Ain't?

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“AIN’T”?

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I don’t argue with the notion that capitalism has caused our workers problems aplenty. That’s just not what my essay was about.¹ For Marc Linder to criticize my essay for “ignoring the social content and meaning of the positions that [women] aspire[] to occupy”² is akin to criticizing the Red Cross for delivering food to starving people in one section of Somalia when people in other sections of the country are starving as well. One must start somewhere.

Apparently, Linder would have those who form the subjugated class sit tight and be silent until those in power clean up their act. As it happens, the subjugated classes find that their own families can benefit from the same economic well-being that the families of the oppressing class have long enjoyed. In addition, the kinder, gentler workplace that Linder promises will ensue on the heels of capitalism’s destruction appears less than imminent. For these reasons, the heretofore subjugated classes choose to join the economic mainstream even before the waters of that stream run pure.

My essay, however, was not about what work people do for a living, although there is plenty of work being done that we might like to eliminate and much work not being done that we wish were. Rather, my concern was with how women experience being mothers of young children at the same time they are presenting a professional face to their clients and colleagues.³ Some such mothers do work of

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³ In his new book, The Soul of the Law, Benjamin Sells states: “So here is the lawyer, feeling inferior and inadequate in interpersonal relationships but driven by education and training to exude an attitude of confidence.” Benjamin Sells, The Soul of the Law 133 (1994). Sells goes on to state that this concern with the image makes intimacy difficult with lawyers in their personal lives. Id. Intimacy is precisely what a mother does and must experience with the children she nurtures. My earlier essay seeks to describe the conflict between such necessary intimacy in private life and the need to maintain image in professional life.

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which Linder would approve; some do work that he would disdain. Some, such as Baird, work in high-ranking, high-paying positions; some clean toilets. The experience of duality is universal, but it is especially harsh for professionals who are expected to be more superhuman and less biologically female than those such as toilet cleaners who care for the physical well-being of others. 4

Linder suggests that my essay used “the superficial phenomenon of the ‘facade of professionalism’” as the “linchpin of [my] analysis.” 5 In fact, the linchpin is the duality in the lives of all parents, but especially women who while biologically connected with their young children go into the male-neutered workplace, where that connection must be hidden from clients and colleagues. Mr. Linder is mistaken when he says that within my framework, non-elite wage-earning mothers would lead unfragmented lives. 6 Any mother who ventures so far from her still-nursing offspring that she must alter the feeding schedule is fragmented. In fact, the woman who cleans toilets in office buildings may face an even greater distancing from her children because the lack of money or accommodating child care arrangements gives her less flexibility. There is some truth in Linder’s comment about the lack of fragmentation in the lives of non-elite, but its source is not as he suggests. Women doing lower paid work, whether cleaning or secretarial, enjoy an “advantage” in that those they encounter in the workplace are less surprised when they evince their motherhood (morning sickness, postpartum depression, milk stains on uniforms) because the workplace expects women to occupy these lower-paid jobs. The workplace is far less tolerant when women doing “traditionally male jobs” evince the same signs of motherhood.

4. I disagree with Linder’s characterization of the work performed by secretaries, associates, paralegals, and housecleaners as merely lawyers’ dirty work. Linder, supra note 2, at 333. I have done my share of “menial” labor in my time, and although I would rather have had greater power than I did in those times, the work was honest and I took pride in doing a good job. I resent Linder’s characterization of my efforts as “mere dirty work.”

5. Id. at 333.

6. Id. On a side note, I asked my little sister, who cleans houses for a living, what she thought of Ann Ryder’s observations on cleaning other people’s houses for a living. Id. at 334 (“‘Anybody who can get out of it, tell them don’t do it. I mean, why should I go clean up your house when you can do it yourself? And why shouldn’t you do it yourself?’” (quoting JUDITH ROLLINS, BETWEEN WOMEN: DOMESTICS AND THEIR EMPLOYERS 141 (1983))). My sister agreed that it was heavy and unpleasant work. She noted that one advantage that she had enjoyed in such jobs was that her employers would permit her, a single mother, to bring her four-year old to jobs with her. This opportunity is rare in menial jobs as well as in elite jobs. More importantly, however, the fragmentation in our psyches does not go away by virtue of merely gaining the physical presence of our children in the workplace. The workplace’s expectation that we be neuter, or at least non-nursers, remains and it is inconsistent with the biological realities.
Linder accurately remarks that my essay on the difficulty women have integrating motherhood and personal life with lawyerhood and professional life neglects to mention the fragmentation that results from professional workers delegating tasks, whether homemaking or support work at the office, to "subordinate workers." 7 I agree that in an ideal world workers at all levels could achieve a healthy balance that would enable them to have the time and energy to care for their own homes and families in addition to performing their professional obligations. 8 More importantly, however, Linder's argument that my essay should have mentioned the fragmentation that results from delegation suggests that discussion of that type of fragmentation will exhaust the subject of fragmentation. Surely the fragmentation we suffer goes far beyond that resulting from division of labor. In fact, the ill health in which our profession finds itself may in large part result from our members' inability to integrate the facets of their lives in a number of ways. The clearest example is the lack of integration between our physical selves and our professional/intellectual selves. In the course of our professional endeavors, we ignore the calls of our bodies for sleep, exercise and food. Most of our members turn to coffee to stay awake, and many of our members turn to alcohol and medications to enable us to ignore the fact that we are under more stress than is good for us. When our working life causes us to ignore our physical selves, that is fragmentation.

In attacking fragmentation caused by workplace realities, Mr. Linder chooses to attack all of capitalism: the division of labor and the reality that our professional obligations may preclude our taking full responsibility for other areas of our lives—our homes, our children, the typing and delivery of our documents. In our specialized system, many of us do feel discomfited and fragmented by the need to delegate. My immediate concern, though, is the world that will confront the students who entrust their educations to us. How can we

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7. Id. at 333. Linder states that fragmentation will always be a problem when the privileged, who engage in very highly paid and mentally challenging labor, can delegate their drudgery to the exploited. Id. at 334. Again, Linder's stereotyping of the work in question is unfortunate. Linder exalts legal work above all others as if it were necessarily more satisfying than manual labor. Not all higher paid work is more interesting than all lower paid work. Many an attorney is envious of the yard worker as the former goes off to work leaving the latter in the morning sun. Envy admittedly runs the other direction when it comes time to deposit the paychecks, but with respect to the work itself, we cannot generalize about which is the more interesting.

8. The perceived need to seek such help because of the way work is structured in our society transcends the socioeconomic classes: lawyer, secretary, housecleaner. Almost every working parent needs help with child care.
equip our students to function well and in good health in the legal system that we are helping them to enter? How might we suggest to the profession we serve ways to make things fairer for those who traditionally have lacked access to the profession? If we can make the entire world's economy a more just system, that is fine with me. In the meantime, though, if we can think of ways to help our students integrate their professional lives so that they feel personally challenged, engaged, and invested in the work they perform for their clients, then we will have served our small segment of humanity in a significant way, even without purging the capitalist regime.