree of precision to which the measures chosen actually measure what they are intended to measure. According to Robson (1993), the validity of the survey questionnaire depends to a large extent on the proficiency of the researcher. There are two problems with validity which might arise with a survey questionnaire. The first is the problem of internal validity, which arises if the questions are not defined precisely and cause ambiguity and confusion for the respondents when answering them. A valid question is one that measures what it should measure. If we try to measure the mental health of a hospital patient but end up with information regarding the patient's physical health, then the measure we have adopted is not valid since it has not obtained relevant information about the respondent. The second problem related to the survey questionnaire is the problem of external validity. This happens if the sampling is faulty, resulting in problems where generalisation of findings cannot be made to the population.

In my study, I ensured the internal validity of my questionnaire by carefully defining the measures that were needed to operationalise the research hypotheses from my extensive literature search. I also ensured the external validity by choosing an appropriate sampling frame and sampling strategy so that my findings could be generalised to the population

5.9 Chapter summary

In this chapter, I have outlined the various philosophical perspectives and their accompanying methodology and research tools. I argue that the best philosophical perspective for every research is different and that the traditional dichotomy between the naturalist and positivist perspective is unnecessary and outdated. I therefore chose the realist perspective for my study with its integration of quantitative and qualitative methodologies and research tools as the most suitable in helping me with my research aims and objectives. I believe that this integration helps to reduce the individual methodological weaknesses and increases the strengths of both the survey

questionnaire and in-depth interview. In the next chapter, I will discuss the analysis of data collected from the survey questionnaire and the in-depth interviews to help in answering my research questions.

CHAPTER 6 Data Analysis and Discussion for Research Hypotheses 1 and 2

6.1 Introduction

In this chapter, I discuss the findings related to the glass ceiling in the Malaysian legal profession and situation centred explanations for it. This discussion will include results from the questionnaire survey and also material from in-depth interviews. I analyse the questionnaire survey data by gender and by cultural groups in order to see which factor has the most influence on male and female lawyers' views. I then discuss the interview materials and show how these can offer explanations for the questionnaire findings.

6.2 An analysis of questionnaire results for Research Hypotheses 1a and 1b

In this section, I will restate my Research Hypotheses 1a and 1b, and then discuss questionnaire data relating to them.

Hypothesis 1a: There will be a glass ceiling barring female lawyers' promotion to the partner position in Malaysia, with more men occupying this position compared to women.

Hypothesis 1b: Female lawyers will be more likely than male lawyers to perceive the legal profession as having a glass ceiling and the difference between the two gender groups will be greater than the difference between the three cultural groups.

The questionnaire yielded two types of information regarding the glass ceiling in the legal profession in Malaysia. First, for Research Hypothesis 1a, respondents were asked to state the proportion of male and female legal assistants and partners in their firms. Second, for Research Hypothesis 1b, respondents were asked to what extent

they agreed or disagreed with six statements about female lawyers' career prospects in the legal profession in Malaysia.

For Research Hypothesis 1a, respondents' reporting of the proportion of male and female legal assistants and partners in their firms is set out in Table 7. We can see that 53.8 per cent of respondents reported that either all or nearly all partners were men or that men were in the majority as partners in their firms. In contrast, only 21.2 per cent of respondents reported either all or nearly all partners were women or that women were in the majority as partners in their firms. As regards legal assistant positions, 31.7 per cent stated that all or nearly all men or men were are in the majority in this position in their firms, whereas 40.5 per cent stated that all or nearly all legal assistants were women or that women were in the majority as legal assistants in their firms. Thus, it is clear that female lawyers were much less represented at the partner level and were more likely than male lawyers to be legal assistants.

TABLE 7 Proportion of partners and legal assistants by gender

Proportion	Total for Partner % N(184)	Total for Legal Assistant %N(183)
1. All or nearly all are men.	27.7% (51)	11.5% (21)
2. Men are in the majority.	26.1% (48)	20.2% (37)
3. About half and half.	25% (46)	27.9% (51)
4. Women are in the majority.	12% (22)	25.7% (47)
5. All or nearly all are women.	9.2% (17)	14.8% (27)

Having dealt with the factual findings relating to Research Hypothesis 1a and the proportion of male and female lawyers in partner and legal assistant positions, I now turn to an analysis of the six agree/ disagree statement questions to see to what extent male and female lawyers in the questionnaire survey perceived there to be career barriers for women in the legal profession for Research Hypothesis 1b. I also investigate whether differences between lawyers were stronger by gender or by cultural groupings.

TABLE 8 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 1b

	ALL MEN		ALL WOMEN		GENDER			CULTURE		TUKEY
	Mean	SD	Mean	SD	F	Eta ²	F	Eta ²		
1. v158 (In the legal profession, there is a glass ceiling preventing women from working their way to the top) (reversed scoring).	4.48	0.98	3.52	1.26	0.00*	0.15	0.12	0.023		
2. v159 (In the legal profession, women are gradually working their way up the career ladder).	4.04	1.03	4.03	0.96	0.71	0.001	0.53	0.007		
3. v160 (In the legal profession, discrimination against women is a thing of the past).	4.11	1.04	3.25	1.07	0.00*	0.14	0.45	0.009		
4. v161 (In the legal profession, you need to be a man to get on to the top) (reversed scoring).	4.29	1.06	3.75	1.22	0.002*	0.53	0.21	0.17		
5. v165 (In the legal profession, senior men tend to promote up-and-coming young men to their ranks but ignore bright women) (reversed scoring).	3.84	1.20	2.97	1.22	0.00*	0.11	0.70	0.004		
6. v166 (In the legal profession, senior men are keen to increase the number of senior women lawyers).	2.96	1.08	2.54	1.00	0.008*	0.48	0.006*	0.69	*0.004 (Malay – Indian)	
7. Belief in equal opportunities for women in the legal profession' scale. (score out of 30)	23.58	3.69	19.55	4.63	0.00*	0.19	0.37	0.014		

Note: *p<.05

Continuation of TABLE 8 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 1b

	ALL MALAY		ALL CHINESE		ALL INDIAN		ALL GROUPS	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
1. v158 (In the legal profession, there is a glass ceiling preventing women from working their way to the top) (reversed scoring).	4.05	1.23	4.09	0.95	3.66	1.45	3.95	1.23
2. v159 (In the legal profession, women are gradually working their way up the career ladder).	3.96	1.03	4.13	0.78	4.04	1.11	4.03	0.99
3. v160 (In the legal profession, discrimination against women is a thing of the past).	3.77	1.12	3.49	0.97	3.57	1.32	3.63	1.14
4. v161 (In the legal profession, you need to be a man to get on to the top) (reversed scoring).	4.17	1.09	3.78	1.11	3.96	1.34	3.99	1.18
5. v165 (In the legal profession, senior men tend to promote up-and-coming young men to their ranks but ignore bright women) (reversed scoring).	3.41	1.26	3.44	1.23	3.27	1.38	3.37	1.28
6. v166 (In the legal profession, senior men are keen to increase the number of senior women lawyers).	3.03	1.02	2.65	0.89	2.41	1.13	2.73	1.05
7. 'Belief in equal opportunities for women in the legal profession' scale (score out of 30).	21.85	4.26	21.40	3.84	20.81	5.71	21.39	4.67

Note: * $p < 0.05$

Respondents' views for the six agree/disagree statement questions are set out in Table 8. Note that the negatively worded items in v158, v161 and v165 have been reversed so that all high scores now indicate high levels of agreement that there is equality for women in the legal profession. I first analyse the questionnaire findings for the statements individually to discuss specific differences and then go on to consider whether these six items form a scale.

In Table 8, we can see there were significant differences between male and female lawyers' responses for five out of the six statements. The eta coefficients in the last column indicate that gender had a large impact on respondents' opinions for these five statements. Thus, female lawyers were much more likely than male lawyers to agree with v158: 'In the legal profession, there is a glass ceiling preventing women from working their way to the top'; v165: 'In the legal profession senior men tend to promote up and coming young men to their ranks but ignore bright women'; and v161: 'In the legal profession, you need to be a man to get on to the top'. Female lawyers were also much less likely than male lawyers to agree with V160: 'In the legal profession discrimination against women is a thing of the past'; V166: 'In the legal profession, senior men are keen to increase the number of senior women lawyers'. However, both male and female lawyers agreed with v159: 'In the legal profession women are gradually working their way up the career ladder'.

Thus, my findings clearly demonstrate that female lawyers in the survey clearly perceived barriers to their careers in the legal profession, barriers not faced by their male counterparts: note particularly female lawyers' view that one had to be a man to succeed in the legal profession. Although I did not find significant differences between male and female lawyers for the statement v159: 'In the legal profession, women are gradually working their way up the career ladder', I think this can be explained. I suggest that while both male and female lawyers strongly agreed with this statement, female lawyers indicated by their clear response to the other statements that they felt that the speed of women's progress was not fast enough for their satisfaction and that barriers to women holding senior positions were still entrenched. Fosh and Ng (2005) reported similar findings in an airline company in Hong Kong.

I also investigated the scalability of the six agree/disagree statements concerning women's career prospects in the legal profession. Using Cronbach's alpha, I found these variables formed a scale – the alpha score was .74, above the .7 level regarded as valid (see Chapter 6). The mean score for female lawyers was 19.55 and the mean score for men was 23.58 (the total score obtainable was 30). The difference between the two scores was significant and the eta coefficient was large at .19. I called this scale 'belief in equal opportunities for women in the legal profession'.

While both male and female lawyers' scores indicated that they were more optimistic than pessimistic about equal opportunities for women in the legal profession, female lawyers were considerably less likely than their male counterparts to subscribe to this notion.

My finding that women were less optimistic than men about women's career prospects is in line with a large number of studies of women's career prospects in the legal profession and in other contexts in Western countries such as the UK, as discussed in Chapter 3. In particular, my findings are in concordance with those of Thornton (1996), McGlynn (1998), Epstein-Fuch et al.'s (1995) findings for women in the legal profession, and Morrison and Von Glinow's (1990) findings for women in the workplace. I note that the strongest difference between male and female lawyers in my survey, namely, that female lawyers were much more likely to be of the opinion that one needs to be a man to succeed in the legal profession, has close resonance with the study by Dusky (1996), who found the same sentiment expressed amongst the American women lawyers that she interviewed.

Table 8 also indicates there was only one difference between the cultural groupings in their response to the agree/disagree statement questions. This was for v166: 'In the legal profession, senior men are keen to increase the number of senior women lawyers'. A more detailed breakdown of v166: 'In the legal profession, senior men are keen to increase the number of senior women lawyers' by gender and cultural groupings can be seen in Table 9.

TABLE 9 The results of t-tests for statement v166 by gender and cultural groups for Research Hypothesis 1b

	MALAY				CHINESE				INDIAN					
	Men		Women		Men		Women		Men		Women			
	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD		
V166 'In the legal profession, senior men are keen to increase the number of senior women lawyers.'	3.19	1.29	2.92	0.77	2.89	0.87	2.43	0.87	2.74	0.96	2.12	1.21	0.054	0.7
				t	Eta ²			t	Eta ²			t	Eta ²	
				0.33	0.18			0.10	0.07					

Note: *p<.05

I investigated my findings for v166 to see the interaction between gender and cultural groups. In fact, the men and women in each cultural grouping gave the same response. Thus, both male and female Malay lawyers and male and female Chinese lawyers were more likely than male and female Indian lawyers to agree that senior men in the legal profession are keen to increase the number of senior women lawyers.

The Malay lawyers were significantly more likely to agree with statement v166: ‘ In the legal profession, senior men are keen to increase the number of senior women lawyers’ than Indian lawyers. The Chinese lawyers adopted an intermediate position. I suggest that the fact that Malay lawyers were more positive about the attitudes of senior men towards female lawyers reflects the Malays’ more dominant position in Malaysian polity and society and the Malaysian government’s strong encouragement of Malays in professional and business life (see Chapter 1 for in-depth discussion of the prominent position of Bumiputeras). There were no significant differences between the cultural groupings for ‘belief in equal opportunities for women in the legal profession’ scale.

6.2.1 Overall questionnaire findings for Research Hypotheses 1a and 1b

In sum, my questionnaire findings for Research Hypothesis 1a demonstrate that respondents’ were employed in legal firms where male lawyers dominated the top positions. Further, for Research Hypothesis 1b, female lawyers believed their career opportunities were not nearly as good as those of their male colleagues. However, I did not find systematic differences between the Malay, Indian and Chinese groupings in the survey for Research Hypothesis 1b.

6.2.2 Analysis of interview findings for Research Hypothesis 1b

A large majority of interviewees stated that although female layers had made progress in previous years, female lawyers still did not have the same career advantages as their male counterparts. Interviewee’s cultural grouping made no apparent difference to their views on female lawyers’ prospects in Malaysia.

I include quotes from five female lawyers below, three Malay female lawyers (Zarina, Mariam and Sharifah) and two Indian female lawyers (Tanushri and Kushala). The similarities between the women interviewees' feelings are striking, they are clearly of the view that there is a glass ceiling for women in the legal profession. Note Kushala's and Tanushri's view that while female lawyers have made progress, more needs to be done supports my finding in the questionnaire survey.

Zarina, a Malay lawyer, strongly asserted that promotion seems to be given to men while capable women are relegated to the sidelines:

Yes..... I have heard plenty of stories from female friends that have been passed over on things like where a woman is unable to perform in the same manner as a male merely because she is a mother and wife.

I found a similar belief expressed by Sharifah, a Malay lawyer, who stated that women are taken less seriously than men for promotions:

I think it exists.....to be in a big firm, for you to be a partner, I guess one of the considerations is they will look at your marital status. They will see it as the men work for the family, women just work to buy makeup. That perception still exists- women don't provide for the family. They still think men make better candidates. Men never have the kind of sick children emergencies. For women, you have to attend to the sick child. So if you have a very capable woman and man and if that woman is married, I am 100% percent sure they would offer partnership to the man.

In another instance, Mariam, a Malay lawyer, believed that senior men are more comfortable with men, thereby promoting them over capable women:

Oh, yes. In all professions and I would say more so for the legal.....I don't know, maybe they (men) are threatened by your presence. They are not comfortable so because of that when it comes to promotion, even though it is not said aloud, they still promote men, unless they look around two, three times and can't find a good one, then they will promote a lady.

Tanushri, an Indian lawyer, was also of the opinion that although women lawyers have made great strides, there are still areas that could be improved for them:

I think in my personal view, there is such a thing. It does exist because from my previous working experience, I worked in firms where men were bosses and they always viewed lady lawyers as less capable of handling a particular task like traveling outstation. So, in that sense we (women) lose out in increments or promotions.

I found similar views from Kushala, a prominent Indian lawyer, who had this to say regarding the current situation for women lawyers in Malaysia:

The discrepancies are reduced now. I have noticed that there are female partners in big firms now. Today there are many prominent women.....I have come to this conclusion that when they realize you are good, they have to accept you! It's only a matter of time if you are good.

However, I found only a minority of interviewees regarded the glass ceiling as having been shattered. For example, Ramlah, a Malay lawyer was convinced there is no longer a glass ceiling for women lawyers:

In KL nowadays, I don't think so [glass ceiling]....I think now the bosses and senior partners they go by how you work, ability. Not because you are a woman, you can't get to the top to be a partner. Nowadays, I feel that there are a lot of lady lawyers becoming partners in big firms.

Hua, a prominent Chinese lawyer turned consultant, also believed that the only hindrance to the top for women lawyers is ability:

No way [glass ceiling]. Not in the legal profession. It's how good you are. Who cares if you are woman because if they are good and they (employer) do this to them, then they can go out and set up their own. There is no glass ceiling in the sense of our ability to advance in the legal profession to be a partner. The only hindrance to that is your own ability.

I suggest these women interviewees' views may be linked to their seniority. Both Ramlah and Hua were amongst the oldest in my interview group and both older than most in firms.

6.2.3 Overall interview findings for Research Hypothesis 1b

In sum, my interview material helps to explain my survey findings: they show that women in all three cultural groupings felt that while differences between men and women in the law profession have been reduced, a great deal more needs to be done to make women's chances equal to those of men. Thus, support is added for the view that women lawyers in Malaysia have very

similar views to their counterparts in the legal profession and other professions in Western countries such as Britain and America.

6.2.4 Overall evaluation of the findings pertaining to Research Hypotheses 1a and 1b

Both male and female lawyers acknowledged that men have most of the senior positions in the profession in Research Hypothesis 1a. However, for Research Hypothesis 1b, I also found male and female lawyers differed in their opinions as to the opportunities for women offered by the legal profession and this was strongly reflected in my interview findings. The opinion held by most female lawyers in my study was that they did not enjoy the same career opportunities as their male counterparts, that there was a glass ceiling for women in the profession. Whilst there was a small minority of older women who believed the glass ceiling in the legal profession had been shattered, they were much smaller in number compared to those who believed this glass ceiling was still present. It appears that, although women have been accepted in the legal workplace, they are not yet accepted at higher levels. My results tend to mirror those in the West (for example, the work of Thornton (1996), McGlynn (1998)).

I also note there was little difference in lawyers' opinions by cultural grouping. My study is in a country with distinct cultural groupings where cultural groupings differ in their view of women's role in society, as described by Ariffin (1995). However, I did not find these cultural differences reflected in my lawyers' views on women's career prospects in the legal profession. Overall, I conclude that my findings lend support for my Hypotheses 1a and 1b that there is a glass ceiling barring women lawyers' promotion to the partner position in Malaysia and that there are differences between the genders' perception as to whether such a ceiling exists in the legal profession. The differences between gender groups are much greater than the differences between the three cultural groups.

6.3 An analysis of questionnaire results for Research Hypothesis 2a

In this section, I will restate my Research Hypothesis 2a and then discuss questionnaire data relating to it.

Hypothesis 2a:

Female lawyers will have fewer mentors than male lawyers. This will act as a barrier to women being promoted to partner level. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

In the questionnaire, I asked respondents whether they had ever had a mentor in their career. Respondents' reporting of the proportion of male and female lawyers with regard to mentoring is set out in Table 10. We can see that 56.7 per cent of women had had or had a mentor, in comparison to 44.8 per cent of men who had had or had a mentor. However, there were no significant differences between the genders. Thus, female lawyers had had/had as many mentors as their male colleagues.

TABLE 10 Mentoring by gender

V112. Do or did you have a mentor?	Men % N(87)	Women % N(104)	Chi-square	Phi
1. Yes	44.8% (39)	56.7% (59)	0.10	-.119
2. No	55.2% (48)	43.3%(45)		

Note: *p<.05

In Table 11, we can see the proportion of lawyers from the different cultural groupings who had had or had a mentor. Malay lawyers, with 53.1 per cent, displayed the biggest response for having had a mentor, while Indian lawyers, with 48.1 per cent, displayed the lowest response for having had a mentor. Chinese lawyers adopted an intermediate position. However, there were no significant differences between the cultural groups. Thus, lawyers within the respective groups had equal numbers of mentors.

TABLE 11 Mentoring by cultural groups

V112. Do or did you have a mentor?	Malay	Chinese	Indian	Chi-square	Phi
1. Yes	53.1% (43)	51.8% (29)	48.1% (26)	0.85	0.04
2. No	46.9% (38)	48.2% (27)	51.9% (28)		

Note: *p<.05

6.3.1 Overall questionnaire findings for Research Hypothesis 2a

In sum, contrary to my expectation, my questionnaire findings demonstrate that female lawyers were as likely as male lawyers to have had or have mentors. In fact, female lawyers' percentages for mentoring relationships were higher than male lawyers'. This is not in line with what Western literature on mentoring has suggested but is similar to Ng and Fosh's (2000) findings that women in an airline company in Hong Kong were positive about their mentoring experiences as they felt they had equal numbers of mentors as men.

My findings also showed no significant differences between the cultural groupings for mentoring relationships. Studies by Lrong (1998), Ismail (1988) and Rahman (1988) demonstrated that the Malay, Chinese and Indian cultural groups in Malaysia differed in terms of the values held and social behaviour: however these differences were not linked to male and female lawyers' experiences of mentoring in the legal profession.

6.3.2 Analysis of interview findings for Research Hypothesis 2a

A large majority of interviewees stated that female lawyers in Malaysia did have mentors: most expressed their belief that women were more interested than men to be mentored. There were no differences between the interviewees by cultural groups. I include quotes from six female lawyers below. I include two Malay female lawyers (Siti and Zarina) and four Indian female lawyers (Parvati, Arya, Kushala and Jayanti). There are many strong similarities in the women interviewees' feelings: they are clearly of the opinion that female lawyers had had/have mentors in the Malaysian legal profession. Note, in particular, Parvati's and Arya's view that female lawyers

find it easier to initiate mentoring relationships due to their willingness to admit that they need guidance whereas male lawyers have problems with being mentored and asking advice. I found women interviewees' cultural groupings made no distinctive difference to their views on women's mentoring.

Siti, a Malay lawyer, believed that women did not have difficulties with obtaining mentors in the Malaysian legal profession:

Personally, when I take chambering students (professional training), I always insist that at least one is a lady lawyer and this is no secret amongst my partners. I think, in fact, females have it easier (to get mentors). Because okay, based on my personal experience, when I see all the guys that have come and gone in this firm, they do not seem to need any mentors. Being a typical male, they do not want to open their mouths and say they need help. But the female ones that I've had, whether they are legal assistants or chambering students, they do need mentors and it's easier for them because I take on that role.

This view was also held by another interviewee, Parvati, an Indian lawyer and legal assistant. She also expressed the opinion that male lawyers did not like to have mentors as they felt that they didn't require assistance:

No, I don't think so that males get more mentors. I would feel that men would not like to ask if they have a problem. They would think they can solve all their problems.

This view that men did not like to have mentors because they resented needing assistance was repeated by Arya, an Indian lawyer, who had this to say:

I think people generally do not want to show their ignorance. From my experience with the male lawyers, they talk like they know a lot but they don't! They project this image of confidence and they talk absolute rubbish. Ya (women get more mentors), women tend to ask more questions. They find out more.

Kushala, an Indian lawyer, believed that both men and women have equal chances of getting mentors and that mentoring opportunities do not depend on the protégé's gender but rather the protégé's ability:

The head of litigation in my previous firm and my master to a smaller extent. I learnt a lot from him.....they had tremendous confidence in my work. I still have the highest regard for him and I still contact him now. No difference between men and women for mentoring.

However, there were two interviewees who believed that women lawyers had less mentors than men. Jayanti, an Indian lawyer, expressed this opinion:

I think the buddy system is more prevalent in this society, so in that respect it is easier for men to get mentors. Men get together after work so it is easier for them to get a mentor because you get to know them so free whereas here it's still a bit conservative I think for women.

Jayanti's assertion that women lawyers had less mentors was also reflected in the opinion of Zarina, a Malay lawyer:

The number of senior male lawyers out there are more than females and of course a man is more interested in grooming a man.

I suggest these two women interviewees' views may be linked to their area of practice. Both Jayanti and Zarina were litigation lawyers: it may be that litigation is a more competitive and hostile environment for female lawyers to get mentors in comparison to other areas of practices, such as conveyancing.

6.3.3 Overall interview findings for Research Hypothesis 2a

In sum, my interview material helps to explain my survey findings, they show how women in all three cultural groupings felt that female lawyers had equal numbers of mentors to men.

6.3.4 Overall evaluation of the findings pertaining to Research Hypothesis 2a

Adding together my questionnaire survey and interview findings, male and female lawyers did not differ in the number of mentors they had had/had in the legal profession. Surprisingly, female lawyers reported having more mentors compared to male lawyers. The opinion held by most female lawyers in the interview was that they did share the same opportunities for obtaining mentors as their male colleagues. Whilst there were some female lawyers who believed that women had less mentors, they were much smaller in number compared to those who believed female lawyers had as many mentors as male lawyers.

Thus, my results did not reflect those found in the West (for example, the work of McGlynn (1998), Dusky (1996) and Ohlott et al. (1994) that women in the legal profession and other contexts have greater difficulty in obtaining mentoring relationships in contrast to their male colleagues. However, my results correspond well with those obtained by Ng and Fosh (2000) who found in their study of an airline in Hong Kong, that female employees were more satisfied with their mentoring experiences than were their male counterparts.

I also note there was little difference in lawyers' mentoring relationships by cultural grouping. My study is conducted in a country with distinct cultural groupings and cultural differences, as described by Lrong (1998), Rahman (1988) and Ismail (1988). However, I did not find these cultural differences reflected in my lawyers' mentoring relationships.

Overall, I conclude that my findings did not lend support for my Hypothesis 2a that there will be career barriers for female lawyers in having less mentors in comparison to male lawyers.

6.4 An analysis of questionnaire results for Research Hypothesis 2b

In this section, I will restate my Research Hypothesis 2b and then discuss results derived from the questionnaire relating to it.

Hypothesis 2b:

Female lawyers will face greater difficulty with work practices than will male lawyers and that this will result in female lawyers experiencing higher levels of work-family conflict. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

The questionnaire yielded two types of information for testing whether female lawyers face greater difficulty in coping with work practices on account of their greater share of domestic and childcare responsibilities. First, respondents were asked

to state the person who had the greater share of domestic and childcare responsibilities in their household and to indicate what kind of childcare arrangements they had. Second, respondents were asked to what extent they agreed or disagreed with three statements about female lawyers' experiences with work practices in the legal profession in Malaysia and, lastly, the extent that they agreed or disagreed with Small and Riley's (1990) five statement questions regarding their work-family conflict.

Respondents' reporting of who had the bigger responsibility for domestic and childcare arrangements is set out in Table 12. We can see that 70.1 per cent of male lawyers relied on their spouse to fulfil domestic work and childcare responsibilities, while 26.9 per cent stated they shared these responsibilities equally with their spouse. Conversely, 47.5 per cent of women stated they had the bigger responsibility for domestic work and childcare and 50.8 per cent of women reported they shared these responsibilities equally with their spouse. I suggest that more women reported they shared these responsibilities equally with their spouse as they are more likely to be part of a dual career family than the men: they would, therefore, require more spousal assistance with domestic work and childcare responsibilities than their male counterparts who are more likely to have 'stay at home' wives.

Thus, it is clear that male lawyers relied more heavily on their spouses and shared less equally domestic work and childcare duties compared to their female counterparts. The measure of association between these variables was strong.

TABLE 12 Results for bigger responsibility for domestic work and childcare by gender

V20 'If you have a spouse that lives with you everyday, who has the bigger responsibility for domestic work and childcare?'	MEN %N (67)	WOMEN %N (61)	Chi-square	Phi
1. Me	1.5% (1)	47.5% (29)	0.00*	0.7
2. My spouse	70.1% (47)	1.6% (1)		
3. We share equally	26.9% (18)	50.8% (31)		

Note: *p<.05

Table 13 displays the results for the bigger responsibility for domestic work and childcare by cultural groups. There were no differences amongst cultural groups when it came to who had the bigger responsibility for domestic work and childcare.

TABLE 13 Results for bigger responsibility for domestic work and childcare by cultural groups

V20 'If you have a spouse that lives with you everyday, who has the bigger responsibility for domestic work and childcare?'	MALAY % (61)	CHINESE %N(33)	INDIAN %N(34)	Chi-square	Phi
1. Me	26.2% (16)	12.1% (4)	29.4% (10)	0.16	0.2
2. My spouse	39.3% (24)	30.3% (10)	41.2% (14)		
3. We share equally	34.4% (21)	54.5% (18)	29.4% (10)		

Note: *p<.05

Respondent's reporting of type of childcare arrangements they had is set out in Table 14. We can see that for male lawyers with children, the biggest group 25.3 per cent, relied on their spouses for childcare. Conversely, for female lawyers with children, a very small percentage of only 1 per cent reported that they relied on their spouses for childcare. Thus, while both male and female lawyers in my survey relied on the service of maids or child minders for their childcare arrangements, male lawyers were much more likely than their female counterparts to rely on their spouses for childcare arrangements. The measure of association between these variables was moderate.

TABLE 14 Help with childcare arrangements by gender

What kind of childcare arrangements do you have?	MEN %N (58)	WOMEN %N (51)	Chi-square	Phi
1. v14 (Spouse)	25.3% (22)	1% (1)	0.00*	0.37
2. v15 (Nursery)	5.7% (5)	2.9% (3)	0.33	0.07

3. v16 (Relative)	6.9% (6)	15.5%(16)	0.064	-.134
4. v17 (Maid or child minder)	25.3% (22)	28.2% (29)	0.65	-.03
5.v18 (Others)	3.4% (3)	1.9% (2)	0.51	0.047

Note: *p<.05

In Table 15, we can see that for Malay and Chinese lawyers with children, the majority, 40.7 per cent and 21.8 percent, respectively, relied on a maid or child minder for childcare. There was a moderate measure of association between these variables. Thus, Malays relied more on the services of maids and a nursery for their childcare arrangements in comparison to the other cultural groups. I found this difference surprising. There is no relevant study pertaining to my result. I suggest the fact that Malays preferred to hire Muslim Indonesian maids who are cheaper and more widely available than Filipino maids, may have played a part in this result.

TABLE 15 Help with childcare arrangements by cultural groups

What kind of childcare arrangements do you have?	MALAY %N (62)	CHINESE %N(26)	INDIAN %N(21)	Chi-square	Phi
1. v14 (Spouse)	14.8% (12)	10.9% (6)	9.3% (5)	0.59	0.074
2. v15 (Nursery)	8.6% (7)	1.8% (1)	0	0.02*	0.19
3. v16 (Relative)	7.4% (6)	12.7% (7)	16.7% (9)	0.24	0.12
4. v17 (Maid or child minder)	40.7% (33)	21.8% (12)	11.1% (6)	0.00*	0.28
5.v18 (Others)	4.9% (4)	0	1.9% (1)	0.19	0.13

Note: *p<.05

I next turn to analysing the three agree/disagree statement questions to see if female lawyers in the survey felt they faced greater difficulty with work practices in the legal profession. I also investigate whether differences between lawyers were stronger by gender or by cultural grouping.

TABLE 16 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 2b

	ALL MEN		ALL WOMEN		GENDER		CULTURE		TUKEY
	Mean	SD	Mean	SD	F	Eta ²	F	Eta ²	
1. v162 (In the legal profession, long working hours creates difficulty for working mothers) (reversed scoring)	1.92	2.13	1.99	1.70	0.86	0.00	0.50	0.008	
2. v163 (In the legal profession, business travel is a problem for women with families) (reversed scoring)	2.08	1.98	2.48	2.10	0.05*	0.02	0.25	0.01	
3. v164 (In the legal profession, women are not as available for extra work as men) (reversed scoring)	2.56	2.35	2.96	2.13	0.14	0.01	0.07	0.03	
4. Family compatible work practices in the legal profession' scale (score out of 15).	6.58	5.61	7.32	4.97	0.24	0.009	0.17	0.02	

Note: *p<.05

Continuation TABLE 16 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 2b

	ALL MALAY		ALL CHINESE		ALL INDIAN		ALL GROUPS	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
1. v162 (In the legal profession, long working hours creates difficulty for working mothers) (reversed scoring)	1.86	1.96	1.97	1.65	2.10	2.04	1.96	1.89
2. v163 (In the legal profession, business travel is a problem for women with families) (reversed scoring)	2.24	2.13	2.55	1.98	2.12	2.04	2.29	2.07
3. v164 (In the legal profession, women are not as available for extra work as men) (reversed scoring)	2.54	2.36	3.11	1.79	2.80	2.41	2.77	2.25
4. 'Family compatible work practices in the legal profession' scale (score out of 15)	6.50	5.23	7.68	4.51	7.03	5.89	6.97	5.28

Note: *p<.05

Respondents' views for the three agree/disagree statements questions are set out in Table 16. Note that the negatively worded items in all three statements, v162, v163, and v164, have been reversed so that all high scores now indicate high levels of agreement that there is no difficulty for female lawyers with regard to work practice in the legal profession. I first analyse the questionnaire findings for the statements individually to assess for specific differences and then go on to consider whether these three items form a scale.

In Table 16, we can see there were significant differences between male and female lawyers for only one out of the three statements. The eta coefficients in the last column indicate that gender had only a small impact on respondents' opinions for this one statement. Female lawyers were less likely than male lawyers to agree with v163: 'In the legal profession, business travel is a problem for women with families'. As I had expected, there was recognition by male and female lawyers of women's difficulties in coping with work practice in the legal profession, but female lawyers were more optimistic about travel for women. This is somewhat surprising but I suggest that it can be explained by the fact that travelling is faster now and helps to reduce the amount of time women spend away from their families. Both male and female lawyers showed moderate agreement with v162: 'In the legal profession, long working hours creates difficulty for working mothers' and v164: 'In the legal profession, women are not as available for extra work as men'.

Although I did not find significant differences between male and female lawyers for the statement v162: 'In the legal profession, long working hours creates difficulty for working mothers' and v164: 'In the legal profession, women are not as available for extra work as men', I think this can be explained. I suggest that as both male and female lawyers indicated moderate agreement with these statements, the perception amongst both male and female lawyers is that women in Malaysia do face difficulty with regard to work practice.

I also investigated the scalability of the three agree/disagree statements concerning work practices for women in the legal profession. Using Cronbach's alpha, I found that these variables formed a scale - the alpha score was .79, above the .7 level regarded as valid (see Chapter 6). The mean score for female lawyers was 7.32 and

the mean score for male lawyers was 6.58 (the total score available was 15). The difference between these two scores was not significant. I called this scale 'family compatible work practices in the legal profession' scale.

The low scores indicated that both male and female lawyers disagreed that the work practices in the legal profession are problem free for women. Thus, my findings overall indicate that female lawyers in the survey perceived work practices in the legal profession as barriers to their career. Both male and female lawyers did not consider work practices in the legal profession are problem-free. Instead, they both considered that work practices have some impact on female lawyers' careers.

My findings are in line with a large number of studies of women's experiences with work practices in the legal profession and in Western countries such, as Britain and America, as discussed in Chapter 4. In particular, I found that my findings accord with those of Mossman (1994), Dusky (1996), McGlynn (1995) and Harrington's (1993) findings for women in the legal profession and Parasuraman and Greenhaus's (1993) findings for women in the workplace.

Table 16 also indicates there was no significant difference between the cultural groupings in their responses to the agree/disagree statement questions. There were also no significant differences between cultural groupings in their responses to the 'family compatible work practices' scale. My study is undertaken in a country with distinct cultural groupings where cultural groupings differ in their values and lifestyles, as described by Lrong (1998), Rahman (1988), Ismail (1988) who found differences amongst cultural groups in Malaysia. However, I did not find these cultural differences reflected in my lawyers' views on female lawyers' coping with work practices.

As part of hypothesis 2b, I had also predicted that this difficulty would result in women suffering from greater work-family conflict compared to men, limiting the former's prospects for promotion to partners in legal firms.

Respondents were asked their opinion on Small and Riley's (1990) five agree/disagree statements relating to work-family spillover on home management. Note that I have reversed the negatively worded items in v106, v107, v108 and v109 for work spillover on home management as Small and Riley (1990) did. Thus, high scores indicate high levels of agreement with the view that respondents did not experience conflict between their work and their home management. I first analysed statements individually to assess for specific differences before being adding up the statements to make a scale at the end. The result for work spillover on home management is shown in Table 17.

TABLE 17 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 2b

	ALL MEN		ALL WOMEN		GENDER		CULTURE		TUKEY
	Mean	SD	Mean	SD	F	Eta ²	F	Eta ²	
1. v106 (My job makes it difficult for me to get household chores done) (reversed scoring).	3.08	1.09	2.65	1.20	*0.04	0.02	0.4	0.03	
2. v107 (I spend so much time working that I am unable to get much done at home) (reversed scoring).	3.84	1.93	3.39	1.80	0.82	0.00	0.71	0.004	
3. v108 (Worrying about my job interferes with my ability to get things done around the house) (reversed scoring).	3.86	1.84	3.65	1.68	0.47	0.003	0.92	0.001	
4. v109 (When I get home from my job, I do not have the energy to do work around the house) (reversed scoring).	3.56	2.08	3.05	1.91	*0.009	0.03	0.97	0.00	
5. v110 (Having a job makes it easier for me to get my household chores done).	2.75	2.10	2.34	1.89	*0.04	0.023	*0.006	0.05	*0.032 (Malay-Chinese) *0.007 (Malay-Indian)
6. 'Work spillover -home management' scale (score out of 25).	17.02	7.95	15.62	7.26	0.15	0.01	0.18	0.02	

Note: *p<05

Continuation TABLE 17 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 2b

	ALL MALAYS		ALL CHINESE		ALL INDIANS		ALL GROUPS	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
1. v106 (My job makes it difficult for me to get household chores done) (reversed scoring).	3.08	1.20	2.73	1.04	2.62	1.20	2.84	1.17
2. v107 (I spend so much time working that I am unable to get much done at home) (reversed scoring).	3.49	1.94	3.32	1.69	3.46	1.90	3.43	1.86
3. v108 (Worrying about my job interferes with my ability to get things done around the house) (reversed scoring).	3.79	1.84	3.72	1.34	3.73	2.02	3.76	1.76
4. v109 (When I get home from my job, I do not have the energy to do work around the house) (reversed scoring).	3.32	2.19	3.30	1.71	3.24	2.11	3.30	2.03
5. v110 (Having a job makes it easier for me to get my household chores done).	2.86	2.12	2.32	1.62	2.19	2.02	2.53	2.01
6. 'Work spillover-home management' scale (score out of 25).	17.00	8.36	15.80	5.97	15.54	7.86	16.29	7.64

Note: * $p < 0.05$

In Table 17, we can see there were significant differences between male and female lawyers for three out of the five statements. The eta coefficients in the last column indicate that gender only had a small impact on respondents' opinions for these three statements. Thus, female lawyers were more likely than male lawyers to agree with v106: 'My job makes it difficult for me to get household chores done' and v109: 'When I get home from my job, I do not have the energy to do work around the house'; and women were less likely than men to agree with v110: 'Having a job makes it easier for me to get my household chores done'. However, both male and female lawyers disagreed with v107: 'I spend so much time working that I am unable to get much done at home' and v108: 'Worrying about my job interferes with my ability to get things done around the house'.

I also investigated the scalability of the five agree/disagree statements concerning work family conflict on home management. According to Small and Riley (1990), the 'Work-Spillover' scale, has good internal consistency, with a Cronbach alpha coefficient reported of .93 for the overall 20 items and .75 for the lowest subscale with 5 items. Using Cronbach's alpha, I found these variables formed a scale - the alpha score was .87. Therefore, my result was consistent with Small and Riley's (1990) result. The mean score for male lawyers was 17.02 and the mean score for female lawyers was 15.62 (total score obtainable was 25). However, the difference between the two scores was not significant. Both male and female lawyers were of the view that work did not conflict with home management.

Thus, my findings demonstrate that female lawyers in the survey did not feel home management conflicted with their having a career in the legal profession but female lawyers were less confident of this than men. My findings are therefore not in line with a large number of studies on work-family conflict in the legal profession and contexts in Western countries, such as Britain and America, as discussed in Chapter 4. In particular, my findings were not in line with those of Wiesma and Van Den Berg (1991), Williams and Alliger (1994) for women in the workplace. I think this can be explained by the fact that most lawyers in Malaysia employ domestic maids to help with managing the home thus enabling them to perform their work tasks. The hiring of domestic maids helps to lift additional strains which may otherwise arise for female

lawyers due to expectations of their traditional role as home managers (see Tables 6 and 8 above).

Table 17 also demonstrates there was only one significant difference between cultural groupings in their response to Small and Riley's work spillover subscales on home management. This was for v110: 'Having a job makes it easier for me to get my household chores done'. The integration of gender and cultural group for this variable is shown in Table 18. We can see that men and women in each cultural group resembled each other (no integration between gender and cultural grouping shown).

TABLE 18 The results of t-tests for statement v110 by gender and cultural groups for Research Hypothesis 2c

	MALAY				CHINESE				INDIAN									
	Men		Women		Men		Women		Men		Women							
	Mean	SD	Mean	SD	t	Eta ²	Mean	SD	t	Eta ²	Mean	SD	t	Eta ²				
V110 'Having a job makes it easier for me to get my household chores done'	2.82	1.21	2.35	1.07	0.08	0.04	2.43	1.07	2.00	0.87	0.12	0.04	2.23	1.11	1.79	1.13	0.17	0.03

Note: *p<.05

Malays lawyers were significantly more likely to agree with this statement than Chinese and Indian lawyers. I suggest this was due to the fact that Malays are the cultural group most likely to employ maids and their working gives the maids the opportunity to get their household chores done uninterrupted. Table 17 also showed no significant differences between cultural groups for the 'work-spillover' scale. My findings are therefore not in line with those of Lrong (1998), Sendut et al. (1990) who found different cultural groups in Malaysia displayed distinct differences in their lifestyles and social behaviour.

6.4.1 Overall questionnaire findings for Research Hypothesis 2b

In sum, my questionnaire findings demonstrate that, overall, male and female respondents did not differ in their experiences of work practices and work-family conflict. Both groups agreed that work practices in the legal profession appear difficult for female lawyers at work. However, female respondents did not report greater work-family conflict than men. I did not find systematic differences between the Malay, Indian and Chinese groupings for this hypothesis.

6.4.2 Analysis of interview findings for Research Hypothesis 2b

All of the married female lawyers interviewed stated that they had to maintain a balance between their work and family life. A large majority of them relied on the use of domestic maids to achieve such balance. The single female lawyers that were interviewed also voiced their preference for such an arrangement if they were to start a family. I include quotes from eleven women lawyers below. I include five Malay female lawyers (Mariam, Nuri, Jamilah, Siti and Aminah), three Chinese female lawyers (Shu Fang, Li Ming and Hua), and three Indian female lawyers (Arya, Parvati and Jayanti). The women interviewees' cultural groupings appear to make no difference to their views on work practices and balancing work-family issues in the Malaysian legal profession.

Mariam, a Malay lawyer with small children, described very clearly her daily juggling routine between family and work:

You have to balance things. I did a lot of multi-tasking. I think you have to master that if you have children, if you have a demanding career. Otherwise you just can't do it. You have to work harder, in the sense that you need to be more organized, you have to master multi tasking skills, you have to be very efficient. But it is very fulfilling.....but I must say that it is different for men. They have their wives to take care of them. Men can't multi task. They can only do one thing at a time. So it's easy life. It's easier for them. I don't have a wife to take care of my kids and the running of the house (laughs). That's another business there.....I have two careers, you know, home and office. So I actually tell myself, at 6 p.m. I am not going home, I am actually going to another office!

Shu Fang, a Chinese lawyer with adult children, also commented on the more difficult position for women in maintaining a work –family balance, in comparison to men:

Of course, marriage and children will have impact [on work]. That's why we say the traditional role of the women is still there. In the relationship, it's always the woman who has to take care of how the children are, their medical problem, emergencies, the maid problem. A male doesn't even have to bother with those things.

The single women amongst the interviewees all commented that they had observed their married friends' difficulties and predicted that they would have a harder time trying to balance their work and family responsibilities should they ever marry and have children.

Arya, a single Indian lawyer spoke of the difficulty which a married friend faced daily in balancing her work and family life:

I think it is very difficult. I have friends who are married and it's very difficult for them. I know one lady who.....(pause) I have to take my hat off to her. From 6 o'clock in the morning she's running. She gets breakfast ready, she goes to court, she sees clients, pick up the daughters, sends them to tuition. She does so much in one day. You'll have to give up a lot of yourself and probably end up very tired (laughs).

Yet again, another single lawyer commented on the difficulties married friends faced daily. Parvati, another single Indian lawyer, said the following when asked about her possible coping strategy if she were to have a family:

It will be really bad (if I were to marry) because you're working until 7-7.30 p.m. and you're really tired. I cannot imagine going back and cooking and doing the household chores (laughs). [Work] It starts at 8.45 I usually work until around 7-7.30. But usually in the mornings I go to court. Yes I do a lot of traveling. I think you really have to work at it unless you have an extremely understanding husband (laughs). For sure I would hire a maid (if I were to marry). Full time staying in maid (laughs) or life will be next to impossible!

Nuri, a Malay lawyer did not envision problems with her work hours and business travel because she intended to get help from a maid should any problem arise later:

[I work] 9 to 5.30 office hours. Because of the nature of the job, a lot of traveling all over Peninsular Malaysia, I can come in the office late until 11 a.m. One week, maybe I'll stay in the office just one day. Sometimes the whole week I will be away.....I always bring work home. Sometimes I even work while journeying. I do not think having a family will affect my work hours. This is not a problem. It is compatible to be a wife and lawyer.....probably I will be using a maid if I have children.

Jamilah, a Malay lawyer with small children, explained the necessity of extra help:

[I have] A maid full time staying in. I don't think I can cope with being the only one taking care of the kids and making sure my husband eats and also working. You always need assistance. Before I had the maid, I sent the kids to my mother in law. My mother in law stays far away so I only saw the children at weekends.

Siti, a Malay lawyer with a small child, was able to include business travel in her schedule because she had help from her in laws and a maid:

My normal work hours are 9 to 7.30. In the mornings at court. So if there is a court case I'll be in the office by 8 because I start my journey from office. Then from court continue to work.after my son and husband sleeps, I get up and do work and then sleep at 3 a.m. I get up at 6.30 a.m. to finish something. The flexibility is there provided you are willing to give extra hours at night.....in fact, I always argue with my mother in law. She didn't want a lawyer to be her daughter in law.....I found that I'm the one always at home whereas her son and daughters are all outstation.....in fact, if I go outstation, I can come back on the same day. I normally have a case in Johor Bahru and Penang. I fly in the morning and can come back. I don't even have to stay overnight. ...After our case, the judge wants to stop at 4 because they work government hours, so by 5 I can catch the next plane back to KL. I can sit having dinner with my family on the same day. I will drive my maid and son in the morning and put them in my mother in law's house. After work, dinner is there. After dinner, watch t.v. and then go home. By 11 I reach my own home. But I'm lucky to have my parents in law.

The need for help was voiced repeatedly by other interviewees. Aminah, a Malay lawyer with several small children, believed she could not have become a lawyer if there had been no maid to help her in the house:

Being a lawyer you need someone to support you, meaning physical support. Someone has to look after the children and to make sure everything goes okay for them at home. To make sure things run smoothly between the time you go and come back from work. I have a full time maid staying with me.....that is why when I go back at 7, I don't have a heavy heart. I know someone is there to take care of the children's welfare.

Li Ming, a Chinese lawyer with small children had this to say in explaining her hectic work week:

On average I go to court 2 or 3 times a week. I have a maid full time. My husband doesn't help (laughs). My mother just moved out like 2 months ago. So before that my mother in law helped a lot with the maid and children....I need some sort of help. If not a maid, then it'll be a relative to take care of the children while I am away.

Hua, a Chinese consultant with adult children, reminisced on earlier days:

[Work hours] 9 to 5? Are you kidding? You see the whole day you have client's problems, attending to this and that. When do you stop drafting the document? When my kids were small, I started drafting documents after I put them all to bed. I only slept 3 hours a night! I have a maid, a full time staying in. That is very important. Of course, when they were very small, my mother stayed with me until they were 6 or 7 months, then it's a lot of monitoring over the phone as well as keeping in touch with them. For a working woman with a family you must have first class help at home.

Yet again, Jayanti, an Indian lawyer with small children, stressed the importance of having support from family and domestic help:

Crazy hours (laughs). I used to work until 9 or 10 at night. Now I work from 8 to 6. I don't work weekends. Bring work home instead, even on weekdays...I work in this small firm now but my boss is my husband so it's more or less like my own firm. So it's easier, more flexible. That's because I had a lot of support. This would not have been possible without my parents and in laws, maids, so I'm able to give this constant commitment to my work. There's very good backup to the maid-parents. I have a maid in fact from the minute the children has been born, in 1990, when my daughter was born.

6.4.3 Overall interview findings for Research Hypothesis 2b

In sum, my interview material helps to explain my survey findings: they show how women in all three cultural groupings feel it was fundamental to acquire help, especially in the form of domestic maids, to help them cope with demanding work practices and prevent conflict from arising between work and family. Thus, whilst women in Malaysia face very similar demands placed on them by their role as wives and mothers, they are better able to cope compared to their Western counterparts.

6.4.4 Overall evaluation of findings pertaining to Research

Hypothesis 2b

Adding together my questionnaire survey and interview findings, male and female lawyers did not differ in their opinions as to the difficulties faced by female lawyers in work practices. The overall opinion held by male and female lawyers was that women faced difficulty in coping with work practices in the legal profession. However, this difficulty did not lead to work-family conflict for female lawyers as both they and their male counterparts reported having no such conflict.

Thus, my results for work practices are in accord with the studies of women's work practices in the legal profession, as discussed in Chapter 4. In particular, my findings are in line with those of Dusky (1996), Mossman (1994) for women lawyers. However, my results for work-family conflict are not in line with the majority of studies on work-family conflict, for example, those of Duxbury and Higgins (1991), Frone et al. (1992b) and Hammer et al. (1997) who found women experienced greater work-family conflict compared to men.

On the other hand, I also note there was little difference for work practices and work family conflict by cultural grouping. Malaysia is a country with distinct cultural groupings where cultural groupings differ in their view of social behaviour and values, as described by Sendut et al. (1990), Sarachek et al. (1984), Rahman (1988), and Ismail (1988). However, I did not find these cultural differences reflected in my lawyers views on work practices and work family conflict. Thus, I conclude that my findings for work practices show support for Hypothesis 2b while my findings for work-family conflict do not show support for Hypothesis 2b. I believe that the conflicting findings for Research Hypothesis 2b can be reconciled when the fact that an affordable and widely available foreign maid service in Malaysia is taken into account (see Chapter 2).

6.5 Chapter summary

An analysis of the questionnaire findings for Research Hypothesis 1a showed differences between the genders when it came to occupying partner and legal assistant positions in the legal profession. Further, findings relating to Research Hypothesis 1b showed the difference between male and female lawyers in the questionnaire survey was significant, and that interviewees' responses also showed agreement with the questionnaire findings. However, when analysis was undertaken for cultural groups, the questionnaire findings and interviews did not show a significant difference. Thus the findings lend support for my suggestion that the difference between the gender groups will be greater than the difference between cultural groups for views on glass ceiling as stated in my Research Hypothesis 1b.

For Research Hypothesis 2a however, an analysis of questionnaire findings showed no significant difference for male and female lawyers with regard to mentoring, this lack of significant difference between genders for mentoring was also revealed in interviews. There was therefore no support for the situation centred explanation for the glass ceiling in this hypothesis. Further, analysis of questionnaire findings for cultural groups also showed no significant difference and this was also the case for interview materials. Thus, the findings did not lend support for Hypothesis 2a that there will be greater differences between genders than differences between cultural groups for mentoring.

As regards Research Hypothesis 2b, questionnaire findings showed both male and female lawyers in my study believed work practices in the legal profession were hard for women, and interviewees' responses also showed agreement with this finding. However, there was no gender difference found for work-family conflict. Thus, while it was shown that female lawyers face difficulty with work practices in the legal profession in Malaysia, this did not automatically lead to work-family conflict for them. When analysis was undertaken for cultural differences, there were no significant differences found for work practices and work-family conflict in questionnaire surveys and interviews. Thus, I conclude that my findings showed only partial support for women lawyers facing difficulty with work practices and this

difficulty did not result in work-family conflict. Overall, there were no differences in respondents' responses for gender or cultural groupings. In the next chapter, I will discuss the data analysis findings for the social system centred explanation for the glass ceiling in Research Hypothesis 3.

CHAPTER 7 Data Analysis and Discussion for Research Hypothesis 3

7.1 Introduction

In this chapter, I discuss findings related to the social-system centred explanation for the glass ceiling. This discussion will include results from the questionnaire survey and also material from in-depth interviews. I analyse the questionnaire survey by gender and by cultural groups in order to see which factor has the most influence on male and female lawyers' views. I then discuss my interview materials and show how these can offer explanations for the questionnaire findings.

7.2 An analysis of questionnaire results for Research Hypothesis 3a

In this section, I will restate my Research Hypothesis 3a and subsequently discuss the findings derived from the questionnaire.

Hypothesis 3a:

Female lawyers will be more likely than male lawyers to see women in the legal profession as being as committed to their work and as having the same skills. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

The questionnaire yielded two types of information for exploring female lawyers' commitment to their work and views on women's work skills in the legal profession in Malaysia. First, respondents were asked to state their weekly work hours, the value they placed on their work, and also their area of legal practice. Second, respondents were asked to what extent they agreed or disagreed with ten statements about the perception of women lawyers' work skills and their commitment to the legal profession in Malaysia.

TABLE 19 Actual work hours by gender

	MEN		WOMEN		t	Eta ²
	Mean	SD	Mean	SD		
V28. How many hours in total do you spend on work per week?	2.28	0.69	2.17	0.62	0.25	0.007

Note: *p<.05

Respondents' reporting of their actual work hours is set out in Table 19. I have coded answers to the open ended question into categorical codes (1= 20-30 hours per week, 2 = 31-40 hours per week, and 3 = 41-60 hours per week). We can see that both male and female lawyers worked the same hours per week. Lawyers worked on average 40 hours per week.

TABLE 20 Actual work hours by cultural groups

	MALAY		CHINESE		INDIAN		t	Eta ²
	Mean	SD	Mean	SD	SD	SD		
V28. How many hours in total do you spend on work per week?	2.25	0.71	2.21	0.60	2.20	0.62	0.88	0.001

Note: *p<.05

Table 20 displays respondents' reporting of their actual work hours by cultural groups. We can see the cultural groups worked the same hours, on average 40 hours per week.

I now turn to an analysis of Amatea et al.'s (1986) five agree/disagree statement questions to see if female and male lawyers differed regarding the importance of work in their lives. I shall also investigate whether differences between lawyers were stronger by gender or by cultural groupings.

TABLE 21 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 3a

	ALL MEN		ALL WOMEN		GENDER		CULTURE		TUKEY
	Mean	SD	Mean	SD	F	Eta ²	F	Eta ²	
1. v48 'Having a work/a career that is interesting and exciting to me is my most important life goal'.	4.28	0.94	4.02	1.05	0.19	0.009	0.016*	0.044	*0.01 (Chinese-Malay)
2. v49 'I expect my job/career to give me more real satisfaction than anything else I do'.	3.78	1.09	3.34	1.13	0.01*	0.035	0.015*	0.044	*0.006 (Chinese-Malay)
3. v50 'Building a name and reputation for myself through work/ a career is not one of my life goals' (reversed scoring).	3.87	1.31	3.77	1.13	0.47	0.003	0.036*	0.035	*0.03 (Chinese-Malay)
4. v51 'It is important for me that I have a job/career in which I can achieve something of importance'.	4.39	0.86	4.34	0.87	0.57	0.002	0.048*	0.032	*0.035 (Chinese-Malay)
5. v52 'It is important for me to feel successful in my work/career'.	4.53	0.81	4.38	0.80	0.37	0.004	0.019*	0.042	*0.01 (Chinese-Malay)
6. 'Life Role Salience-occupational role reward value' scale (score out of 25).	20.85	3.27	19.84	3.41	0.55	0.02	0.00*	0.080	*0.00 (Chinese-Malay) *0.006 (Chinese-Indian)

Note: *p<0.05

Continuation of TABLE 21 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 3a

	ALL MALAY		ALL CHINESE		ALL INDIAN		ALL GROUPS	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
1. v48 'Having a work/a career that is interesting and exciting to me is my most important life goal'.	4.35	0.83	3.84	1.12	4.13	1.06	4.14	1.01
2. v49 'I expect my job/career to give me more real satisfaction than anything else I do'.	3.78	1.06	3.18	1.12	3.56	1.23	3.54	1.13
3. v50 'Building a name and reputation for myself through work/ a career is not one of my life goals' (reversed scoring).	3.88	1.34	3.46	1.26	4.09	1.18	3.82	1.29
4. v51 'It is important for me that I have a job/career in which I can achieve something of importance'.	4.48	0.86	4.11	0.86	4.44	0.83	4.36	0.87
5. v52 'It is important for me to feel successful in my work/career'.	4.60	0.66	4.20	0.79	4.48	0.96	4.45	0.81
6. 'Life Role Salience-occupational role reward value' scale (score out of 25).	21.08	2.97	18.78	3.21	20.70	3.66	20.30	3.38

Note: *p<.05

Respondents' views for Amatea et al.'s (1986) five agree/disagree statement questions are set out in Table 21. Note that the negatively worded item in v50: 'Building a name and reputation for myself through work/a career is not one of my life goals' has been reversed so that high scores now indicate high levels of agreement that work has value for respondents. I first analyse the questionnaire findings for the statements individually to assess for specific differences and then go on to consider whether these five items form a scale.

In Table 21, we can see there was a significant difference between male and female lawyers for only one out of the five statements. The eta coefficient in the last column indicates that gender had a small impact on respondents' opinions for this one statement. Thus, female lawyers were less likely than male lawyers to agree with v49: 'I expect my job/career to give me more real satisfaction than anything else I do'. However, both male and female lawyers strongly agreed with v 48: 'Having work/ a career that is interesting and exciting to me is my most important life goal', v51: 'It is important to me that I have a job/career in which I can achieve something of importance', and v52: 'It is important for me to feel successful in my work/career'. Both male and female lawyers displayed high scores for all these variables. Both male and female lawyers disagreed with the negatively worded v50: 'Building a name and reputation for myself through work/ a career is not one of my life goals'.

Thus, my findings clearly demonstrate that male and female lawyers in my survey held very similar views on the importance of their careers: both emphasised that their career was very important to them. I believe this reflects the competitive environment in the private legal profession in Malaysia today (see Chapter 3 for a discussion of competitiveness in the private legal sector). I suggest that, due to today's competitive environment, both male and female lawyers place importance on their work.

I also investigated the scalability of Amatea et al.'s (1986) five agree/disagree statements concerning the value placed on work in the legal profession. Using Cronbach's alpha, I found these variables formed a scale - the alpha score was .7, the level regarded as valid (see Chapter 6). Amatea et al. (1986), found the Life Role Salience Scales (LRSS) in their study had internal consistency, with a Cronbach alpha

coefficient reported ranging from .79 to .94 for the different scales. My finding is thus consistent with theirs. In my study, the mean score for female lawyers was 19.84 and the mean score for men was 20.85 (the total score obtainable was 25). The difference between the two scores was not significant. Thus, female lawyers in my survey were just as likely to place the same high value on work as their male counterparts.

My findings for hours worked are not in line with a number of studies on women's work hours in Western countries, such as Britain and America, as discussed in Chapter 4. In particular, my findings conflict with those of Greenberger and O'Neill (1993) and of Burley (1991), who found women spent less time in the workplace. However, my findings that both male and female lawyers placed similar importance on their careers are in line with those of McKeen and Bu (1998); Morley (1994); and Kaldenberg et al.(1995), who found female MBA students, academics and dentists in America and Britain placed as much importance on their work as men. I believe that the reason my findings for hours worked did not show support for the relevant Western literature but showed support for the Western literature pertaining to work importance was due to the fact that female lawyers had help from their maids and other family members for their childcare and domestic duties, giving them the opportunity to spend as much time at work as men. Western women are not able to do this. Thus, female lawyers in Malaysia are as committed as their Western counterparts, but the former have the opportunity to express their commitment in working the same hours as male lawyers.

Table 21 also indicates there were significant differences between cultural groupings in their response to Amatea et al.'s (1986) agree/disagree statement questions. This was for the five statements: v 48: 'Having work/ a career that is interesting and exciting to me is my most important life goal'; v49: 'I expect my job/career to give me more real satisfaction than anything else I do'; v50: 'Building a name and reputation for myself through work/ a career is not one of my life goals'; v51: 'It is important to me that I have a job/career in which I can achieve something of importance'; and v52: 'It is important for me to feel successful in my work/career'. There were also significant differences between cultural groups for the overall scale. The mean score for Malay lawyers was 21.08, the mean score for Chinese lawyers

was 18.78 and the mean score for Indian lawyers was 20.70 (the total score obtainable was 25).

Malay lawyers in my study were significantly more likely to agree with the aforementioned statements than were Chinese lawyers. Indian lawyers adopted an intermediate position. This is a very unexpected result and goes against the findings of Ismail (1988), Rahman (1988), and Sendut et al. (1990) who found that Malays were less ambitious and goal-oriented in comparison to the Chinese. However, my findings support those of Tamam et al. (1996). I suggest Chinese and Indian lawyers have adjusted the centrality of work in their lives downwards to reflect their inferior position in Malaysian society. Therefore, I suggest they emphasise other aspects in their lives more, for example, their families. I contend that the Malays have changed their attitude towards work: they now realise work can bring them great opportunities as they form the dominant group in Malaysian society (See Chapter 1).

Table 22 shows the interaction of both gender and cultural groupings for these statements. Malay men and women differed for statement v48, while Chinese men and women differed for statement v49. There does not seem to be any consistent pattern in this table.

5. v52 (It is important for me to feel successful in my work/career).	4.74	0.49	4.48	0.77	0.07	0.04	4.33	0.70	4.09	0.85	0.26	0.023	4.37	1.20	4.57	0.72	0.47	0.010
6. Life Role Salience Scale.	21.56	2.66	20.64	3.19	0.16	0.002	19.6	3.34	18.12	3.00	0.07	0.57	20.87	3.87	20.56	3.54	0.76	0.002

Note: *p<.05

Respondents' reporting of their area of work practice is set out in Table 23.

We can see that both men and women lawyers worked in the same area of legal practice.

TABLE 23 Area of legal practice by gender

V32. How would you describe your main work activity?	MEN %N(76)	WOMEN %N(96)	Chi	Phi
1. Office work (drafting, legal research, conveyancing).	40.8% (31)	50% (48)	0.22	-0.09
2. Court work (civil litigation, criminal litigation).	59.2% (45)	50% (48)		

Note: *p<.05

However, Table 24 shows there were cultural differences for area of legal practice, with Indians being the biggest group undertaking court work (civil litigation, criminal litigation): the other two groups were less likely to undertake this sort of legal work. In Malaysia, Indians are widely regarded as the most articulate group. I suggest that although this may be stereotyping, there is some truth to this as Indian lawyers have chosen to work in an area of law which depends on their oratorical skills.

TABLE 24 Area of legal practice by cultural groups

V32. How would you describe your main work activity?	MALAY %N (69)	CHINESE %N(52)	INDIAN %N(51)	Chi	Phi
1. Office work (drafting, legal research, conveyancing).	50.7% (35)	61.5% (32)	23.5% (12)	*0.00	0.3
2. Court work (civil litigation, criminal litigation).	49.3% (34)	38.5% (20)	76.5% (39)		

Note: *p<.05

Having analysed respondents' actual work hours, the importance of work in their lives, and actual areas of legal practice, I now turn to an analysis of ten agree/disagree statement questions that I devised in order to see if female lawyers' work skills and commitment level in the legal profession were perceived to be different from those of their male colleagues. I also investigate whether differences between lawyers were stronger by gender or by cultural grouping.

TABLE 25 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 3a

	ALL MEN Mean		ALL WOMEN		GENDER		CULTURE		TUKEY
	Mean	SD	Mean	SD	F	Eta ²	F	Eta ²	
1. v167 'In the legal profession, only men are seen as having real leadership ability' (reversed scoring).	3.85	1.98	3.50	2.07	0.021*	0.032	0.14	0.02	
2. v168 'In the legal profession, women's work skills are valued equally with men's'.	4.07	1.85	3.50	1.60	0.00*	0.07	0.10	0.02	
3. v169 'In the legal profession, women who want to be succeed must become just like men' (reversed scoring).	3.40	2.49	3.36	2.02	0.36	0.005	0.50	0.009	
4. v170 'In the legal profession, men would find it hard to work for a woman' (reversed scoring).	3.19	2.36	3.10	1.97	0.36	0.005	0.58	0.007	
5. v171 'In the legal profession, women are believed to be better at desk-work whilst men perform better in the courtroom' (reversed scoring).	3.31	2.36	3.30	1.99	0.83	0.00	0.78	0.003	
6. v172 'In the legal profession, only men are considered aggressive enough to be successful' (reversed scoring).	3.68	2.16	3.59	2.10	0.42	0.004	0.58	0.006	
7. v173 'In the legal profession, married women are seen as less committed to work than married men' (reversed scoring).	3.32	2.16	2.90	2.02	0.005*	0.047	0.46	0.009	
8. v174 'In the legal profession, both women and men are encouraged to pay attention to their families' needs'.	3.64	2.04	3.20	1.89	0.023*	0.032	0.02*	0.04	0.008* (Malay-Indian)

9. v175 'In the legal profession, childcare responsibilities are seen as being incompatible with top jobs for women' (reversed scoring).	2.95	2.19	2.88	1.89	0.28	0.008	0.15	0.02	
10. v176 'In the legal profession, we think happy families make productive employees'.	4.36	1.38	3.77	2.07	0.00*	0.07	0.07	0.031	
11. 'Belief in women's work skills and commitment' scale.	34.9	11.7	32.84	12.16	0.018*	0.04	0.30	0.018	

Note: *p<.05

Continuation of TABLE 25 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 3a

	ALL MALAYS		ALL CHINESE		ALL INDIANS		ALL GROUPS	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
1. v167 'In the legal profession, only men are seen as having real leadership ability' (reversed scoring).	3.51	2.26	3.93	1.37	3.68	2.22	3.67	2.04
2. v168 'In the legal profession, women's work skills are valued equally with men's'.	3.87	1.80	3.92	1.39	3.48	2.00	3.78	1.78
3. v169 'In the legal profession, women who want to be succeed must become just like men' (reversed scoring).	3.28	2.48	3.57	1.84	3.38	2.22	3.38	2.24
4. v170 'In the legal profession, men would find it hard to work for a woman' (reversed scoring).	3.17	2.18	3.28	1.81	2.98	2.36	3.14	2.15
5. v171 'In the legal profession, women are believed to be better at desk-work whilst men perform better in the courtroom' (reversed scoring).	3.27	2.28	3.23	1.94	3.43	2.22	3.30	2.16
6. v172 'In the legal profession, only men are considered aggressive enough to be successful' (reversed scoring).	3.67	2.22	3.73	1.73	3.47	2.35	3.63	2.12
7. v173 'In the legal profession, married women are seen as less committed to work than married men' (reversed scoring).	3.12	2.06	3.26	1.99	2.94	2.29	3.11	2.11
8. v174 'In the legal profession, both women and men are encouraged to pay attention to their families' needs'.	3.68	2.04	3.35	1.88	3.02	1.85	3.42	1.98

9. v175 'In the legal profession, childcare responsibilities are seen as being incompatible with top jobs for women' (reversed scoring).	2.84	2.10	3.22	1.82	2.77	2.04	2.91	2.02
10. v176 'In the legal profession, we think happy families make productive employees'.	4.27	1.70	3.81	1.76	3.95	2.06	4.06	1.85
11. 'Belief in women's work skills and commitment' scale.	34.19	10.89	35.08	11.71	32.36	13.85	33.86	12.08

Note: *p<0.05

Respondents' views for the ten agree/disagree statement questions are set out in Table 25. Note that the negatively worded items in v167, v169, v170, v171, v172, v173 and v175 have been reversed so that all high scores now indicate high levels of agreement that women are perceived as equal to men in their commitment and ability level in the legal profession. I first analyse the questionnaire findings for the statements individually to assess for specific differences and then go on to consider whether these ten items form a scale.

In Table 25, we can see there were significant differences between male and female lawyers for five out of the ten statements. The eta coefficient in the last column indicates that gender had a moderate impact on respondents' opinions for two of these statements and a small impact for the other three statements. Thus, female lawyers were more likely than male lawyers to agree with v167: 'In the legal profession, only men are seen as having real leadership ability' and v173: 'In the legal profession, married women are seen as less committed to work than married men', and women lawyers were less likely than male lawyers to agree with v168: 'In the legal profession, women's work skills are valued equally with men's', and v174: 'In the legal profession, both women and men are encouraged to pay attention to their families' needs'. Both male and female lawyers agreed with v169: 'In the legal profession, women who want to be succeed must become just like men'; v170: 'In the legal profession, men would find it hard to work for a woman'; v171: 'In the legal profession, women are believed to be better at desk-work whilst men perform better in the courtroom'; v172: 'In the legal profession, only men are considered aggressive enough to be successful'; and v175: 'In the legal profession, childcare responsibilities are seen as being incompatible with top jobs for women'.

Thus, for these five statements I found female lawyers in my survey believed their work skills and commitment in the legal profession were perceived to be different from those of their male colleagues. Table 25 does not show there to be significant differences between male and female lawyers for the statements v169: 'In the legal profession, women who want to be succeed must become just like men'; v170: 'In the legal profession, men would find it hard to work for a woman'; v171: 'In the legal profession, women are believed to be better at desk-work whilst men perform better in

the courtroom'; v172: 'In the legal profession, only men are considered aggressive enough to be successful'; and v175: 'In the legal profession, childcare responsibilities are seen as being incompatible with top jobs for women'. Since I found significant differences between male and female lawyers for five of my statements and not for the other five, I decided that the logical step would be to see if the ten items formed a scale.

I investigated the scalability of the ten agree/disagree statements concerning women lawyers' perceived work skills and commitment level in the legal profession. Using Cronbach's alpha, I found these variable formed a scale - the alpha score was .79, above the .7 level regarded as valid (see Chapter 6). The mean score for female lawyers was 32.84 and the mean score for men was 34.97 (the total score obtainable was 50). The difference between the two scores was significant and the eta coefficient was quite small, at .04. I called this scale 'belief in women's work skills and commitment'. Thus, the scale shows that female lawyers were less likely than male lawyers to believe that women's work skills and commitment were regarded as the same as men: negative stereotyping appears to be a problem for women in the legal profession.

My findings are in line with a large number of studies on women's perceived skills and commitment in the legal profession and in contexts in Western countries such as America, Britain, and Canada. In particular, my findings are in accord with those of Thornton (1996), Sommerlad and Sanderson (1998), and Brockman (2001) for women in the Australian, British and Canadian legal profession and Gammie and Gammie (1997), Devine (1994) and Perry et al.(1994) for women accountants, scientists, engineers, and managers in America and Britain where women were perceived as being less committed to their work and women's work skills were also perceived to be different from those of men. Strongest differences between male and female lawyers in my survey were where female lawyers indicated they felt women's work skills were not valued equally with those of men and the legal profession was not family- friendly. Such opinions have close resonance with studies by Thornton (1996) in Australia, and Sommerlad and Sanderson (1998) in Britain, who found female lawyers expressed dissatisfaction with the negative stereotyping of their work skills and lack of family- friendly arrangements.

Table 25 also indicates there was only one difference between cultural groupings' response to the agree/disagree statement questions. This was for v174: 'In the legal profession, both women and men are encouraged to pay attention to their families' needs'. Malay lawyers were significantly more likely to agree with this statement than Indian lawyers. Chinese lawyers adopted an intermediate position. I have suggested earlier that Chinese and Indian lawyers displaced some of the importance of work and emphasised their family more. Thus, Chinese and Indian lawyers might expect more provisions for their family needs than Malays and would therefore be relatively less impressed with the attention given by the legal profession to family concerns.

Table 26 shows the interaction for gender and culture for v174. The findings for male and female lawyers in each cultural group were the same. There were no significant differences between the cultural groupings for the 'belief in women's work skills and commitment' overall scale.

TABLE 26 The results of t-tests for statement v174 by gender and cultural groups for Research Hypothesis 3a

	MALAY						CHINESE						INDIAN										
	Men			Women			Men			Women			Men			Women							
	Mean	SD	t	Mean	SD	t	Mean	SD	t	Mean	SD	t	Mean	SD	t	Mean	SD	t					
1.v174 'In the legal profession, both women and men are encouraged to pay attention to their families' needs'.	3.70	1.24		3.29	1.16	0.13	0.02			3.50	1.26	2.88	1.26	0.10	0.05			3.14	1.06	2.72	1.27	0.22	0.03

Note: *p<0.05

7.2.1 Overall questionnaire findings for Research Hypothesis 3a

In sum, my questionnaire findings demonstrate that female respondents' similarly attached importance to their work and also worked in the same area of legal practice as their male counterparts. However, the female lawyers in my study believed their work skills and commitment in the legal profession were compared less favourably to those of their male colleagues. I also found systematic differences between the Malay, Chinese and Indian groups in the importance they attached to work.

7.2.2 Analysis of interview findings for Research Hypothesis 3a

In the course of interviews, I found interviewees focused on the issue of the negative stereotyping of their work skills and commitment rather than the issue of the importance of work in their lives. They took the importance of work very much for granted and had a lot of opinion they wanted to explore for these negative stereotypes. I did not observe cultural differences amongst female interviewees in the importance they attached to their work. I did not find Malay women lawyers emphasised the importance of work more than Chinese and Indian women lawyers. They all stated that their career was very important to them. These findings are in contrast to those of my questionnaire. I suggest that further study is needed for this issue in the legal profession in Malaysia.

A large majority of interviewees stated that, although there were now more women than ever before in the Malaysian legal profession, nevertheless, they felt female lawyers' work skills and commitment were still not perceived as equal to those of their male colleagues. I include quotes from nine female lawyers below. I include one Malay female lawyer (Ramlah), five Chinese female lawyers (Li Ming, Fang Yin, Zhen Juan, Mingmei and Shu Fang), and three Indian female lawyers (Parvati, Tanushri and Jayanti). There are striking similarities between these women interviewees' beliefs; they are clearly all of the view that there is negative stereotyping of women's work skills and commitment level in the legal profession whatever their cultural identity. Note Mingmei's admittance that she herself preferred

to hire male employees based on her belief that male lawyers are more committed to work than female lawyers.

Parvati, an Indian lawyer, believed that clients sometimes have difficulty with perceiving women lawyers' as skilled legal practitioners and will undermine their work skills and commitment:

Clients, ya, once in a while I do get clients making rude remarks about me being a female. Sometimes they don't perceive women lawyers can get the job done. They would prefer a male lawyer. Yes, I think women with families are perceived as less committed.

In another interview, Tanushri, an Indian lawyer, reflected on the perception of men as being better lawyers in court:

Ya, I think women are perceived differently. These men, they do think for example, criminal matters, most of them have this thing that a lady won't be able to do it. So there is already bias on judgement. Same goes for civil litigation matters. Or you even have clients who are a bit skeptical when they see a lady lawyer. The first thing they think is that she won't be able capable of handling matters in court simply because she's a lady and she won't be aggressive-soft. These are very wrong. There are many lady lawyers here and work is done. You don't have to be so aggressive to get your message forward.

She was also adamant that women lawyers' commitment to work was seen as less compared to men's work commitment:

There is a perception of mothers being less committed. When the female is pregnant the male boss is anticipating that this person will go off.... (pause) their work is going to be abandoned. I have come across my friends who have not got working opportunities in firms just because they are married or expecting. It does affect a lot of women.

Jayanti, an Indian lawyer, when asked of perception towards women's commitment level to work, related her own personal experience in this situation:

Yes, I have actual personal experience. Many years ago, when I had my first pregnancy I think my employer was unhappy and life was very difficult. I was asked to leave. I can't see any other reason (for the job termination).

She was also of the opinion that women lawyers' litigation skills were not viewed as equal to those of their male colleagues:

Certainly, from the point of view of the clients-yes. In this society, generally speaking, there is more confidence in male litigators as opposed to female litigators. Again, I think it is the chauvinistic society and this perception that males are better than females, especially in the courtroom. Articulate and aggressive, Malaysian public is very impressed with the drama!

The perception of male lawyers as better lawyers, especially where court work is concerned, was also commented upon by Li Ming, a Chinese lawyer:

As far as litigation is concerned, they may think male litigators are better, more controlled or more steady. They may think that. So as women, our job is to change that perception. Meaning to say, when we meet clients, we have to instill the confidence in them that we are capable.

When questioned on her commitment level as a mother, she believed there was no variation from when she was single, rather it was a matter of better management of her time:

Um, no, [commitment] still the same. Just a matter of planning my time better.

Again, in another interview session, Fang Yin, a Chinese lawyer, when asked for her views, was very firm in her belief that women lawyers who worked in litigation (court work) faced negative stereotyping of their skills:

In court, yes, generally you can say that as a woman, all you have to do is stand up in court and lose ten points automatically. Let's say you are in a meeting, the clients would look at the men first.

Zhen Juan, a Chinese lawyer, also mentioned the existence of a negative perception of women's work skills for litigation work, in contrast to other legal practices dealing with drafting, legal research, or conveyancing:

In litigation, males are seen as better. For other fields, we can perform as well or even better than men.

Mingmei, a Chinese lawyer and consultant, commented on the fact that potential employers preferred to employ men compared to women, especially married women,

as they were often viewed as lacking the requisite commitment to work. As an employer herself, she acknowledged that she too preferred to employ men:

Ya, in fact, as I see it people prefer to employ boys than girls. We have a lot of people coming in for interviews and they find that if they are married then their chances are not so good. Boys get taken first, then the girls, if they are not married, then they get the job easier. If they're married with children, then they don't get the job".

Employers' tendency to question female employees' commitment was also commented upon by Ramlah, a Malay lawyer, who believed that women's commitment level to work was often suspected by potential employers:

If you are a married woman, when you want to enter a firm-I don't think the employers like it for a start. If possible, sometimes even in advertisements they want single women. They don't like mothers taking time off if the child is sick.

In contrast to the other interviewees, Shu Fang, a Chinese lawyer, disagreed that women lawyers faced negative stereotyping of their ability. She stressed that everything depended on the individual's drive and talent:

It depends on you, you see, it really has nothing to do with sex, as far as I feel. Ability in the legal profession has nothing to do with sex. It's to do with the person. And it just happens to be a female lawyer and they're good or it just happens to be a male lawyer and they're good.

I think Shu Fang's view differed from the others because she was the only one that practised family law exclusively, an area of the law widely perceived as better suited to women.

7.2.3 Overall interview findings for Research Hypothesis 3a

In sum, contrary to the questionnaire findings, which showed cultural differences for the importance of work in the lives of respondents, my interview material did not show such differences. Female interviewees glossed over the issue of the importance of work to them and instead wanted to focus specifically on the issue of negative stereotyping which female lawyers face in the legal profession. My interview materials, however, helped to explain my survey findings for the negative

stereotyping of female lawyers' work skills and commitment in the legal profession: they showed how women in all three cultural groupings indicated that while female lawyers try to cope with balancing their work and family demands, they are unfairly perceived as lacking the necessary commitment to their work. They are also perceived as lacking the necessary skills for court work (civil or criminal litigation) in comparison to their male colleagues. Thus, support is added for the view that female lawyers in Malaysia hold very similar views on the negative stereotyping of women's skills and commitment as their counterparts in the legal profession and other professions in Western countries, such as America, Britain, and Canada.

7.2.4 Overall evaluation of findings for Research Hypothesis 3a

Adding together my questionnaire survey and interview findings, I found that male and female lawyers differed in their view on the perception of female lawyers' work skills and commitment level in the legal profession. The opinion, held by most female lawyers in interviews, was that they faced negative gender stereotyping of their work skills and commitment level, although there was one female lawyer who disagreed that female lawyers face such negative stereotyping. This was the only dissenting opinion: all the other interviewees believed that female lawyers face negative stereotyping of their work skills and commitment level in the legal profession.

Although women have been accepted in the legal workplace, their skills in certain areas of legal practice are still not perceived in the same manner as those of their male colleagues and their commitment to work is still questioned. My results are, therefore, in line with those found in Western countries, for example, the work of Sommerlad and Sanderson (1998), Thornton (1996), Hagan and Kay (1995), who found women lawyers' commitment and skills in Britain, Australia, and Canada were regarded as different and inferior to those of their male counterparts.

Although Malaysia is a country with distinct cultural groupings and where the cultural groupings differ in their values and social behaviour, as indicated by Lrong (1998) and Rahman (1988), however, these distinct cultural groupings did not lead in general, to differences in perception of women's work skills and commitment in the legal profession, only with respect to the importance of work did I find any culturally

derived differences. Thus, my findings offer very limited support to those of Lrong (1998) and Rahman (1988).

In short, my findings lend support to Hypothesis 3a that women lawyers are perceived as less committed to work and that their work skills are perceived as different from those of men: this negative stereotyping acts as a barrier to their promotion as partners. The difference between gender groups was greater than the difference between the three cultural groups. Respondents displayed cultural differences in the importance they attached to work in the questionnaire but these cultural differences were not apparent in interviews. As there was dissonance between the questionnaire findings and interview materials for this issue, I suggest more research is needed to explain this. No cultural differences were found for the perception of women's work skills and commitment in the legal profession in Malaysia.

7.3 An analysis of questionnaire results for Research Hypothesis 3b

In this section, I will restate my Research Hypothesis 3b and then discuss questionnaire findings relating to it.

Hypothesis 3b:

Female lawyers will face greater difficulty in networking than do men and this will act as a barrier to their promotion to partner levels. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

Respondents' views for the five agree/ disagree statement questions on networking in the legal profession are set out in Table 27. Note that the negatively worded items in v177, v178, v179 and v181 have been reversed so that all high scores now indicate high levels of agreement that female lawyers' find it easy to network in the legal profession. I first analyse the questionnaire findings for the statements individually to assess for specific differences and I then go on to consider whether these five items form a scale.

In Table 27, we can see there were significant differences between male and female lawyers for three out of five statements. The eta coefficients in the last column indicate that gender had a large impact on the respondents' opinions for statements v177, v178 and v179. Thus, female lawyers were less likely than male lawyers to agree with v177: 'In the legal profession, the 'men's club' excludes women from opportunities', and were more likely than male lawyers to agree with v178: 'In the legal profession, men appear closer than women to those with organisational power'; and v179: 'In the legal profession, men always get information about new opportunities from outside sources before women'. Both male and female lawyers agreed with v180: 'In the legal profession, women know as many important people as men do' and v181: 'In the legal profession, men are more likely than women to meet each other outside work'.

Thus, my findings demonstrate that female lawyers in the survey tended to be more likely than their male colleagues to believe that women faced difficulty in networking in the legal profession. I went on to construct a scale for these five items to see if they were related to each other.

Using Cronbach's alpha, I found these five variables in Table 27 formed a scale - the alpha score was .74, above the .7 level regarded as valid (see Chapter6). The mean score for female lawyers was 14.19 and the mean score for male lawyers was 17.37 (the total score obtainable was 25). Both male and female lawyers' scores were lower for this scale compared to the other scales. The difference between scores for male and female lawyers was significant and the eta coefficient was large at .14. I called this scale 'networking in the legal profession'. Female lawyers in my survey were less likely to consider their networking was as successful as that of their male counterparts.

My findings are in line with a number of studies on women's networking activities in Western countries such as America and Britain, both in the legal profession and in other contexts as discussed in Chapter 4. In particular, my findings are in accord with those of Dusky (1996), Brockman (2001) and Thornton (1996) for women in the legal profession, and of Ohlott et al. (1994) and Bagilhole (2000) for women in the

management and academic professions where they found women had greater difficulty in networking than men. The strongest difference between male and female lawyers in my survey concerned the existence of a men's club: female lawyers were much more likely to hold the opinion that there exists a men's club in the legal profession that excludes women; my findings here closely resonated with Thornton's (1996) findings that female lawyers in Australia are not included in informal social gatherings, and Fosh and Ng's (2005) findings on a men's club in an airline company in Hong Kong.

Table 27 also indicates there was only one difference between the cultural groupings in their response to the agree/disagree statement questions. This was for v181: 'In the legal profession, men are more likely than women to meet each other outside work'. Table 28 shows the interaction between gender and culture for v181. The views of men and women lawyers in each cultural group were the same. Indian lawyers were significantly less likely to agree with this statement than were the other lawyers. I suggest the fact that Indian lawyers were more negative about networking activities in the legal profession for women reflects the difficulty Indians face with networking, since the Malays in Malaysian society, and to some extent, the Chinese, hold more dominant and powerful positions (see the discussion in Chapter 1 on the position of Bumiputeras). There were no significant differences between cultural groupings for 'networking in the legal profession' scale.

7.3.1 Overall questionnaire findings for Research Hypothesis 3b

In sum, my questionnaire findings clearly demonstrate that female lawyers believed their networking abilities were not nearly as successful as those of their male counterparts. However, I did not find systematic differences between Malay, Chinese and Indian groupings.

7.3.2 Analysis of interview findings for Research Hypothesis 3b

A large majority of my female interviewees stated that, although female lawyers network, they still do not have the same networking advantages as their male

counterparts. I present quotes from seven female lawyers below. I include three Malay female lawyers (Zarina, Siti and Aminah), three Chinese female lawyers (Mingmei, Shu Fang and Hua), and one Indian female lawyer (Jayanti). The similarities between women interviewees' feelings were striking, they were clearly of the view that there was a barrier to female lawyers' networking abilities in the legal profession. Note Mingmei's, Shu Fang's, and Zarina's view of the masculine activities in networking, such as golfing and drinking. Women interviewees' cultural groupings made no apparent difference to their views on female lawyers' networking prospects in Malaysia.

Mingmei, a Chinese consultant, commented that networking was usually centred around sports and drinks, limiting female lawyers' participation:

Ya, I think so. Like you can lobby for more work and things if you play golf with them, have a drink after that. It's a social thing which some girls might not be able to do....you lose more because for us ladies, we are just restricted to lunch for entertainment whereas the boys could go so much further.

In another instance, Shu Fang, a Chinese lawyer, also commented that there was a men's club, with masculine type activities, for male lawyers in Kuala Lumpur:

Well I suppose there is always a men's club in any profession because some men are more comfortable with people of their kind. Ya, I suppose there is.....I think a lot of male lawyers would feel uncomfortable because they like to go drinking, when they can crack their own raunchy jokes and things like that.

Hua, a Chinese consultant, was very adamant about networking's importance for becoming partner and indicated the difficulty which women face in networking:

Of course still exists [men's club]. In the sense that there is a close distinction between a guy and a woman like us running a legal profession. If you are a legal assistant, you couldn't care less but if you are running a firm, it is of course easier for the guys to get work done because most of the top people are guys, running their companies.....we finish work, we have to go home and make sure the home is in order. Where do we get the time to go out and socialize with other women and network. It's very difficult. So guys, in that sense, have a great advantage for them to run firms.

Zarina, a Malay lawyer, pointed out the importance attached to networking for work and the watering holes where male lawyers gather in Kuala Lumpur:

Yes [men network together], because a lot of the business out there is still gotten by entertainment and the men are out there doing it.....because the ones with the networking tradition are men so you'll find on any given day and time, a group of male lawyers in Selangor Club or Sri Hartamas in a pub, drinking away. They become privy to information maybe not easily accessed by women. It affects our networking and networking leads to jobs, clients.

In another instance, Jayanti, an Indian lawyer, commented that women are disadvantaged when it comes to networking as they just do not have as much free time because of their responsibilities, as men have to network effectively:

Yes, I think it does definitely exist [men's network]. Certainly between lawyer and client and between lawyers themselves. I'm very certain it's more men doing this because they have less responsibilities. They have more time to engage in this sort of things generally speaking.

However, Siti, a Malay lawyer, did not believe there still existed a men's club for legal practitioners in Kuala Lumpur:

Last time of course there existed a men's club because the Selangor Club-all the senior lawyers used to do that a lot and they drink a lot but of late, things have changed. In fact what is happening now is that the young lawyers, they go out together. Mixture of male and females-have fun and drinks in Bangsar. No more strictly men's club. Last time, yes.

Support for her view was given by Aminah, a Malay lawyer, who also believed that exclusive male bonding in networks is a thing of the past in the legal profession:

I don't think so because I think they mingle around. If you go anywhere you will see in a group there is 1 or 2 women and I think they are comfortable with that.

I suggest that Siti and Aminah's views were based on superficial impressions of informal gatherings in which they themselves would not participate as Muslim women who strictly observed the Islamic dress code (i.e. wore the veil) and did not attend social gatherings where males and females mixed openly together.

7.3.3 Overall interview findings for Research Hypothesis 3b

In sum, my interview materials help to explain my survey findings: they show how women in all three cultural groupings felt that, while female lawyers do network, their efforts at establishing powerful contacts and support are not as successful as those of

their male counterparts. Thus, support is added for the view that women lawyers in Malaysia hold very similar views to their counterparts in Western countries such as Canada, America and Britain, in the legal profession and in other professions.

7.3.4 Overall evaluation of findings pertaining to Research

Hypothesis 3b

Adding together my questionnaire survey and interview findings, I found that male and female lawyers in my study differed in their opinions as to the networking opportunities available for female lawyers in the legal profession. The opinion held by most female lawyers was that they did not enjoy the same successful networking activities of their male colleagues and this was a barrier to their future career prospects. While there were two women interviewees who believed that female lawyers had as much success in networking as their male counterparts, this was a much smaller number than those who believed that female lawyers faced difficulties in networking in the legal profession. Although female lawyers did network, their efforts were not as successful as they did not have the same access to powerful networks. Thus, my results mirror those in the west: see, for example, the work of Ohlott et al. (1994) and Bagilhole (2000) for women facing networking disadvantages in the management and academic professions in America and Britain and also the work of Brockman (2001), Dusky (1996) and Thornton (1996) who reported women lawyers face difficulty in networking in Canada, America and Australia.

I found, however, there was little difference in lawyers' opinions on networking in the legal profession by cultural groupings. Malaysia has distinct cultural groupings which differ in their values and social behaviour as indicated by Lrong (1998), Rahman (1988), and Sendut et al (1990). However, I did not find these cultural differences were reflected in my lawyers' views on female lawyers' networking in the legal profession.

Thus, I conclude that my findings lend support for Hypothesis 3b that women lawyers face greater difficulty in networking in comparison to their male counterparts and that

the differences between gender groups was greater than the differences between the three cultural groups.

TABLE 27 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 3b

	ALL MEN		ALL WOMEN		GENDER		CULTURE		TUKEY
	Mean	SD	Mean	SD	F	Eta ²	F	Eta ²	
1. v177 'In the legal profession, the 'men's club' excludes women from opportunities' (reversed scoring).	4.06	1.90	4.19	6.22	0.00*	0.22	0.053	0.04	
2. v178 'In the legal profession, men appear closer than women to those with organisational power' (reversed scoring).	3.39	2.15	2.78	2.12	0.00*	0.14	0.142	0.025	
3. v179 'In the legal profession, men always get information about new opportunities from outside sources before women' (reversed scoring).	3.79	2.10	2.49	1.88	0.00*	0.09	0.76	0.004	
4. v180 'In the legal profession, women know as many important people as men do'.	3.63	2.05	3.05	1.88	0.46	0.003	0.76	0.003	
5. v181 'In the legal profession, men are more likely than women to meet each other outside work' (reversed scoring).	2.53	1.94	3.53	1.73	0.91	0.00	0.025*	0.04	*0.3 (Indian-Chinese)
6. 'Networking in the legal profession' scale (score out of 25).	17.37	7.24	14.19	6.22	0.00*	0.14	0.33	0.01	

Note: *p<.05

Continuation of TABLE 27 ANOVA tests of statement questions by gender and cultural groups for Hypothesis 3b

	ALL MALAY		ALL CHINESE		ALL INDIAN		ALL GROUPS	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
1. v177 'In the legal profession, the 'men's club' excludes women from opportunities' (reversed scoring).	3.72	2.21	3.22	2.14	3.13	2.42	3.41	2.29
2. v178 'In the legal profession, men appear closer than women to those with organisational power' (reversed scoring).	3.01	2.12	3.11	1.92	2.57	2.14	2.91	2.13
3. v179 'In the legal profession, men always get information about new opportunities from outside sources before women' (reversed scoring).	3.37	2.24	3.37	1.86	3.48	2.02	3.40	2.07
4. v180 'In the legal profession, women know as many important people as men do'.	3.56	2.14	3.51	1.47	3.66	1.84	3.58	1.87
5. v181 'In the legal profession, men are more likely than women to meet each other outside work' (reversed scoring).	2.55	1.81	2.89	1.85	2.24	1.82	2.55	1.86
6. 'Networking in the legal profession' scale (score out of 25).	16.31	7.69	15.98	7.29	14.72	6.11	15.67	7.16

Note: *p<.05

TABLE 28 The results of t-test for statement v181 by gender and cultural groups for Research Hypothesis 3b

	MALAY				CHINESE				INDIAN									
	Men		Women		Men		Women		Men		Women							
	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD						
1. v181 'In the legal profession, men are more likely than women to meet each other outside work'	2.38	1.04	2.55	1.01	0.48	0.007	3.05	1.17	2.86	1.06	0.56	0.007	2.45	1.26	2.07	1.13	0.25	0.02

Note: *p<.05

7.4 An analysis of questionnaire results for Research Hypothesis 3c

In this section, I restate my Research Hypothesis 3c and then discuss questionnaire results relating to it.

Hypothesis 3c:

Female lawyers will be more likely than male lawyers to agree that women in Malaysia should have an equal role to that of men. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

Respondents' views for the twelve agree/disagree statement questions are set out in Table 29. Note that the negatively worded items in v36, v37, v39, v40, v42, v43, v44, v46 and v47 have been reversed so that high scores now indicate high levels of agreement that women have an equal role with that of men in society. I first analyse the questionnaire findings for the statements individually to assess for specific differences and I go on to consider whether these twelve items form a scale.

In Table 29, we can see there were significant differences between male and female lawyers for nine out of the twelve statements. The eta coefficients in the last column indicate that gender had a large impact on respondents' opinions for v43 and v47, gender had a moderate impact on two statements v38 and v45, and a small impact on five of the statements, v36, v37, v39, v40 and v46. Thus, female lawyers were less likely than male lawyers to agree with v36: 'A man's duty is to provide financially for his family, a woman's is to take care of her husband and children'; v37: 'A woman should sacrifice her career to that of her husband's'; v39: 'Major decision making should be left to the men'; v40: 'Men should hold the top positions in society'; v43: 'Women should be in the home, not at work'; v46: 'Women should not combine work and motherhood'; and v47: 'Women should not go out to work as this takes jobs away from men'. Women lawyers were more likely than male lawyers to agree with v38: 'Women can lead as well as men' and v45: 'Women should have opportunities to develop all their talents'. Female lawyers' scores were all very high, indicating their strong feelings that women have an equal role with that of their male counterparts.

Both male and female lawyers showed disagreement, however, with v41: 'Fathers can stay at home while mothers go to work' but showed agreement that v44 'Women should put family before work'.

My findings overall demonstrate that female lawyers in the survey believed women should be allowed to move beyond their traditional roles as wives and mothers at home and to excel in their work. I decided to construct a scale for the 12 items in Table 29 to see if they were related to each other.

Using Cronbach's alpha, I found these variables formed a scale - the alpha score was .81, above the .7 level regarded as valid (see Chapter 6). The mean score for female lawyers was 46.60 and the mean score for male lawyers was 40.41 (the total score obtainable was 60). The difference between the two scores was significant and the eta coefficient was large, at .10. I called this scale 'men and women have an equal role in society'. Thus, female lawyers in my survey strongly rejected the traditional model of society where men dominate and women are subordinate.

My findings are in line with a number of studies on Malaysian women. In particular, my findings are in accord with those of Ariffin (1995) and Lim (1992) who found women felt more strongly regarding women's equal role in society than men. I note that the strongest difference between male and female lawyers in my survey female lawyers' much lower agreement that women should stay at home instead of working. This has close resonance with Ariffin's (1995) finding that women felt they should be given the same opportunities in work as men.

Table 29 indicates there were seven significant differences between the cultural groupings' response to the agree/disagree statement questions: v36: 'A man's duty is to provide financially for his family, a woman's is to take care of her husband and children'; v37: 'A woman should sacrifice her career to that of her husband's'; v39: 'Major decision making should be left to the men'; v40: 'Men should hold the top positions in society'; v41: 'Fathers can stay at home while mothers go to work'; v43: 'Women should be in the home, not at work'; and v44: 'Women should put family before work'. There were also significant differences between cultural groups for the 'men and women have an equal role in society' scale.

As both gender and cultural groups showed differences, I went on to explore the interaction of gender and cultural groups in Table 30. Malay men differed significantly from Malay women for v36: 'A man's duty is to provide financially for his family, a woman's is to take care of her husband and children'; v37: 'A woman should sacrifice her career to that of her husband's'; v39: 'Major decision making should be left to the men'; v40: 'Men should hold the top positions in society'; and v43: 'Women should be in the home, not at work'. Chinese men differed significantly from Chinese women for v43: 'Women should be in the home, not at work' while Indian men differed significantly from Indian women for v3: 'A woman should sacrifice her career to that of her husband's'. Table 30 shows that the gender differences in Table 29 are mostly the product of differences between Malay men and Malay women. Figure 3 shows a histogram of the distribution of mean scores for 'Men and women have an equal role in society' scale by gender and cultural groupings.

I suggest that Malay lawyers were less positive about women's equal role in society due to their stronger adherence to tradition and the traditional roles assigned to men and women. I also suggest that this is linked with religion as Islam accords men the primary role in society as depicted in the Qur'anic verse (al Nisa4:32): "women have rights similar to those that men have over them in a just manner, and men are a degree above them" (see the discussion on Muslim men and women in Chapter 2).

7.4.1 Overall questionnaire findings for Research Hypothesis 3c

In sum, my questionnaire findings demonstrate that female lawyers were more positive about women's equal role in society than male lawyers. I also found systematic differences between Malay, Chinese and Indian groupings in the Malaysian legal profession.

7.4.2 Analysis of interview findings for Research Hypothesis 3c

Questionnaire findings for Research Hypothesis 3c showed there were significant cultural differences, with the Malays showing least agreement for women's equal role in society. The interviewees, however, all agreed that women in Malaysia should have an equal role to that of men in society. They all believed that women should be able to work and develop their talents as well as hold top positions in society. However, some cultural differences did emerge regarding the current position of women in Malaysian society. I found two Chinese female interviewees and one Malay female interviewee who believed Malay women are the most oppressed in Malaysian society, in comparison to one Malay woman who thought otherwise. I present quotes from seven female lawyers below, including two Malay female lawyers (Mariam and Ramlah), three Chinese female lawyers (Ting, Mingmei, and Hua) and two Indian female lawyers (Parvati and Tanushri). There were divided opinions as to the present situation concerning women's role in Malaysian society. Whilst some interviewees believed women had made impressive progress, others believed that more work still needed to be done to lift women's position in society. Note Mingmei's, Hua's, Mariam's and Ramlah's view on the position of Malay women in society. Interviewees' cultural groupings made some apparent difference to their views on women's role in Malaysian society.

Parvati, a single Indian lawyer, was of the opinion that women in Malaysia still do not have an equal footing in society:

Women are still perceived backwards-as second class citizens (laughs). Men would openly say that they are broadminded 'the women can do this and that. I am not restricting them'. But I think that they are really not that broad minded as they seem. They (men) say they are.

Support for her view was found in the opinion of Mariam, a Malay partner who had just opened her own firm with a female friend. This is what she had to say regarding society's perception of women's role:

I think two things, first because we are Asians and generally Asians, we are not like Westerners. We still view women as quite second class citizens even until now. So they look at women as people they have to take care of, people they have to pamper. They let you do things, I think, in the name of the modern world, but when you are in the workforce, they still look at us as second class. I feel that you have to

keep proving to them that you can do the job. And its commonly accepted even by the women in Asian countries, they go into the workforce knowing this and they complain about it at the end of the day, they learn to live with it because it's a culture thing.

However, there were several dissenting voices amongst women interviewees. They claimed that society in Malaysia is according women status equal to that of men. Accordingly, women are no longer viewed primarily as just wives and mothers and it is no problem for women to be better in their work than men.

Ting, a Chinese lawyer, was very positive in her answer. She stated adamantly that there is progress for all women in society:

I think definitely there has been progress towards realizing that women nowadays work. Definitely in the cities...definitely I know among my peers the choice is still there to continue working. If we compare with some western countries, then we came to this progress a little slower....we are fortunate but still a lot more to be done. The road can be widened, pathways for us to be given choices. I think that, in Malaysia, we are still quite fortunate in that all parents want their children to have education, regardless of gender. I think that's quite good. Definitely in my time there was no question that because you are a girl you don't have to go to university. Whereas I understand from my parent's generation that was a consideration if the family didn't have male children. It was always the male children who went to university

Tanushri, an Indian lawyer, also believed that society's view on women's role had changed tremendously:

I think that view has changed from what it used to be. Women are more active now. There are more women in professional role. There are a lot of women lawyers....ya, the view has shifted actually. Unlike how it used to be-unlike those days when the men were not very happy with their women going to work or being outspoken...I think the view has changed so much that they are more open to working spouse and having two income homes.

Continuing from her earlier comment on Malaysian women in general (see above), Mariam, a Malay partner, was also of the opinion that there were cultural differences with regard to society's perception of women. She believed strongly that as Malay women are Muslims, they are subject to a less than equal role in a society which does not allow them as much freedom as the Chinese and Indians:

Secondly, the religion factor, being a Muslim, we [Malay women] are not as free as other races. So on top of the race thing, the religion. So there are a lot of limitations. When you put a few people in a room, you have ladies and men. The first perception people will have is that you are second class. Then you have to prove yourself. It's about proving yourself. You have to accept that in Malaysia.

In two subsequent interviews I also noticed that the issue of cultural differences found expression several times. Two Chinese women lawyers were particularly vocal regarding Malay women's position in society. While they both believed that Chinese women were treated as equals, this was not so for Malay women.

Mingmei, a lawyer and consultant in her family firm, stated very adamantly:

I think professionally for the Chinese, it's no problem now. There are quite a lot of women in corporate sectors and if they excel, well, opportunities are given to them....For Malays, I think, I don't mix a lot with them socially, they're quite good when they're good at the job but in the case of family-Abang (affectionate term for husband) in front and they are at the back. I think that this is not so much the case with the Chinese, we are not Abang in front. We are more equal.

Hua, a prominent Chinese lawyer, active in family law, and also a consultant, strongly agreed with Mingmei's view:

Some of the women, I must tell you this, particularly in Malay women, they felt that although they are professionals, they dare not come to the front. I mean, it has changed-now there are quite a number of them you'll see- because they are very, very what can I say, I don't know whether it's culture or religion-somehow they felt that they shouldn't be in front, should not be aggressive because it is not acceptable and they don't want to upset their husbands. These women are very clever but they don't want to overshadow their husband, you understand or not? So that is where a lot of women do not want to be better than hubby. They are pulled by this kind of problem. But I think amongst the Chinese, less so, I find thatlah.Amongst the Chinese, we are more aggressive, whether we are hawker or(pause). The Chinese women will not allow what they want to do to be retarded by the husband's likes or dislikes. But I find amongst the Malays, it is not like that because I have worked a lot with the Malays and Chinese. That's why I can see the difference.

However, I came across one interviewee who expressed views contrary to Mingmei and Hua's above. Ramlah, a Malay lawyer, was very positive about the current role that Malay women play in society now. She believed that Malay women were no longer subjected to traditional roles:

Nowadays, I suppose people look at Malay women as career women, successful. Not like before. Last time, they always thought that women should be near the house, taking care of children and cooking. But not now. So society's perception towards women is different-has expanded so that they can accept all this professional women.

The Malay culture has changed. Not like before. It's different. Definitely changed a lot because nowadays if you look at Malay women there are a lot of variety- a lot of professions that are undertaken now.

I suggest that Ramlah's optimism was due to the fact that she did not have much contact with the Chinese and Indian society, as her work and social life revolved mainly around the Malay community. As such, she would have been unable to have made a more complete assessment of Malay women's position in society compared to that of women in other cultural groupings.

7.4.3 Overall interview findings for Research Hypothesis 3c

In sum, my interview material helps to explain my survey findings: they show how women in all cultural groupings felt that women should have an equal role to that of men in society. While women's roles in society are no longer restricted to that of wives and mothers only, the rate of change for women's equality in Malaysia has been slow.

7.4.4 Overall evaluation of findings pertaining to Research Hypothesis 3c

Adding together my questionnaire survey and interview findings, my study shows that male and female lawyers differed in their opinions as to women's role in society. The opinion held by most female lawyers was that women should be allowed to work and to develop their talents, rather than be confined by their traditional roles. Whilst there were some women interviewees who believed that women's roles in society had changed for the better, they were much smaller in number compared to those who believed that women's position was still perceived as secondary to that of men. It is interesting to note that in my exploration of my subjects' views on men and women's role in the legal profession, male lawyers expressed reasonably enlightened view about female lawyers' roles in the profession. But in my exploration of my subjects' views on the wider issue of men's and women's roles in society, male lawyers revealed much more traditional expectations of men's and women's roles. These traditional views were much more common amongst my Malay subjects. I think this

may be linked to the Malays being Muslims: Islam accords men the primary role in society and women the secondary role. I suggest that further study is needed, including interviews with Malay men. However, a study on Malay men would require a male interviewer in Malaysia as it would be difficult for a woman to interview men who are strangers to them as women are still not expected to freely socialise with men.

Thus, my results were in accord with those of Ariffin (1995), who found that the women in her study gave stronger agreement to equality between the genders in society, compared to men.

The differences that I found in lawyers' opinions by cultural grouping mirror those of Ariffin (1995), Lim (1992) and Tan (1991), who found that Malays held the most traditional views on women's role in society. Research Hypothesis 3c states that there will be greater gender than cultural differences with regard to the position of women in society. I found, instead, both gender and cultural differences for Research Hypothesis 3c.

7.5 Chapter summary

In this chapter, I found support from the questionnaire findings and interview materials for the social system centred explanation for the glass ceiling in Research Hypothesis 3a, since there were gender differences in the perception of women's work skills and commitment. Female lawyers were more likely than male lawyers to support women lawyers' commitment to their work and possession of the same skills. Differences between the three cultural groups were not found in the perception of women's work skills and commitment. Thus, support was found for Research Hypothesis 3a since there greater differences between gender groups than cultural groups.

An analysis of questionnaire findings for Research Hypothesis 3b shows that the difference between gender groups in the questionnaire survey was significant, and

interviewees' responses also showed support for the questionnaire findings – and therefore support for the social system centred explanation for the glass ceiling. Analysis for cultural groups, however, failed to reveal any significant differences, both in the questionnaire and interview materials. My findings therefore show support for Research Hypothesis 3b, that there will be greater difference between gender groups' than cultural groups' responses regarding female lawyers' greater difficulty in networking than male lawyers and it acting as a barrier to their promotion to partner levels.

Previously, I had found that, overall, gender accounted for more differences between my subjects than cultural groupings. For Research Hypothesis 3c, however, I found that it was not gender and not cultural groupings alone that accounted for more differences but a combination of gender and cultural groupings: differences between subjects were to a significant extent accounted for by the differences between Malay men and Malay women. Therefore no, support was found for my Research Hypothesis 3c.

TABLE 29 ANOVA tests of society's view of women's position by gender and cultural groups for Research Hypothesis 3c

	ALL MEN		ALL WOMEN		GENDER		CULTURE		TUKEY
	Mean	SD	Mean	SD	F	F _{sig} ²	F	F _{sig}	
1.v36 'A man's duty is to provide financially for his family, a woman's is to take care of her husband and children' (reversed scoring).	2.95	2.41	3.56	1.88	0.015*	0.035	0.00*	0.10	*0.00 (Malay-Indian) *0.009 (Malay-Chinese)
2.v37 'A woman should sacrifice her career to that of her husband's' (reversed scoring).	3.59	2.11	4.09	1.61	0.033*	0.027	0.001*	0.07	*0.00 (Indian-Malay) *0.032 (Indian-Chinese)
3.v38 'Women can lead as well as men'.	3.72	2.06	4.29	1.79	0.003*	0.050	0.09	0.02	
4.v39 'Major decision making should be left to the men' (reversed scoring).	3.12	2.39	3.78	2.19	0.010*	0.03	0.005*	0.060	*0.002 (Indian-Malay)
5.v40 'Men should hold the top positions in society' (reversed scoring).	2.99	2.64	3.72	2.35	0.006*	0.04	0.00*	0.15	*0.00 (Malay-Indian) *0.001 (Malay-Chinese)
6.v41 'Fathers can stay at home while mothers go to work.'	2.26	2.30	2.54	2.26	0.40	0.004	0.001*	0.078	*0.00 (Chinese-Malay) *0.013 (Chinese-Indian)
7.v42 'Looking after children is women's work' (reversed scoring).	3.25	2.05	3.81	1.78	0.017	0.03	0.10	0.02	*0.001

8.v43 'Women should be in the home, not at work' (reversed scoring).	3.66	1.97	4.49	1.38	0.00*	0.12	0.00*	0.10	(Malay-Chinese) *0.00 (Malay-Indian)
9.v44 'Women should put family before work' (reversed scoring).	2.44	2.17	2.57	1.84	0.97	0.00	0.001*	0.07	*0.003 (Indian-Malay) *0.005 (Indian-Chinese)
10.v45 'Women should have opportunities to develop all their talents'.	4.19	1.92	4.71	1.08	0.00*	0.08	0.19	0.019	
11.v46 'Women should not combine work and motherhood' (reversed scoring).	3.65	1.93	4.08	2.13	0.02*	0.02	0.27	0.015	
12.v47 'Women should not go out to work as this takes jobs away from men' (reversed scoring).	4.54	1.46	4.81	1.02	0.02*	0.2	0.22	0.017	
13. 'Men and women have equal role in society' scale (score out of 60)	40.41	15.78	46.60	10.70	0.00*	0.10	0.00*	0.12	*0.00 (Malay-Indian) *0.008 (Malay-Chinese)

Note: *p<.05

Continuation of TABLE 29 ANOVA tests of society's view of women's position by gender and cultural groups for Research Hypothesis 3c

	MALAYS		CHINESE		INDIANS		ALL GROUPS	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
1.v36 'A man's duty is to provide financially for his family, a woman's is to take care of her husband and children' (reversed scoring).	2.82	2.37	3.47	1.90	3.79	1.81	3.26	2.19
2.v37 'A woman should sacrifice her career to that of her husband's' (reversed scoring).	3.58	2.01	3.81	1.73	4.34	1.62	3.85	1.89
3.v38 'Women can lead as well as men'.	3.80	2.08	4.12	1.67	4.28	2.01	4.02	1.97
4.v39 'Major decision making should be left to the men' (reversed scoring).	3.10	2.39	3.56	2.30	3.94	2.09	3.46	2.34
5.v40 'Men should hold the top positions in society' (reversed scoring).	2.75	2.53	3.67	2.29	4.10	2.13	3.37	2.54
6.v41 'Fathers can stay at home while mothers go to work'.	2.11	2.18	3.04	2.22	2.28	2.22	2.41	2.29
7.v42 'Looking after children is women's work' (reversed scoring).	3.39	2.10	3.48	1.96	3.85	1.67	3.54	1.96
8.v43 'Women should be in the home, not at work'	3.71	1.88	4.32	1.60	4.49	1.57	4.09	1.80
9.v44 'Women should put family before work' (reversed scoring).	2.33	2.09	2.29	1.59	3.04	2.01	2.51	2.00
10.v45 'Women should have opportunities to develop all their talents'.	4.57	1.21	4.35	1.62	4.38	1.93	4.46	1.57

11.v46 'Women should not combine work and motherhood' (reversed scoring).	3.73	2.21	3.86	1.95	4.14	1.94	3.87	2.07
12.v47 'Women should not go out to work as this takes jobs away from men' (reversed scoring).	4.60	1.30	4.65	1.45	4.85	0.90	4.68	1.25
13. 'Men and women have equal role in society' scale (score out of 60)	40.58	15.05	44.76	11.65	47.26	12.74	43.53	14.23

Note: *p<.05

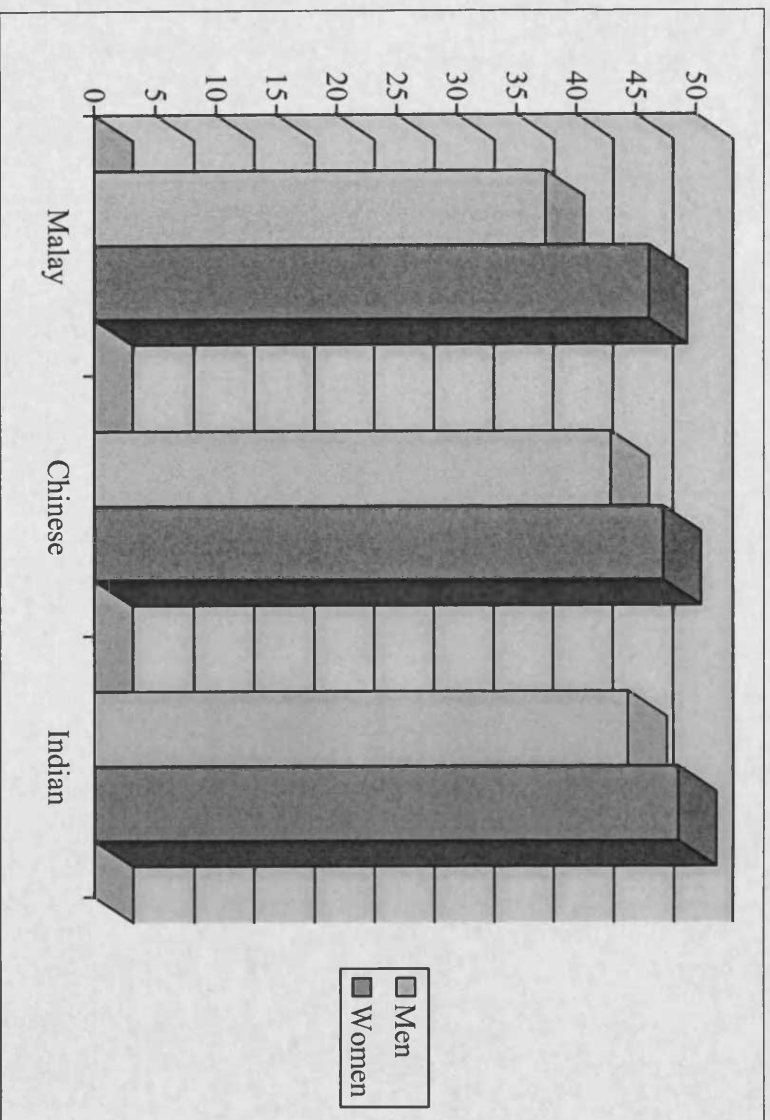
TABLE 30 The results of t-tests for statement v181 by gender and cultural groups for Research Hypothesis 3c

	MALAYS				CHINESE				INDIANS									
	Men		Women		Men		Women		Men		Women							
	Mean	SD	Mean	SD	t	Eta ²	Mean	SD	t	Eta ²	Mean	SD	t	Eta ²				
1. v36 (A man's duty is to provide financially for his family; a woman's is to take care of her husband and children) (reversed scoring).	2.36	1.26	3.42	1.21	0.00*	0.15	3.75	1.18	3.47	1.07	0.35	0.01	3.54	1.17	3.90	1.04	0.25	0.026
2. v37 (A woman should sacrifice her career to that of her husband's) (reversed scoring).	3.21	1.12	4.24	0.9	0.00*	0.19	3.96	1.19	3.71	1.07	0.42	0.01	3.88	1.22	4.55	0.68	0.014*	0.11
3. v39 (Major decision making should be left to the men) (reversed scoring).	2.74	1.29	3.73	1.18	0.001*	0.14	3.54	1.25	3.84	1.39	0.4	0.013	3.67	1.23	4.20	1.21	0.11	0.04
4. v40 (Men should hold the top positions in society) (reversed scoring).	2.38	1.33	3.52	1.34	0.00*	0.15	3.30	1.42	4.00	1.29	0.06	0.06	3.79	1.14	4.30	1.29	0.13	0.04
5. v41 (Fathers can stay at home while mothers go to work)	2.05	1.19	2.45	1.32	0.15	0.02	2.70	1.39	3.42	1.31	0.056	0.06	2.50	1.31	2.17	1.23	0.34	0.017

6. v43 (Women should be in the home, not at work)	3.31	1.00	4.24	1.00	0.00*	0.18	3.87	1.19	4.56	0.66	0.008*	0.12	4.12	1.15	4.57	0.93	0.12	0.44
7. v44 (Women should put family before work) (reversed scoring).	2.18	1.23	2.69	1.11	0.054	0.04	2.33	0.96	2.32	1.10	0.97	0.00	2.96	1.33	2.93	1.18	0.93	0.00
8. 'Men and women have equal role in society' scale	37.50	7.41	46.13	7.14	0.00*	0.2	43.00	7.24	47.30	6.95	0.035*	0.08	44.41	9.23	48.53	5.01	0.053	0.07

Note: *p<0.05

Figure 3 HISTOGRAM for 'Men and women have an equal role in society' scale by gender and cultural groupings



Chapter 8 Conclusion

8.1 Introduction

My research's primary focus was to examine career opportunities and experiences of lawyers in the private sector by gender and cultural groupings in the Malaysian legal profession. I chose to conduct my study on Malaysia as there have been very few studies of women's careers and experiences in this country. I selected a professional group of workers as this would enable me to study women's career opportunities and experiences at both lower and higher organizational levels. I selected the legal profession as I wanted a group of professional workers where entry to the profession was dependent to a considerable degree on qualifications enabling women to have an opportunity to compete: there was little point in my selecting an occupation such as electrical engineering where there is only small number of women workers. As I am a Malaysian and I have a degree in law, I also had a strong personal interest in this topic.

My thesis commenced with an examination of western literature, such as UK, USA, Canadian and Australian on women's work experiences both in the legal profession and in a variety of occupations and professions. There was general consensus in the literature that women had different career opportunities and career experiences from those of men, and that women faced a glass ceiling despite their investment in human capital such as achieving high levels of qualifications. Several arguments have been put forward in the West to explain the glass ceiling, notably the situation centred and/or the social system centred arguments (Morrison and Von Glinow: 1990).

In comparison to the diversity of studies of women's career opportunities and experiences in western literature, few studies have been conducted on this topic in Malaysia. The literature that is available, however, suggests that Malaysian women face similar difficulties in the workplace to those faced by women in the West (Mohd. Yousof, 1993; Shahabudin, 1994; Omar, 1993; Tan, 1991; International Labour Office, 1995; Sieh, 1991; Baharuddin, 1993). I also note, as discussed in Chapter 2, that there are few studies in Malaysian literature that include cultural aspects when

investigating women's careers. In my thesis, I argue that there is a strong need to examine the women's career opportunities and experiences in Malaysian and that this exploration should include culture as a factor that may exacerbate or minimize differences between gender groups.

Most of the studies that I have reviewed utilized either interviews or questionnaire surveys but not both. My research strategy, however, utilized the multimethod approach of quantitative and qualitative data collection in order to maximize the quality of data: my findings are based on a questionnaire survey and in-depth interviews conducted in the legal profession in Malaysia. I undertook a questionnaire survey that included male and female lawyers working in the private sector and an in-depth interview survey for female lawyers. I believe it was important for me to include male lawyers in the questionnaire survey to see if male lawyers face the same career barriers as women as this helps to identify career barriers that are unique for women. A number of writers do not include men in their study at all, for example, Marshall (1995). I was unable to include male lawyers in the interviews as it still social taboo for women to socialize freely with men in Malaysia. Although I was not able to interview male lawyers, my in-depth interview survey allowed me to understand the statistical correlations between respondent's response to my measures and gender. Thus, I was able to develop explanations for the female lawyers experiencing less favourable career opportunities. I received a reasonable response rate for my questionnaire survey (191 responses out of 900) and considerable rapport for my interviews with 30 female lawyers.

8.2 Major Research Findings

In this section, I set out each hypothesis along with their operationalisation followed by a discussion of my findings. I focus on my major findings in order to present a vivid and coherent picture for the reader. I demonstrate to what extent my research hypotheses are supported or not supported by my research findings. I compare and contrast my findings by gender and cultural groupings (Malay, Chinese and Indian) and I then go on to explore the links between my findings for my three research hypotheses.

In my discussion of differences in my research findings by gender, I refer to the two explanations developed in the West in order to understand the barriers women face in their careers: the situation centred explanation that focuses on formal structural practices (for example, lack of mentoring opportunities) and the social system centred explanation that focuses on informal practices (for example, the bias shown by the dominant group (men) leading to negative stereotyping of women and women's exclusion from men's socialization). I compare and contrast my research findings on the barriers to women's careers with those of earlier studies conducted in western countries such as the UK and the USA. My comparison and contrast will enable me to see whether female lawyers in Malaysian society have the same experiences as western women lawyers, and western women in general, and where the experiences of the two groups differ. Lastly, I produce a summative picture for my research hypotheses.

Hypothesis 1a: There will be a glass ceiling barring female lawyers' promotion to the partner position in Malaysia, with more men occupying this position compared to women.

Hypothesis 1b: Female lawyers will be more likely than male lawyers to perceive the legal profession as having a glass ceiling and the difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian)

Hypothesis 1a and 1b deals with the concept of the glass ceiling in the legal profession in Malaysia. Hypothesis 1a deals with the factual findings for the distribution of male and female lawyers in the partner and legal assistant positions whereas Hypothesis 1b deals with the opinion of male and female lawyers as to the existence of a glass ceiling that prevents female lawyers from reaching partner positions. I operationalised Research Hypothesis 1a by measuring the distribution of male and female lawyers between partner and legal assistant positions in the questionnaire respondents firms: thus I included 'Q20: What is the proportion of male and female lawyers in your workplace in legal assistant positions?' and 'Q21: What is the proportion of male and female lawyers in your workplace in partner positions?' I

operationalised Research Hypothesis 1b by measuring the opinion of respondents on whether there is a glass ceiling for female lawyers in the legal profession: thus I included Q30 where the questionnaire respondents were asked to rate their agreement/disagreement with a set of statements about the opportunities for women in the legal profession (Belief in equal opportunities for women in the legal profession scale). This scale drew on the work of Fosh and Ng (2005). For Hypothesis 1a, I predicted that there were more male lawyers than female lawyers in partner positions. For Hypothesis 1b, I predicted that female lawyers in Malaysia would be less optimistic regarding women's position in the workplace than their male counterparts. I also predicted that gender would have a bigger influence than cultural groupings on the respondents' views on the glass ceiling.

I found that there were more male lawyers than female lawyers in partner position in their firms and I found that for my 'Belief in equal opportunities for women in the legal profession' scale that the female lawyers were significantly more likely than the male lawyers to believe that this phenomenon was a barrier to their careers. My interview findings with female interviewees showed in more depth how women felt about this barrier. My interview materials showed that the female lawyers considered that, while differences between men and women in the legal profession had been reduced, a great deal more needed to be done to make women's chances equal to those of men. I did not, however, find any differences in attitudes and opinions when I controlled for cultural groups: both my questionnaire findings and interview materials did not show significant differences between the Malay, Chinese and Indian respondents and interviewees. I concluded that gender and not cultural groupings had an impact on the respondents' views on the glass ceiling in the legal profession in Malaysia. Thus, I conclude that I found support for my Research Hypothesis 1a and b.

In Chapter 3, Section 3.2, I reviewed the western literature on women in the workplace. The literature strongly suggests that women in different professions and across different countries face barriers in reaching senior positions in their workplaces. For example, in their studies of women managers, Burke and McKeen (1992) found that, overall, for various western countries that there was a progressive decrease in the number of women at higher executive levels. In the Fortune 500 companies study in the USA there were very few women in key positions such as

chief executive officers, chairman, vice chairman, president and chief operating officers (Catalyst 1998). Powell (1999) also observed that, despite the increase in women entering management in the USA, there was still a large gap between the proportion of women in management overall and in the proportion of women in top management positions. Also I note that Dipboye (1987) in the USA found that, despite there being more women in management than before, women were in a minority at higher levels. Valdez and Gutek (1987) also in the USA add to Powell and Dipboye's (1987) findings as they found that, the higher the job positions in an organization, the less was a woman was likely to hold that position if she had children. Turning to other countries, Davidson and Cooper (1992) noted that women accounted for only 1 to 2 percent of top managers in Australia and Britain. In Australia, Metz and Tharenou (1999) report that women represented less than 6 percent of senior management in banks.

Turning to specific studies of the careers of female lawyers, the literature strongly suggests that female lawyers face a glass ceiling in their careers. In Britain, the Young Women Lawyers's report "Soliciting Equality-Equality and Opportunity in the Solicitor's Profession" (1994) revealed that women were represented proportionally at every level except that of partner. Fisher (1999) and Wilkins and Abji (1995) also observed that there were far fewer women than men partners in Britain. Carter (1996), Epstein et al. (1995), Kay and Brockman (1994) and Thornton (1996) observed lack of representation of women lawyers at senior level in America, Canada and Australia. Women did not appear in these studies to move up the hierarchies as rapidly as their male counterparts. Thus, my findings agree with those of these western studies.

In Chapter 2, Section 2.6, I analysed the literature on the distinct cultural groupings in existence in Malaysia. I divided these studies into two schools of thought: one that posits cultural differences in social values and attitudes in Malaysia and one that did not. For the first school, I discussed studies that demonstrated that Malays, Chinese and Indians held different attitudes and displayed different social behaviour. For example, Sendut et al. (1990) found that Malays were more likely than Chinese to show respect towards their village elders and to the Sultan. Similarly, Ismail (1988) and Sarachek et al. (1984) found that there were cultural differences between Malay

and Chinese managers. Ng et al. (1982) and Rahman (1988) also observed cultural differences between Malay and Chinese students. Adherents of the second school of thought (Sekaran and Snodgrass, 1990; Hofstede, 1991; Wu, 1993; and Salim, 1984) found that the different cultural groups in Malaysia displayed similarities in their studies on power distance. In sum, my findings for Research Hypothesis 1b were consistent with the studies that suggest that there are similarities between the cultural groups' behaviours, values and attitudes.

Having established that fewer female lawyers made partner status and that the female respondents and interviewees considered that there was a glass ceiling for female lawyers in Malaysia, I go on to examine the first component of the situation centred explanation for the glass ceiling: I summarize my findings for female lawyers' opportunities for being mentored in order to see if a lack of mentoring is a barrier to their careers.

Hypothesis 2a:

Female lawyers will have fewer mentors than male lawyers. This will act as a barrier to women being promoted to partner level. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

I operationalised Research Hypothesis 2a by measuring the proportion of male and female lawyers who have/had mentors as set out in 'Q29: Do or did you have a mentor?' For this hypothesis, I predicted that female lawyers would have fewer opportunities to be mentored than their male counterparts, as senior men would prefer to mentor young men rather than young women. I also predicted that gender would have a bigger influence than cultural groupings on the respondents' opportunities to be mentored.

I found that in my questionnaire survey there was no difference as to whether the male and female lawyers had mentors. Both male and female lawyers tended to have had mentoring experiences. My interviews with female lawyers revealed the reason for this finding. The female lawyers felt that they had the same opportunities in obtaining mentors as their male counterparts and that while they were keen to do so

their male counterparts showed little interest in obtaining mentors. I did not, however, find any differences in the proportion of the lawyers who were mentored when I controlled for cultural groups: both my questionnaire findings and interview materials did not show significant differences between the Malay, Chinese and Indian cultural groupings. I conclude that neither gender nor cultural groupings have an impact on the respondents' opportunities to be mentored in the legal profession in Malaysia. Thus, I did not find support for my Research Hypothesis 2a.

In Chapter 4, Section 4.2.2, I reviewed the western literature on the opportunities offered to men and women to be mentored in the workplace and divided them into two schools of thought: one that posits there were differences in opportunities offered to men and women be mentored and one that did not. For the first school, I discussed studies that demonstrated that men and women differed in the opportunities offered to them to be mentored in the workplace (Noe, 1988b; Bowen, 1985; Ragins, 1989). Hill et al. (1989), in their study of 224 academic professors in USA, also concluded that there was a difference in obtaining mentors with more men stating that they had mentors. Further support is given by Van Velsor and Hughes's (1990) and Ohlott et al.'s (1994) study on women executives and managers in USA: these authors found that women were offered far fewer opportunities to have mentors than men. Turning to specific studies on opportunities for women to be mentored in the legal profession, the literature strongly suggests that they faced similar barriers. In Britain, McGlynn (1998) and Cox (1997) found that female lawyers enjoyed only limited opportunities to be mentored compared the greater ones enjoyed by their male counterparts. Dusky (1996) also observed in her USA study that female lawyers were less likely than male lawyers to gain mentors and the Canadian Bar Association report 'Touchstones for Change' (1993) also reported that there were barriers for women lawyers in Canada in obtaining mentoring. For the second school, I discussed studies that have suggested that there were similarities between men and women in opportunities to be mentored (Ragins and Cotton, 1991; Bachman and Gregory, 1993). Support for these studies can also be found from Dreher and Ash's (1990) findings that the women and men in managerial, professional and technical positions, were offered similar opportunities to be mentored.

My findings for Research Hypothesis 2a were consistent with studies that have suggested that there were no differences in the opportunities offered to men and women to be mentored. My findings did not provide support for the ‘differences between men and women in the opportunities offered to be mentored’ school of thought but supported those of the ‘no differences between the genders in the opportunities to be mentored’ school of thought.

Turning to the two distinct schools of thought on the impact of cultural differences in Malaysia: one posits cultural differences in social values and attitudes and one does not- I note that my findings for my Research Hypothesis 2a do not support the results of the studies that showed cultural differences between the Malay, Chinese and Indian grouping’s attitudes, values and social behaviour. Instead, my findings show support for the studies that showed no differences between the three cultural groupings.

Having found that mentoring was not a barrier for female lawyers’ careers, I go on to examine for Hypothesis 2b the second component of the situation centred explanation for the glass ceiling. Here, I attempt to see if female lawyers experience difficulties in coping with work practices and whether these act as a barrier to their careers.

Hypothesis 2b:

Female lawyers will face greater difficulty with work practices than will male lawyers and that this will result in female lawyers experiencing higher levels of work-family conflict. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

I operationalised Research Hypothesis 2b by measuring the difficulty male and female lawyers had with different work practices, such as long hours, business travel and coping with extra and unexpected work. Q31 sought respondents’ statements on work practices and Q28 sought their opinions on their level of work-family conflict. For Q28 I used Small and Riley’s (1990) work-family spillover into home management scale. I found the items in Small and Riley’s scale scaled in Malaysia in the same way as they did in the USA.

In Research Hypothesis 2b, I predicted that female lawyers would face greater difficulty than their male counterparts in coping with work practices on account of their bigger share of family and domestic responsibilities and that they would, as a consequence, suffer from work-family conflict to a greater extent. I also predicted that gender would have a bigger influence than cultural groupings on the respondents' views on the family compatibility of work practices in the legal profession.

I found for my 'Family compatible work practices in the legal profession' scale in my questionnaire survey that there were no significant differences between the genders: both male and female lawyers agreed that female lawyers faced difficulties in coping with work practices. I found that for Small and Riley's (1990) work spillover scale there were no significant differences in the levels of work-family conflict experienced by male and female lawyers: both genders felt that they experienced low levels of work-family conflict. The first findings that male and female lawyers considered the organisation of work to be difficult for women, can be readily understood: male lawyers showed a similar level of understanding to that of their female counterparts of the problems for women in organising a career in a traditional society such as Malaysia where women carry the major burden of domestic duties. The second finding is more difficult to understand: intuitively one considers that Malaysian women's responsibilities for childcare and homecare would lead them to experience a high level of work-family conflict. My interview findings were very valuable in understanding my second finding. The interview with my female lawyers revealed the reasons for the discrepancy between my findings for the two scales. The female lawyers laid considerable stress on the need for them to acquire help at home, especially in the form of domestic maids and help from family members, in order to help them cope with the demanding work practices in the legal profession and to reduce work-family conflict. Thus, whilst female lawyers in Malaysia in my study faced demands placed on them by their roles as wives and mothers, they were able to cope. I did not find any differences in attitudes and opinions when I controlled for cultural groups: both my questionnaire findings and interview materials did not reveal significant differences between Malay, Chinese and Indian respondents and interviewees. I concluded that gender, but not cultural groupings had an impact on the respondent's views on the family compatibility of work practices in the legal

profession. Thus, I found only one element of Research Hypothesis 2b but not for the other.

In Chapter 4, Section 4.2.3, I reviewed the western literature on work and women's family responsibilities. The literature strongly suggests that women face difficulties at work as they hold the primary responsibilities for domestic duties and childcare. Nivea and Gutek (1981), Hochschild and Maching (1990), Parasuraman et al. (1996) and Greenhaus and Parasuraman (1994), all observed that women face difficulty in their work as they still undertake the vast majority of non-work responsibilities. Karambayya and Reilly (1992) also conclude that women in dual-earner couples restructure their work activities around their family responsibilities more so than do their husbands.

Turning to specific studies of the careers of female lawyers, the literature strongly suggests that women lawyers face similar difficulties with work practices due to their non-work responsibilities. The Transitions Report (1991) revealed that women lawyers had a greater share of the non-work responsibilities than did their male colleagues. Ramo (1997), Cox (1997), Harrington (1993), McGlynn (1998) all note the difficulty women lawyers face in coping with work practices such as long hours on account of their dual responsibilities. Thus, my data agreed with these western studies for this element of Research Hypothesis 2b.

In Chapter 4, Section 4.2.5, I reviewed the western literature on work-family conflict and divided it into two different schools of thought: one that posits gender differences in the level of work-family conflict and one that does not. For the first school, I discussed studies that demonstrated that women had higher levels of work-family conflict (Duxbury and Higgins, 1991; Williams and Alliger, 1994; Wiersma and Van Den Berg, 1991; Frone et al. 1992b). Hammer et al. (1997) also noted that men reported lower levels of work-family conflict than did women in their sample of 399 dual earner couples. Davidson and Cooper (1984) also found that women managers reported experiencing more occupational stress than their male counterparts amongst their respondents. Gutek et al.'s (1991) found the same in their study of work-family conflict amongst psychologists and managers. Adherents of the second school of

thought, Frone and Rice (1987) conclude that there are no gender differences in levels of work-family conflict experienced by 141 non-teaching professionals at a major public university. Thus, for this element of Research Hypothesis 2b my findings are consistent with the studies that have suggested that there were similarities in the level of work-family conflict experienced by men and women.

Turning to the two distinct school of thought on the impact of cultural differences in Malaysia: one posits cultural differences in social values and one does not- I note that my findings for Research Hypothesis 2b were consistent with the studies that have suggested that there were similarities between the Malay, Chinese and Indian groupings' attitudes, values and social behaviour.

Having examined the situation centred approach, I now go on to examine in Research Hypothesis 3a, the first component of the social system centred explanation for the glass ceiling to see if the negative stereotypes of female lawyers' work skills and commitment act as barriers to their careers.

Hypothesis 3a:

Female lawyers will be more likely than male lawyers to see women in the legal profession as being as committed to their work and as having the same skills. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

I operationalised Research Hypothesis 3a by measuring the opinion of female lawyers' skills and commitment as set out in 'Q37: Belief in women's work skills and commitment' scale. I drew for this scale on the work of Fosh and Ng (2005). In Research Hypothesis 3a, I predicted that female lawyers' work skills and work commitment would be less valued than those of their male counterparts. I also predicted that gender would have a bigger influence than cultural groupings on respondents' views on female lawyers' work skills and work commitment.

I found that for the 'Belief in women's work skills and commitment' scale in my questionnaire survey on the respondents' opinions on women's work skills and work commitment in the legal profession in Malaysia, the female lawyers were significantly

more likely than the male lawyers to believe that women's work skills and work commitment were less valued than those of their male counterparts. My interview findings with female lawyers showed, in more depth, how women's work skills and commitment were perceived. These showed that the female lawyers felt that they were unfairly seen as lacking the necessary skills for court work (civil or criminal litigation) and as lacking the necessary commitment to their work as they tried to balance their work and family demands. However, I did not find any differences in attitudes and opinions when I controlled for cultural groups: both my questionnaire findings and interview materials did not show significant differences between the Malays, Chinese and Indian cultural groupings. I conclude that gender and not cultural groupings impacted on the evaluation of female lawyers' work skills and commitment and I found support for my Research Hypothesis 3a.

In Chapter 4, Section 4.3.4 and Section 4.3.5, I reviewed the western literature on the negative stereotyping of women's work skills and the negative stereotyping of their work commitment. The literature strongly suggests that women in different professions and occupations faced negative stereotyping of their work skills and work commitment. Women's abilities in the workplace were not viewed as equal to that of their male colleagues (Perry et al, 1994; Bruegel and Perrons, 1995; Buswell and Jenkins, 1994) and their work commitment was also viewed as less than that of their male colleagues ((Jones and Causer, 1995; Davidson and Cooper, 1992; Pfeffer and Ross, 1992; Burke, 1997). Gammie and Gammie (1997) also conclude that women are segregated into less prestigious functions in the accountancy profession based on a view that their skill levels were lower whereas men were often moved into more advantageous areas of work. Valdez and Gutek (1987) also note that employers view marriage and children as detrimental to women's work commitment but as an asset for men.

Turning to specific studies of the careers of female lawyers, the literature strongly suggests that women face similar stereotyping of their work skills (Brockman, 2001; Thornton, 1996; Dusky, 1996; Hantrais and Walters, 1994) and their work commitment (McGlynn, 1998; Kennedy, 1992; Dixon and Seron, 1991). The 'Touchstones for Change' report (1993) also found that women lawyers in Canada faced barriers as their skills were perceived to be lower than those of their male

counterparts. Sommerlad and Sanderson (1998) also note that female lawyers felt that they were perceived by their employers to lack work commitment as they had difficulty in balancing their work hours with family demands. Thus, my findings are in concordance with those of these western studies.

Turning to the two distinct school of thought on the impact of cultural differences in Malaysia: one posits cultural differences in social values and one does not- I note that my findings for Research Hypothesis 3a were consistent with the studies that have suggested that there were similarities between the Malay, Chinese and Indian groupings' attitudes, values and social behaviour.

Having found that stereotyping of their work skills and commitment acts as a barrier for female lawyers' careers, I go on in Hypothesis 3b to examine the second component of the social system approach to see if female lawyers also found that their lack of networking acted as a barrier to their career in the legal profession.

Hypothesis 3b:

Female lawyers will face greater difficulty in networking than do men and this will act as a barrier to their promotion to partner levels. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

I operationalised Research Hypothesis 3b by measuring the opinion of male and female lawyers of women's networking activities in the legal profession as set out in 'Q33: Networking in the legal profession' scale. I constructed this scale with help from Professor Fosh.

In Hypothesis 3b, I predicted that female lawyers in Malaysia would face greater difficulty in networking than their male counterparts. I also predicted that gender would have a bigger impact than cultural groupings on the respondents' views on networking in the legal profession in Malaysia.

I found that for the 'Networking in the legal profession' scale in my questionnaire survey on the respondents' opinions on networking in the legal profession in

Malaysia, the female lawyers were significantly more likely than the male lawyers to believe that networking was difficult for women. My interview findings for my female interviewees showed how networking acted as a barrier for female lawyers. The female lawyers interviewed felt that, while they did network, their efforts at establishing powerful contacts and support were not as successful as those of their male counterparts. I did not find any differences in attitudes and opinions, however, when I controlled for cultural groups: both my questionnaire findings and interview materials did not show significant differences between my Malay, Chinese and Indian respondents and interviewees. I concluded that gender, and not cultural groupings had an impact on the respondents' views on the ease or difficulty of networking in the legal profession in Malaysia. Thus, I found support for my Research Hypothesis 3b.

In Chapter 4, Section 4.3.7, I reviewed western literature on networking in the workplace and I divided the studies into two schools of thoughts: one that posits gender differences in networking and one that did not. For the first school, I discussed studies that demonstrated that women faced greater difficulty in networking as they were often excluded from men's informal gatherings (Ibarra, 1993; Zoltie and Clark, 1993; Brass, 1992; Mattis, 1995; Kottis, 1993). Bagilhole (2000) also conclude that female academics in British universities faced greater difficulty in networking, compared to their male colleagues. For the second school, I discussed studies that demonstrated that women did not face difficulty in networking. Adherents of the second school of thought such as Rothstein and Davey (1995) and Brass (1985) found that the women academics and women managers in their respective studies had better experiences with networking compared to the men.

Turning to specific studies of the careers of female lawyers, the literature strongly suggests that female lawyers faced greater difficulty in networking compared to their male counterparts (Dusky, 1996; Sommerlad, 1996; McGlynn, 1998). Brockman (2001) also found that female lawyers in Canada were being left out of the 'old boys' network'. They were not invited out for informal gathering with the other male lawyers.

Thus, my findings are in agreement with the 'gender differences in networking' school of thought and are not in line with the much smaller 'no gender differences in networking' school of thought.

Turning to the two distinct school of thought on the impact of cultural differences in Malaysia: one posits cultural differences in social values and one does not- I note that my findings for Research Hypothesis 3b were consistent with the studies that have suggested that there were similarities between the Malay, Chinese and Indian groupings' attitudes, values and social behaviour.

After examining the glass ceiling in the legal profession in Malaysia and the various approaches in explaining this phenomenon in the previous hypotheses, I go on to explore in Hypothesis 3c male and female lawyers' views on men and women's role in society to see if there is a link with their respective roles in the profession.

Hypothesis 3c:

Female lawyers will be more likely than male lawyers to agree that women in Malaysia should have an equal role to that of men. The difference between the two gender groups will be greater than the difference between the three cultural groups (Malay, Chinese, Indian).

I operationalised Research Hypothesis 3c by measuring the opinion of male and female lawyers towards women's roles at home and work, as set out in 'Q26: men and women have equal role in society' scale. In constructing this scale, I drew on the work of Fosh and Ng (2005).

In Hypothesis 3c, I predicted that female lawyers in Malaysia would be more likely than their male counterparts to see women as having equal roles in society to those of men. I also predicted that gender would have a bigger influence than cultural groupings on respondents' views on women's equal role in society.

I found that for the 'men and women have equal role in society' scale in my questionnaire survey of the respondents' opinions on the roles of women in the Malaysian society, the female lawyers were significantly more likely than the male

lawyers to agree that women should have an equal role to that of men in society. Interview findings with female lawyers showed how women perceived male and female roles in society. The interview materials showed all interviewees agreed that women should have an equal role to that of men: they had the same capability and they should be given the same opportunities to develop their talents and to hold top positions in society.

My scale for the male and female lawyers' views on the role of women in Malaysian society was the only instance where I found this interaction between gender and cultural groupings. I found significant differences in attitudes and opinion when I controlled for cultural groups: both my questionnaire findings and interview materials showed significant differences between the Malays, Chinese and Indian respondents and interviewees. After analysing my findings by both gender and by cultural groupings, I found, however, that there was a significant interaction between these two factors. The greater part of the observed difficulty between male and female lawyers in their views of women's role in society was accounted for by the difference between male Malay lawyers and female Malay lawyers. Malay men were the group most likely to believe that women's position in Malaysian society was subordinate to those of women. Amongst the women, the Malay women were the least likely to believe that women should have an equal role to that of men.

I note that in Chapter 2, Section 2.7, when I reviewed Malaysian literature on women's role in society, I found a number of studies that reported men still held traditional views on women's role in society compared to women (Ariffin: 1995), (Tan: 1991), (Lim: 1992). The International Labour Office (1995) also conclude in their report on Malaysian women, that in this society women are expected to be good wives and mothers first and workers second. Their work and role is viewed as secondary to those of men. I note also that in Chapter 2, Section 2.7, when I reviewed Malaysian literature on the distinct cultural groupings attitudes towards women's role in society, I found a number of studies that suggested that there were differences in these groups' perception of women in Malaysian society. Ariffin (1995), Lim (1992), Tan (1991) and The International Labour Office (1995) have all concluded that the Malays held the most traditional views on women's role in contrast to the Chinese who held the most liberal views. My findings are more interesting than those of these

Malaysian studies. I was able to look at the differences between male and female respondents within each cultural grouping. I found in my interview study that some female lawyers referred to the problem of being a Malay woman in Malaysia. Thus, one interviewee referred to the dual problems of firstly being a Malay women and secondly, a Muslim women in this society. Islam accords women with secondary role in society and this influence is evident in the Malays' perception of women's role in society as all Malays are Muslims. The findings for my Research Hypotheses are summarized in Table 31.

TABLE 31 Differences by gender, gender and cultural groupings, and differences by cultural groupings

	Differences by gender	Differences by gender and cultural groupings	Differences by cultural groupings
RH1b Attitude scale of belief in equal opportunities for women's careers in the legal profession (supported by interview findings).	M↑ W↓	—	—
RH2a Situation centred approach Experiences of being mentored in the legal profession (supported by interview findings).	—	—	—
RH2b Situation centred approach Experiences of domestic work and childcare responsibilities (supported by interview findings).	M↓ W↑	—	—
RH2b Situation centred approach Experiences of childcare arrangements (supported by interview findings).	—	—	ML↑ CN↓ IN↓
RH2b Situation centred approach Attitude scale of family compatible work practices in the legal profession (supported by interview findings).	—	—	—
Rh2b Situation centred approach Attitude scale of work-spillover for home management (supported by interview findings)	—	—	—
RH3a Social system centred approach Experiences of work hours (supported by	—	—	—

interview findings).			
RH3a Social system centred approach Attitude scale of life role salience- occupational role reward (supported by interview findings).	—	—	ML↑ CN↓ IN ↓
RH3a Social system centred approach Experiences of legal practice (supported by interview findings).	—	—	Indians differed from Malays and Chinese
RH3a Social system centred approach Attitude scale of belief in women's skills and commitment in the legal profession (supported by interview findings).	M↓ W↑	—	—
RH3b Social system centred approach Attitude scale of networking in the legal profession (supported by interview findings).	M↑ W↓	—	—
RH3c Attitude scale of men and women have equal role in society (supported by interview findings).	M↓ W↑	MLM↓ MLW↑	ML↓ CN↑ IN↑

Key: ↓ = lower agreement with, ↑ = higher agreement with, M=men, W=women, ML= Malay, CN=Chinese, IN=Indian.

8.3 Generalisability and Limitations of my study

There is some generalisability from my study obviously to other professions in Malaysia as the women in these professions will also be subject to the same views on women's subordinate role in society. There may also be generalisability outside Malaysia, in other countries where there are similar societal views on women's roles as subordinate, for example in another society dominated by moderate Muslim views that also allows women to work, such as Indonesia in East Asia and Pakistan. Indonesia would offer a better comparison to my study than Pakistan as it also has distinct cultural groupings, Javanese and Chinese, in its society.

There are several limitations attached to my study of female lawyers' work experiences in the legal profession in Malaysia. Firstly, my study is geographically confined to Malaysia and, as a consequence, my study suffers from problems of

limited external validity: findings from Malaysia may not apply to other countries and cultures.

Secondly, my study focused on data derived from the legal profession. Any conclusion from my study may be restricted to this profession.

Thirdly, as my study focused exclusively on lawyers working in the private sector, my findings could only be generalized to the private sector and would not include lawyers working in the public/government sector.

Lastly, my study is methodologically limited in respect of my use of questionnaire surveys and in-depth interviews. Whilst convenient in terms of my limited resources as a PhD student, these methods did not provide for a more detailed and longitudinal analysis which may lead to a more genuine understanding of work experiences in the Malaysian legal profession. I was also not able to include male lawyers in my interview surveys. However, in spite of these limitations I am able to make the following contributions in my study.

8.4 My contribution to theory building in my area

My study found that there was a discrepancy in the distribution of the genders in the partner and legal assistant positions in the legal profession in Malaysia, with more male lawyers than female lawyers in partner positions in the law firms in my study. It is not surprising then that more female than male lawyers believed there was a glass ceiling acting as a barrier for women to prevent women reaching the top of the legal profession compared to male lawyers.

Despite the constitutional amendment to Article 8(2) in Malaysia that now ensures equality for women, men and women's position in society are still not regarded as equal. Men in Malaysia are still seen as holding the primary leadership while women are relegated to secondary role of follower. Men still hold power economically, politically and socially despite the advent of working women. This male superiority is

reflected in the legal profession where male lawyers dominate the elite partner positions.

In terms of my findings for female lawyers' perception of a glass ceiling barring their way to the top in the Malaysian legal profession, I note that this sentiment has been expressed in a number of western studies. Despite increases in the number of women joining the workforce worldwide, there still remains a pattern of male dominance in top positions across different professions and occupations (International Labour Office: 1996). Burke and McKeen (1992) found that overall within various countries there was a progressive decrease in the number of women at higher executive levels. Davidson and Cooper (1992) noted that women accounted for only 1 to 2 per cent of top managers in Australia and Britain. Metz and Tharenou (1999) also reported that women represented less than 6 per cent of senior management in Australian banks. Dipboye (1987) also found that despite more women in management than before, women were still a distinct minority at higher levels: women did not seem to be moving up the hierarchy as rapidly as their male counterparts. Valdez and Gutek (1987) supported Dipboye's findings as they too discovered that the higher the job positions in an organisation, the less the number of women in such positions, especially those with children. Fosh and Ng (2005) similarly observed in their study that women did not hold senior positions in an airline company in Hong Kong.

Turning specifically to the legal profession, the pattern of male dominance seems to be the norm too rather than the exception in this profession, with more men being made partners compared to women. The Young Women Lawyers' report "Soliciting Equality-Equality and Opportunity in the Solicitor's Profession" (1994) revealed that women were significantly represented at every level except partner level, where the number of women was small with only 14 per cent of partners being women. Fisher (1999) similarly observed that far fewer women than men were found at partner levels in Britain. Rose (2000) also noted that, although the number of women solicitors had increased sharply over the years, women still accounted for 25 per cent only of partners in the profession.

My findings for a glass ceiling in the legal profession in Malaysia support the body of work on women in organisations in Western literature and specifically studies of

women in the legal profession, showing that women face great difficulty in moving beyond legal assistant positions to partner positions and that this a source of disadvantage for women. I have contributed considerably to theory development in this area by emphasising that the glass ceiling that exists in Western countries is also found in Malaysia, a country that differs sharply from countries such as the UK and USA in terms of its developing states, its strong Islamic influence and its distinct cultural groupings.

There are several factors that appear from my findings to sustain the glass ceiling in the legal profession in Malaysia. These include the negative stereotyping by male lawyers of female lawyers' work skills and commitment, the views held in Malaysia of men and women's roles in society and the difficulty faced by female lawyers in networking in the legal profession.

I found in my study that negative stereotyping emerged as the strongest factor differentiating male and female lawyers' views: male lawyers did not recognise female lawyer's commitment to their work and their possession of legal skills. I note that my finding is similar to the negative stereotyping of female workers in the West. In terms of negative stereotyping of women's work commitment, organisations frequently associate long work hours in the office as a sign of loyalty on the part of the employees. Women generally have a problem with adhering to this model of the ideal worker due to their familial responsibilities (Powell: 1999). Similarly, Jones and Causer (1995) found that women's work commitment was often questioned by the organisations to a degree not experienced by their male colleagues. Again, Valdez and Gutek (1987) report that employers viewed marriage and children as hindering women's career development but not men's. Tharenou et al. (1994) made similar observations: marriage and children appeared to inhibit women's career prospects as they were viewed as being more committed to their families than their work and thus were not promoted to the same extent as men. This questioning of women's work commitment is especially prevalent in organisations which are traditionally viewed as employing more male than female employees (Corcoran-Nantes and Roberts: 1995). Studies in the legal profession (a traditionally masculine profession) also indicate that female lawyers face negative stereotyping of their work commitment (McGlynn 1998; Dixon and Seron 1991 and Brockman: 2001). Sommerlad (1996) states that female

lawyers felt that they were perceived by their employers as lacking work commitment as they had difficulty balancing their work hours with family demands.

In terms of negative stereotyping of women's work skills, Western literature is filled with instances of women facing this. Kottis (1993) argues that women are judged by different criteria to men in organisations due to men's perceptions about women and their roles and capabilities. Perry et al. (1994) suggests that women are relegated to jobs that are deemed as more 'feminine', whereas men are directed towards jobs that are more 'masculine'. Female lawyers are also subjected to stereotyped assumptions regarding what female lawyers are good at or not. Shuaib (1991) comments that certain areas of law such as crime and commerce "are considered to require assertive or aggressive practitioners, and women are not thought to have the necessary qualities". Dusky (1996) suggests that female lawyers are still perceived as not effective in their work as they do not have the right macho attitude: they are not tough, loud and abrasive. Female lawyers were frequently denied the opportunity to obtain experiences in male stereotyped areas of the law (Thornton: 1996). Brockman (2001) has termed the delegation of female lawyers into stereotyped areas of the law, such as family law, as the 'pink-collar ghetto'. McGlynn (1998) argues that female lawyers' negative stereotyping has negative repercussions for those women wishing to attain partnership status, as partners are less likely to view their application as seriously as those by men.

My findings for negative stereotyping of female lawyers' work commitment and competence in the legal profession in Malaysia support the body of work on women in organisations in Western literature and specifically the studies of female lawyers, thus showing that female lawyers' work commitment and competence are viewed as inferior to men's and are questioned to a level not experienced by men: this acts as a barrier to women's career advancement. I have contributed considerably to theory development in this area by pointing out that the negative stereotyping of working women that exists in Western countries such as UK, USA and Canada is replicated in Malaysia, a developing country with a multiracial community and strong Islamic influence.

I found, in my study, that the glass ceiling in Malaysia appears to be strongly sustained by societal views of men and women's roles in society. The male lawyers in my study were considerably less likely than were the female lawyers to view women as having an equal role in society to that of men. I also found differences by cultural groupings with the Malays exhibiting the most conservative views on women's roles while the Chinese and Indians held more liberal views. The difference between the cultural groups was largely accounted for by the difference between Malay men and Malay women. The Malay women were, however, more likely to view women as subservient than were the Chinese and Indian women. The strong adherence to tradition and traditional roles which the Malay men displayed in my study can be attributed to the fact that they are Muslims and Islam accords men a strongly superior role in society. Malay men view women as having secondary roles in society. Women are expected to retain traditional Asian feminine values such as submissiveness and obedience and to place the emphasis of marriage and children above all else, including work. Nevertheless, it was apparent that there was tension between the Malay gender groups with the Malay female lawyers slowly moving away from traditional constraint and the Malay male lawyers keen to maintain their dominance over women.

In terms of my findings that women's role was viewed as secondary to men in Malaysian society, I note that this sentiment was considerably stronger than the findings of a number of western studies such as those by Marshall (1984) and Adler and Izraeli (1994): these authors, inter alia, noted that women were not perceived as having leadership qualities. Thornton (1996) also commented that women were viewed as inferior to men. Thus, my findings for societal views of men and women's roles in Malaysia support the body of work on women in Western literature and studies in Western countries such as UK and the USA. I have contributed considerably to theory development in this area by emphasising that the views of women as secondary in Western society is found even stronger in Malaysia, a country that differs sharply from countries such as the UK and USA in terms of its developing status, its distinct cultural groupings and strong Islamic influence.

Differences in networking for male and female lawyers in the legal profession in Malaysia contributed to sustaining the glass ceiling to a smaller extent than did the factors discussed above. I found in my study that more female than male lawyers believed that women face greater difficulty in networking than men in the legal profession. Although Islam is the official religion in Malaysia, it is practiced moderately and does not generally affect group-type socialising between the genders. Therefore it is an inadequate explanation to state that my finding that male lawyers socialised with other male lawyers was a product of an Islamic society. I suggest, instead, that the male lawyers in my study socialized with other male lawyers both inside the firm and within the legal profession in order to guard their contacts and networks and to protect their powerful status and hold over women in the legal profession.

In terms of my findings for female lawyers facing difficulty in networking successfully in the legal profession in Malaysia, I note that this sentiment has been expressed in a number of Western studies that suggest that women in organisations have limited access to networking or are even excluded from networking. As a result, women have less support and access to important information, which may prove to be detrimental to their career development. Davidson and Cooper (1992) found that women still find it hard to break into male dominated 'old boys' networks' and are denied the contacts, opportunities and policy information that they provide. In their study on an airline company in Hong Kong, Fosh and Ng (2005) found the existence of a men's club that excluded women from informal gatherings. Their finding was in line with that of Ibarra (1993) who found women managers did not have equal access to networking as they were excluded from men's informal networking. Female lawyers also face similar difficulty in networking. Sommerlad (1996) observed women were often excluded from the networking activities of male lawyers in Britain. Similar findings was found in Canada by Brockman (2001) who revealed that the female respondents in her study complained of being left out of the 'old boy's' network. Thornton (1996) also believes that there is deliberate separation of the genders in the legal profession to ensure that the homogeneity of the upper echelons of the law firms is reserved for up and coming young men only.

My findings for networking in the legal profession in Malaysia support the body of work on women in organisations in Western literature and Western studies both in general and specifically for women in legal firms showing that women face difficulty in accessing powerful male networks and that this is a source of disadvantage for them. I have contributed considerably to theory development in this area by demonstrating that the difficulties that exists for women in networking in Western countries such as UK, USA and Canada are replicated in Malaysia, a developing country with a multiracial society and strong Islamic influence.

In my study, I found that the glass ceiling in Malaysia was not sustained by male and female lawyers having different experiences of mentoring as both male and female lawyers in my study reported having mentors. Contrary to some western studies that highlighted the difficulty women faced in having mentors in organisations, I did not find this to be the case for the Malaysian female lawyers in my study. Men in Malaysia often view themselves as better than women, and as 'all knowing'. They do not wish to appear ignorant or needing advice and thus do not seek out mentors as actively as their western male counterparts who view mentoring as an invaluable tool for career advancement. Malaysian women therefore do not need to compete for mentors. Having mentors also fits in with the image of women in Malaysian society as weak and needing help from men.

In terms of my findings that female lawyers were as likely as male lawyers to have mentors in the legal profession in Malaysia, I note that this is contrary to several Western studies that suggest that women in organisations face greater difficulty than men in securing mentors. Ragins (1989) noted that women encountered greater barriers to securing mentors compared to their male counterparts. Hill et al. (1989) also reported a gender difference in obtaining mentors, with more men than women stating they had mentors. Van Velsor and Hughes (1990) and Ohlott et al. (1994) found similar findings in their study of managers and executives. In the case of female lawyers, Cox (1997) pointed out that senior men seemed unwilling to mentor young women in law firms. McGlynn (1998) also believes that women lawyers may be discriminated against in terms of the more limited mentoring opportunities offered by law practices compared to their male colleagues. This was similar to the finding produced by the Canadian Bar Association report "Touchstones for Change" (1993)

that found women lawyers still experience barriers to accessing mentoring opportunities.

My findings for limited mentoring opportunities for female lawyers in the legal profession in Malaysia did not support the body of work on women in organisations in Western literature and studies, specifically that showing that women lawyers had fewer mentors compared to men and that this was disadvantageous to their career progression and development. I have contributed considerably to theory development in this area by emphasising that the difficulties women faced in securing mentors in Western countries is not found in Malaysia, a country that differs sharply from countries such as the UK and the USA in terms of its developing status, its distinct cultural groupings and strong Islamic influence.

Turning to my findings on work practices in the legal firms where my respondents worked, I note that there were no differences in the opinions of male and female lawyers: both considered that female lawyers experienced considerable difficulties in the way that work is organised in the legal profession due to their greater share of family and domestic tasks. I did not find significant differences between men and women here but I do consider that this aspect does contribute to the glass ceiling in Malaysia. I note, however, that although the male lawyers seemed to be sensitive to their female counterparts' difficulties, they were not prepared to make changes to the way work is organised in law firms.

In terms of my findings that my female lawyers perceived the normative organisation of their work to be masculinist, I note that this sentiment has also been expressed by respondents in a number of western studies. Marshall (1984) suggests that the problems that women face in organisations are due to the prevailing patriarchal social system in which the male is considered superior to the female and this ideology is also imposed upon women in organisations. As men still lead organisations, thus it is they who determine the prevailing culture and rules at work that constrain, guide and define social action and interaction.

Similarly, Acker (1990) argues that organisations are not gender neutral. Instead, gender is the underlying assumption and male presumptions are reproduced daily in

work activities in most organisations. She points out, however, that it is difficult to see this when “only the masculine is present” (p. 142). She described the gendered organisation as follows: “advantages and disadvantages, exploitation and control, action and emotion, meaning and identity, are patterned through and in terms of masculine and feminine. Gender is not an addition to ongoing processes, conceived as gender neutral. Rather it is an integral part of those processes ...” (p. 146). Symons (1992) agrees with this view that organisations are gendered in nature and that therefore all social relations are also gendered. Ely and Meyerson (2000) comment on the embedded nature of gendered values and practices in organisations. They found that the privileges that men have in the workplace and the practices that grow from and sustain this masculine privilege were simply taken for granted. Acker (2000) also acknowledges that changes in the way work is defined, executed and evaluated in modern organisations have been modest due to these embedded gender inequities.

Turning specifically to the legal profession, Thornton (1996) states there exists “a homologous relationship between masculinity and legal practice” and that this relationship is the root of the problem for female lawyers as this homologous relationship emphasises masculine characteristics such as assertiveness and competitiveness. Thus, these organisational characteristics are considered right and normal for the legal environment. In contrast, femininity which is characteristically depicted in terms of emotion and affectivity, is considered as a deviation from the organisational norm. The masculinist culture of legal firms is also noted by Jack and Jack (1989). In short, even though women are rightful members of the organisations in which they work, in reality, they are just “travellers in a male world” (Marshall: 1984). Women can never really claim that they belong.

My findings for the normative organisation of work in the legal profession in Malaysia support the body of work on women in organisations in Western literature and Western studies and specifically on women in legal firms, showing that organisations are normatively masculinist and that this is a source of disadvantage for women. I have added considerably to theory development in this area by demonstrating that the masculinist organisation of work that exists in Western countries is not found in Malaysia, a country that differs sharply from countries such

as the UK and the USA in terms of its developing status, its distinct cultural groupings and strong Islamic influence.

Turning to work-family conflict, my study found, surprisingly, that both men and women reported low levels of work-family conflict: work-family conflict did not appear to sustain the glass ceiling in the legal profession in Malaysia. While women in Malaysia are still expected to be responsible for family and domestic tasks, and female lawyers are no exception to this rule, women did not appear to be burdened by high levels of work-family conflict. This low degree of work-family conflict meant that the female lawyers in my study did not challenge the masculine normative organisation of work in their profession. A vast majority of my female interviewees appeared surprised at the idea of part time work being offered in the legal profession: they thought this was not feasible at all due to the nature of the work which often requires long hours in the law firms to access the law firms' libraries to prepare cases and documents and also frequent contacts with clients. They were happy to maintain the status quo of the work arrangement in the legal profession and took care not to 'rock the boat'.

In terms of my findings that female lawyers did not suffer from greater work-family conflict in comparison to male lawyers, I note that this sentiment is contrary to Western literature and studies which suggests that men and women experienced differing levels of work-family conflict. Vinnicombe and Colwill (1995) contend that women are more likely than men to be absent from the office and accept the major share of the household and family responsibilities, thus placing additional strain on their time, energy, and areas of commitment. Duxbury and Higgins (1991) found gender differences in the levels of work-family conflict experienced amongst men and women in managerial and professional jobs: women experienced more work-family conflict due to family needs as home maintenance and childcare was still seen as the domain of women and in turn, work demands made it difficult for them to perform their family tasks. Hammer et al. (1997) similarly noted men reported lower levels of work-family conflict than women in their sample of dual earner couples. Another study on dual career families undertaken by Hochschild and Machung (1990) reported similar findings. Turning specifically to female lawyers, Brockman (1994) found women more likely than men to quit employment due to work conflicting with their

family responsibilities. Thornton (1996) observed that female lawyers found it more difficult to maintain balance in their lives than their male counterparts.

My findings for female lawyers experiencing similar, low, levels of work-family conflict to that of male lawyers in the legal profession in Malaysia does not support the body of work on women in organisations in Western literature and Western studies, specifically of female lawyers in law firms experiencing greater work-family conflict than male lawyers. I have contributed considerably to theory development in this area by pointing out that work-family conflict which is experienced by working women in Western countries is not found in Malaysia, a country that differs sharply from countries such as the UK and the USA in terms of its developing status, its distinct cultural groupings and strong Islamic influence.

I now need to explain how female lawyers in Malaysia managed to achieve their work-family balance and to avoid conflict arising between their work and family lives. The explanation for this apparent contradiction in my study lies largely in the fact that female lawyers in Malaysia have considerable help with childcare and domestic tasks that helps them to balance their work and family life and avoid work-family conflict. The female lawyers in my study employed affordable domestic maids from neighbouring countries such as Indonesia and the Philippines and they also received help from family members, relieving them of their domestic burden and giving them the freedom to work. This is in sharp contrast with the situation of their Western counterparts who do not enjoy such a high level of help, as childcare and domestic help in Western countries as the UK are expensive and help from families are less available, and thus experience high levels of work-family conflict.

In Malaysia, help with childcare and domestic responsibilities in the past was mostly provided by parent/s and in laws who often lived in a three-generation family. At present, help from the extended family in Kuala Lumpur is under some stress due to the escalating cost of urban living and the adoption of more modern Western living arrangement centering round the nuclear family (Dube: 1997). The most prevalent childcare and domestic arrangement for professional Malaysian women at the present time is the hire of inexpensive foreign domestic help, the vast majority of whom come from neighbouring Indonesia. The average Indonesian maid's monthly wage is

RM400 (Ringgit Malaysia) currently less than £60. Filipino domestic help are also utilised by Malaysian women, although to a lesser extent as their wages rates are higher (average RM1000 per month).

The hiring of foreign maids allows Malaysian women to purchase release from their domestic duties and responsibilities and transfer these responsibilities to other women, enabling Malaysian women to have supervisory roles only in the home sphere and the freedom to join the labour force. The prevalent hiring of foreign maids in Malaysia raises some issues: Is this a form of exploitation of a poorer class of women by a more privileged class of women? Does employing maids hold back any moves towards reallocating more equally the responsibility for childcare and domestic tasks in Malaysia between the genders?

Sen (1998) argues that the hiring of domestic maids reproduces class privileges. "The professional woman's claims to equality with men of her class do not require the man to share domestic work, since the burden of domestic labour can be passed on to the displaced rural poor and to female members of the urban working class. The same ideological move that cracks the glass ceiling for professional working women may further deepen the exploitation for the vast majority of proletarian women" (pp. 45-46). Sanjek (1990) make the following opposite comment: "as one traces the links in the world economic chain further and further downward, through international inequalities, through class inequalities, through urban/rural inequalities, through waged/unwaged inequalities, and through male/female inequalities, one comes at root...to inequalities among women (p,58). Furthermore, Hondagneu-Sotelo (2001) stresses that the hiring of foreign help has the effect of maintaining the status quo of men's position at home: "male privileges within homes and families remains uncontested and intact, and new inequalities are formed" (p. 23). Ehrenreich and Hochschild (2003) also assert that the hiring of domestic workers "enables affluent men to continue avoiding the second shift" (p. 9).

Foreign domestic workers often have to leave their children in the care of their grandparents and other family members in order to perform 'women's work' in other more affluent countries. Hondagneu-Sotelo (2001) commented on the long and necessary separations from their own families that foreign domestic maids frequently

have to undergo: “The subsequent separations of time and distance are substantial; ten or fifteen years may elapse before the women are reunited again with their children” (p, 25). Hochschild (2003) asserts that the separation endured by these domestic worker’s children produce negative effects on them: “the children of the migrant workers more frequently fell ill; they were more likely to express anger, confusion, and apathy.....when such children were asked whether they would also migrate when they grew up, leaving their own children in the care of others, they all said no” (p, 190).

I believe that female lawyers in Malaysia do not question these issues surrounding the hiring of foreign helpers: maids are there to undertake their domestic tasks so that the female lawyers can practice their profession – no more and no less than that! None of the interviewees voiced concern for their maids’ welfare or commented on their maids’ domestic situations. Furthermore, I do not believe that employing maids will encourage men to share childcare and domestic responsibilities with women in Malaysia: traditional roles and expectations for men and women are still deeply ingrained in society and the help in the home sphere provided by the labour of foreign women perpetuates the gender division of labour.

Although at present, female lawyers appear to avoid work-family conflict, they may be putting themselves into a vulnerable position in the future if they continue to rely on help from their families and the services of domestic helpers in order to be able to manage their jobs and achieve work-family balance. Female lawyers face serious problems if these ‘props’ fail to continue to support them in the future. Thus, I note that in March 2003, the Indonesian government decided to put a temporary ban on Indonesian maids entering Malaysia due to the rise in maid abuse cases as some employers believed that they had the right to ‘discipline’ their employees by punishing them physically and mentally. There may very well be a repeat of the same scenario if future relations should sour again between these two governments, leaving female lawyers susceptible to a dearth of home help.

Again, I note that although at present, the extended family is still a viable source of help for female lawyers in Malaysia, there are strong signs that the future of three-generational living in Malaysia or of parents living very near children may change.

Dube (1997) reported that this living arrangement is becoming less commonplace in metropolitan cities of South East Asia due to the escalating cost of living and the lack of 'extended family- friendly' housing structures due to the adoption of a modern Western living arrangements. Currently, female lawyers may rely on help from their mothers or mothers- in- law for childcare as these women are unlikely to have high powered careers but the situation may be different in the future when their children have children of their own. These grandmothers may not be prepared to quit their high-powered careers to look after their grandchildren.

Also important to consider here is the current age of retirement in Malaysia for women. Currently it stands at 50 years. This could change as a result of government fears that the burden of providing pensions and social security benefits for women over 50 years of age is too large. In Britain, the age of retirement for women is already in the process of being raised from 60 to 65 by 2020, but there have also been suggestions that the retirement age should be raised to 70 for both men and women. If there are similar calls in the future in Malaysia, then grandmothers will not be available for help with taking care of their grandchildren as they may still be in employment. The issue of age is also linked with fitness: with the increase in retirement age, the grandmothers would be less fit and able to take care of their grandchildren.

Overall, my study has demonstrated that women in the legal profession in Malaysia feel that they face a glass ceiling that thwarts their careers: this glass ceiling is sustained by a number of factors that are similar to those found in the west. The most important factors sustaining the glass ceiling for the female lawyers in my study were the negative stereotyping of women's skills and commitment and the views held by men in Malaysian society, particularly by Malay men, of women's roles at work and at home. Also helping to sustain the glass ceiling, but less importantly, were women's disadvantage in net-working both in their firm and in the profession in general. The female lawyers in my study, contrary to the findings of western studies did not find that their glass ceiling was sustained by a lack of mentoring. The most interesting negative finding was, of course, that the female lawyers on account of the assistance that they received from family members and domestic help did not, unlike their western counterparts, suffer from a high degree of work-family conflict. The

assistance that the female lawyers in my study received had the potential to transform their lives as lawyers and to enable them to reach partner level but my study indicates that their low degree of family conflict was not enough for them to overcome the way that their skills and commitments were subject to negative stereotyping by male lawyers in their firms and the way that women's role in society were perceived in Malaysia, particularly by the dominant group Malay men, to be subordinate and inferior.

Through my study, I have demonstrated that the glass ceiling appears to be a universal phenomenon, thwarting the prospects of female lawyers in a developing and strongly culturally divided country such as Malaysia as well as in western countries such as the UK and USA. The factors that sustain the glass ceiling in Malaysia are different in some important respects, however, from those that sustain glass ceilings in Western studies. In deciding whether the situation centred and social system centred approach best explains the functioning of the glass ceiling in the Malaysian legal profession, my study's findings indicate that the social system centred approach provides the better explanation: both, however, have relevance. Women are seen in Malaysia are seen, in particular by Malaysian men, to be subordinate to men and their role to be that of providers of care for homes and children. While these overarching societal views are prevalent, nevertheless there is a modest acceptance by men of female lawyers in the legal profession in Malaysia in face-to face situations where the female lawyers can more easily be seen as individuals rather than as women but this is not yet enough!

I now consider whether my theory can say anything about the future for female lawyers in Malaysia. Given the strong, underlying feelings of male lawyers about women's subordinate role in society, I predict that women's fight for equal opportunities in their careers will be a difficult one and that their progress will be slow. Maybe 'a foot in the door' is all female lawyers in Malaysia will ever have as it is extremely difficult to change overarching societal views, especially where the view of male superiority is strongest held by the Malay men who belong to the politically dominant group in Malaysia. Female lawyers may find that very difficult to use their current 'foot in the door' to prise the door to their careers 'wide open'.

8.5 My contribution to the development of methodology

In my study, I contributed to the development of methodology in my area by utilizing several American scales such as those created by Small and Riley and Amatea. I found that these scales worked well in Malaysia: they all demonstrated appropriate Alpha Coefficient scores. In addition, I developed my own scales for use in this area, again all of these demonstrated appropriate Alpha scores.

I also contributed to methodology in my area through my combined use of questionnaire and interview surveys in my study. In contrast to previous studies in Malaysia, I was able to add richness to my findings and an explanatory dimension that would not have been possible had I utilized only a questionnaire survey, which permit only the demonstration of statistical correlations.

Finally, I contributed towards methodology in my area through my study of the interaction of cultural and gender factors, something not previously attempted in Malaysian studies. My study showed that gender and cultural groupings interacted in a significant way, highlighting the importance of including both variables in future studies.

8.6 Professional implication

As my study has shown that women in Malaysia do face barriers in the legal profession and that such barriers are gender specific, there is a need for the Malaysian Bar to set up specific guidelines relating to this discrimination. The Malaysian Bar has an important role to play in safeguarding equality in the legal profession because it is the governing board with a duty to maintain professional conduct amongst its members, but especially in lieu of the fact that at present, there are no specific anti-discriminatory laws relating to gender, in Malaysia. In Britain, The Law Society's Code of Practice on Racial and Sexual Discrimination was established in 1988 specifically for solicitors and the Bar Sexual Discrimination Committee was established in 1992 for barrister, to ensure equality for women in the legal profession

by emphasizing the seriousness of these issues and bringing them to light and also by setting out specific guidelines to be covered in law firms. I believe similar codes could work in Malaysia as long as the importance of such issues is emphasized by the Malaysian Bar to law firms and that there is full dissemination of information to all employees and support from partners in the law firms.

In addition, there is also a need for the Malaysian Bar to play a more active role in assessing the extent of difficulties faced by women lawyers. It could accomplish this by undertaking studies as have been done by the American Bar Association and other western bar associations mentioned in my study. By taking such steps, it will signal to the legal profession that gender inequality is a real problem for all and not just for women.

8.7 Suggestions for Future Research

It has been stated that no work is original as every work relies on improving upon the strengths and minimizing the weaknesses of earlier bodies of work (Harris 1997). My study is thus no different from others and in the section below I make suggestions for future research.

My study did not take factors such as age into consideration. I suggest that future research should take age into consideration. There might be different perceptions towards women from this aspect. Younger women lawyers may face problems which are unique to them, in comparison to problems faced by older women lawyers. It may be the case that younger women lawyers face less problem in comparison to older women as they may be perceived as less authoritative and thus less threatening to men in the legal profession.

Future research should incorporate both the private and the public legal sectors as there may be differences in the work experiences for female lawyers working in these two sectors.

Possible comparisons could also be made with legal professions in other South East Asian or East Asian countries.

I also suggest that future studies should provide comparison of work experiences of female lawyers with women in other traditionally masculine professions such as medicine and engineering.

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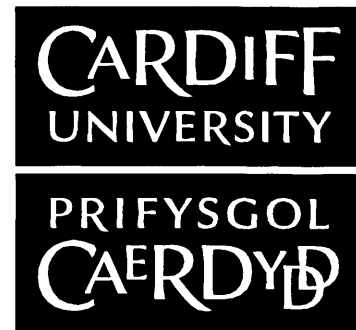
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Appendix 1



Dear Respondent,

I am a PhD student at the University of Wales, Cardiff Business School. My research focuses on the position of women lawyers in the Malaysian legal profession. Specifically I am focusing on whether there are similarities or differences in women's working experience as compared to their male counterparts. As part of my research I have designed the attached questionnaire. I would be grateful if you could help me by taking the time to fill out your answers on the questionnaire. This should take 25 minutes of your time.

The questionnaire can be answered by either ticking a box or circling a number between 1-5. There is also space provided at the end of the questionnaire for you, if you wish to add your own views. All information filled in this questionnaire will remain strictly confidential. The questionnaire has a coded number on the first page. I have done this in order to ensure I keep track of all correspondents. I am the only person that knows this code. No information will be divulged to your organisation or other third parties.

When you have finished filling out the questionnaire, please put it in the enclosed stamped, self addressed envelope and post it back to me. If you have any query, please contact me at the following email address: hamidnora@hotmail.com or c/o Encik Abdul Hamid Mohd. Yusoff, CEO, Sarawak Housing & Development Commission, Wisma Sultan Tengah, Jalan Sukma, P.O. Box 1504, 93730, Kuching, Sarawak.

Alternatively, if you do not wish to participate in my research please fill in the enclosed postcard and return it in the stamped, self addressed envelope.

Your quick response would be highly appreciated.

Thanking you very much in advance,

Yours sincerely,

Norashikin Abdul Hamid

All information given will remain strictly confidential!

PART ONE: ABOUT YOU

Q1. What is your gender? (V2)

- 1 Male
- 2 Female

Q2. How old are you? (V3)

- 1 Under 25
- 2 25-29
- 3 30-34
- 4 35-39
- 5 40-44
- 6 45-49
- 7 50-54
- 8 55-59
- 9 60 and over

Q3. What is your ethnic group? (V4)

- 1 Malay
- 2 Chinese
- 3 Indian
- 4 Others (please specify)
.....

Q4. What are your living arrangements? (V5)

- 1 Single
- 2 Married
- 3 Married but living separately due to work
- 4 Widowed/Divorced/Separated

Q5. Does your spouse work? (V6)

- 1 I have no spouse
- 2 He/She works full time
- 3 He/She works part time
- 4 He/She does not work

Q6. How many children do you have? (V7)

- 1 None
- 2 1
- 3 2
- 4 3
- 5 4 or more

Q7. How old are your children? (Tick as many as apply)

- 1 I have no children (V8)
- 2 One or more under 5 years (V9)
- 3 One or more 5 to under 17 years (V10)
- 4 One or more 17 and over but still in education (V11)
- 5 One or more no longer dependent (V12)

Q8. What kind of childcare arrangements do you have? (Tick as many as apply)

- 1 I have no children (V13)
- 2 Spouse (V14)
- 3 Nursery (V15)
- 4 Relative (V16)
- 5 Maid or child minder (V17)
- 6 Others (please specify) (V18)

Q9. For how many elderly or disabled parents/relatives do you have major caring responsibility? (You may or may not live with them) (V19)

- 1 None
- 2 1
- 3 2 or more

Q10. If you have a spouse that lives with you everyday, who has the bigger responsibility for domestic work and childcare? (V20)

- 1 I do not have spouse
- 2 My spouse does not live with me everyday
- 3 Me
- 4 My spouse
- 5 We share equally

Q11. What is your **highest** academic qualification? (V21)

- 1 Bachelor's degree
- 2 Master's degree
- 3 Others (please specify)
.....

Q12. How many years have you worked in this specific (branch) organisation? (V23)

Q13. Overall, how many years have you worked as a lawyer? (V24)

Q14. What is your current position in your organisation? (V25)

- 1 Legal Assistant
- 2 Partner

Q15. What is your gross monthly salary in RM from this organisation? (V27)

- 1 Under RM2000
- 2 RM2001-RM3000
- 3 RM3001-RM4000
- 4 RM4001-RM5000
- 5 RM5001-RM6000
- 6 RM6001-RM7000
- 7 RM7001-RM8000
- 8 RM8001-RM9000
- 9 RM9001-RM10,000
- 10 Over RM10,000

Q16. How many hours in total do you spend on work per week? (V28)

Q17. How many lawyers work in your organisation? (V29)

Q18. What is the proportion of male and female lawyers in your workplace in **legal assistant** positions? (V30)

- 1 All or nearly all are men
- 2 Men are in the majority
- 3 About half and half
- 4 Women are in the majority
- 5 All or nearly all are women

19. What is the proportion of male and female lawyers in your workplace in **partner** positions? (V31)

- 1 All or nearly all are men
- 2 Men are in the majority
- 3 About half and half
- 4 Women are in the majority
- 5 All or nearly all are women

Q20. How would you describe your **main** work activity? Please tick **one box** below for work activity. (V32)

- 1 Drafting/correcting legal documents
- 2 Legal research and development
- 3 Conveyancing
- 4 Criminal litigation
- 5 Civil litigation
- 6 Others (please specify)

.....

Q21. Is the activity that you ticked as your main work activity above your choice or not? (V33)

- 1 Yes
- 2 No

PART TWO: YOUR WORK AND FAMILY LIFE

Q22. Your views on women's role, both at home and at work.

Please circle numbers.

Key

DK = Don't know

	Strongly Disagree		Strongly Agree			
	↓				↓	
1) A man's duty is to provide financially for his family, a woman's is to take care of her husband and children. (V36)	1	2	3	4	5	DK
2) A woman should sacrifice her career to that of her husband's. (V37)	1	2	3	4	5	DK
3) Women can lead as well as men. (V38)	1	2	3	4	5	DK
4) Major decision making should be left to men. (V39)	1	2	3	4	5	DK
5) Men should hold the top positions in society. (V40)	1	2	3	4	5	DK
6) Fathers can stay at home while mothers go to work. (V41)	1	2	3	4	5	DK
7) Looking after children is women's work. (V42)	1	2	3	4	5	DK
8) Women should be in the home, not at work. (V43)	1	2	3	4	5	DK
9) Women should put family before work. (V44)	1	2	3	4	5	DK
10) Women should have opportunities to develop all their talents. (V45)	1	2	3	4	5	DK
11) Women should not combine work and motherhood. (V46)	1	2	3	4	5	DK
12) Women should not go out to work as this takes jobs away from men. (V47)	1	2	3	4	5	DK

Q23. Your expectation for work and family life.

Please circle numbers.

Key

DK = Don't know

	Strongly Disagree		Strongly Agree			
	↓				↓	
Occupational role reward value						
1) Having work/a career that is interesting and exciting to me is my most important. (V48)	1	2	3	4	5	DK
2) I expect my job/career to give me more real satisfaction than anything else I do. (V49)	1	2	3	4	5	DK
3) Building a name and reputation for myself through work/a career is not one of my life goals. (V50)	1	2	3	4	5	DK
4) It is important to me that I have a job/career in which I can achieve something of importance. (V51)	1	2	3	4	5	DK
5) It is important to me to feel successful in my work/career. (V52)	1	2	3	4	5	DK

Q24. Your work-family conflict.

Please circle numbers.

Key

DK = Don't know

NA = Not applicable (for example you have no spouse)

Strongly Disagree

Strongly Agree



Home management

16) My job makes it difficult for me to get household chores done. (V106)	1	2	3	4	5	DK	NA
17) I spend so much time working that I am unable to get much done at home. (V107)	1	2	3	4	5	DK	NA
18) Worrying about my job interferes with my ability to get things done around the house. (V108)	1	2	3	4	5	DK	NA
19) When I get home from my job, I do not have the energy to do work around the house. (V109)	1	2	3	4	5	DK	NA
20) Having a job makes it easier for me to get my household chores done. (V110)	1	2	3	4	5	DK	NA

PART THREE: YOUR MENTORING

Q25. Do or did you have a mentor? (V112)

- 1 Yes
- 2 No

PART FOUR: YOUR VIEWS ON THE LEGAL PROFESSION

Q26. Glass ceiling in the legal profession

Please circle numbers.

Key

DK= Don't know

Strongly Disagree

Strongly Agree

	↓ 1	2	3	4	5 ↓	
1) In the legal profession, there is a glass ceiling preventing women from working their way to the top. (V158)	1	2	3	4	5	DK
2) In the legal profession, women are gradually working their way up the career ladder. (V159)	1	2	3	4	5	DK
3) In the legal profession, discrimination against women is a thing of the past. (V160)	1	2	3	4	5	DK
4) In the legal profession, you need to be a man to get on to the top. (V161)	1	2	3	4	5	DK
5) In the legal profession, senior men tend to promote up-and-coming young men to their ranks but ignore bright women. (V165)	1	2	3	4	5	DK
6) In the legal profession, senior men are keen to increase the number of senior women lawyers. (V166)	1	2	3	4	5	DK

Q27. Work practices in the legal profession

Please circle numbers.

Key

DK = Don't know

Strongly Disagree

Strongly Agree

	↓ 1	2	3	4	5 ↓	
1) In the legal profession, long working hours creates difficulty for working mothers. (V162)	1	2	3	4	5	DK
2) In the legal profession, business travel is a problem for women with families. (V163)	1	2	3	4	5	DK
3) In the legal profession, women are not as available for extra work as men. (V164)	1	2	3	4	5	DK

Q28. Women's work skills and commitment in the legal profession

Please circle numbers.

Key

DK = Don't know

	Strongly Disagree			Strongly Agree		
	↓				↓	
1) In the legal profession, only men are seen as having real leadership ability. (V167)	1	2	3	4	5	DK
2) In the legal profession, women's work skills are valued equally with men's. (V168)	1	2	3	4	5	DK
3) In the legal profession, women who want to succeed must become just like men. (V169)	1	2	3	4	5	DK
4) In the legal profession, men would find it hard to work for a woman. (V170)	1	2	3	4	5	DK
5) In the legal profession, women are believed to be better at desk-work whilst men perform better in the courtroom. (V171)	1	2	3	4	5	DK
6) In the legal profession, only men are considered aggressive enough to be successful. (V172)	1	2	3	4	5	DK
7) In the legal profession, married women are seen as less committed to work than married men. (V173)	1	2	3	4	5	DK
8) In the legal profession, both women and men are encouraged to pay attention to their families' needs. (V174)	1	2	3	4	5	DK
9) In the legal profession, childcare responsibilities are seen as being incompatible with top jobs for women. (V175)	1	2	3	4	5	DK
10) In the legal profession, we think happy families make productive employees. (V176)	1	2	3	4	5	DK

Q29. Networking in the legal profession

Please circle numbers.

Key

DK = Don't know

	Strongly Disagree			Strongly Agree		
	↓				↓	
1) In the legal profession, the 'men's club' excludes women from opportunities. (V177)	1	2	3	4	5	DK
2) In the legal profession, men appear closer than women to those with organisational power. (V178)	1	2	3	4	5	DK
3) In the legal profession, men always get information about new opportunities from outside sources before women. (V179)	1	2	3	4	5	DK
4) In the legal profession, women know as many important people as men do. (V180)	1	2	3	4	5	DK
5) In the legal profession, men are more likely than women to meet each other outside work. (V181)	1	2	3	4	5	DK

Your comments (if any):

- 1) What do you think are the most important problems faced by women in the legal profession in Malaysia today?
- 2) What do you think could be done to improve women's career prospects in the legal profession in Malaysia?

All views are welcome!

Thank you very much.

Appendix 2

INTERVIEW GUIDE TO INVESTIGATE INTERVIEWEE'S EXPERIENCES OF WORK AND GENDER IN THE LEGAL PROFESSION IN MALAYSIA.

Aim: to understand correlation (or lack of) found in Questionnaire through examining women interviewees' personal experiences.

General Societal/National views on women

- interviewee's personal understanding of national/and own subgroup cultural view towards women.
- interviewee's personal perceptions about the recent constitutional change in prohibiting gender discrimination:
- does interviewee feel that this has any effect on women's position in society (e.g. treating women as equals?)
- what about impact on working women in general (e.g. giving working women better opportunities ?)
- has this impacted on her own work?

Glass Ceiling

- ask about her own perception of the glass ceiling in the malaysian legal profession (e.g. does it exist?)
- personal experience of glass ceiling:
- for senior woman: ask about any experiences of glass ceiling throughout her career
- for junior woman: ask if she anticipates this to be a problem, e.g. when she gets married/have family
- what is her perception about senior men in the organisations?
- ask her about her experiences with senior men.
- what impact does senior men's ability and desire to exclude women have on organisational practices? (e.g. it might be known that only men reach the top in this organisation)
- what impact does this have on her career?

Mentoring

- what does interviewee understand by the term 'mentoring'?
- ask about her own perception of mentoring in the malaysian legal profession (e.g. it's importance in advancing career? /accessibility for women to get mentoring?)
- personal experience of mentoring:
- did you have a mentor?
- how was this relationship established?
- type of mentoring (e.g. personal or career help)?
- intensity of mentoring- does she think that her male colleagues were taken more seriously?
- what impact did it have on her career?

Commitment and abilities

- Commitment:
- for junior women: does she anticipate any changes to her work commitment when she marries/have family?
- what effect does she think this will have on her career?
- for senior women: what impact did being married/having family have on your work commitment?
- how did this affect her career?

- Ability:
- does she think that she is just as able as her male colleagues?
- does she think that others see her as being less able than her male colleagues?
- how does this affect her career?
- for junior women: does she anticipate she would have problems with junior men accepting her authority later in her career?
- for senior women: did she have problems with junior men accepting her authority?

Men's club

- what is her perception about men's club in the malaysian legal profession?
- ask her about her own experiences of 'men's club' in the legal profession
- what impact did this have on her own career?

Long work hours tradition

- what is her perception of the long work hours traditionally associated with being a lawyer? (e.g. is it necessary?)
- what is her own experience of this?
- for junior woman: how has this affected her personal life?
- how does she think being married/having family will impact on her work hours?
- for senior woman: how was her work hours before she got married/had family?
- how has being married/having family impacted on her work hours?

Work-family balance

- ask her about her views on compatibility between marriage and work in the legal profession?
- does she think that married women are seen differently from married men?(e.g. married women are less committed to work)
- for junior women: how does she anticipate she will balance her work-family life?
- what impact does she think that being married/having children will have on her career?
- for senior women: what are her work-family arrangements?
- how do they work?
- who takes charge of matters relating to the children and domestic work (e.g. organising maid?)
- ask her about support from husband and her own family?
- how has this impacted on her career?
- does she think that the law firm should do more to help women lawyers balance their work-family responsibility?
- what are her views on alternative methods of working?

