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Women Lawyers in Pakistan: Navigating in a Male-Dominated Field

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Abstract

As a patriarchal society, Pakistan's legal profession is a male-dominated profession. In recent years, however, we have noticed that women are joining this profession in great numbers. The overall situation of employment in general is not very good for women and the legal profession is no exception. From lack of opportunity to experiencing discrimination, women face these terrible issues in all professions in Pakistan. This study investigated the experiences of female lawyers regarding discrimination and examine the power relations in the legal profession. It examines the difficulties and challenges of female lawyers in their daily professional life and adopts Bourdieu's theoretical framework of habitus, capital and field to analyze the same.

The project uses qualitative method to investigate the above mentioned issues related to gender discrimination in the legal profession. The project uses primary data collected via semi-structured interviews with open ended questions conducted with female lawyers from three different cities of Pakistan. The main results of this thesis found that female lawyers in Pakistan, are facing discrimination in terms of resistance from society and colleagues in the legal profession. The substantial challenges they face in daily professional life are gender bias behavior from their male colleagues, judges and clients, low income and implicit harassment.

Based on the found results this can be concluded that the stereotype of women in the society makes it difficult for women to acquire the higher status in the legal profession. The power structure in the legal profession is male driven and they have set the hierarchies according to them. The difficulties and challenges of female lawyers are overlooked easily but they are trying to overcome and struggling to establish their identity in the legal profession.

Key Words: Female Lawyers, discrimination, legal profession, power relations, Bourdieu's Field, habitus and capital, Pakistan.

List of Abbreviations

WEF	World Economic Forum
Adv.	Advocate
LL.B.	Bachelor of Laws
LL.M.	Masters in Law
PBC	Pakistan Bar Council
IBC	Islamabad Bar Council
DBA	District Bar Association

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Humera Riaz

I would like to dedicate this thesis work to
the Female lawyers of Pakistan.

Contents

1. Introduction	7
1.1 Research purpose, aim and questions	9
1.2 Scope of the thesis	10
1.3 Background and overview of the legal profession in Pakistan	11
1.3.1 Structure of the legal profession in Pakistan	14
1.4 Overview of the thesis	15
2. Literature review	16
2.1 Female lawyers in legal profession in western countries	16
2.2 Female lawyers in legal profession in Pakistan and Asia	22
2.3 Summary of the literature review	25
3. Theoretical framework	26
4. Methodology	31
4.1 Sources of data	32
4.2 Description of empirical material	33
4.3 Selection of participants	34
4.4 Ethical considerations	37
4.5 Researcher's position	37
5. Analysis and results	38
5.1 Acceptance and resistance from family and society	39
5.2 Workplace experience with bar associations, colleagues, clients, judges, clerks of courts, and police	41
5.3 Harassment and safety in workplace	49
5.4 Job satisfaction	52
6. Discussion	55
7. Conclusions and future work	60
References:	63
Appendix 1	67

1. Introduction

Pakistan has a deeply embedded patriarchal structure within its society (Ferdoos, 2005) and faces many challenges as a result, such as injustice and unequal distribution of rights among men and women being the principal issues (Shameem & Ara, 2011). These issues are hindering country's sustainable socio-political and economic development. In Pakistan, the socio-cultural status of women is very low and the classification of roles and duties for men and women in the society is also contributing towards gender discrimination (Sadaquat & Sheikh, 2011). In Pakistan, the social and cultural norms constrain women to stay at home and look after their families while the male members are responsible for earnings livelihood for the households (Ferdoos, 2005). Women are considered as secondary citizens generally due to the traditional norms of the society (ibid). The entrance of woman in labor market is against the traditional set up of Pakistani society because the concept of social interaction between male and female is absent in social and gender order of society. The formal labor force participation rate in Pakistan is very low and working women are generally concentrated in female professions, e.g. doctors and teachers. In Pakistan these professions are considered as respectable professions for women because of gender segregation. Other public and private office jobs considered as male jobs and are perceived as inappropriate for women due to the interaction between the sexes as these jobs require interactions with male colleagues and public. The moment women enter in jobs that are considered as male jobs then they start experiencing many challenges and discrimination (ibid). However, the situation is gradually changing due to the increase in number of women getting more and more educated over the years. The consequence of increase in number of educated women is leading them to have more and more awareness about their rights and status in society. Moreover, they are breaking the stereotypes and joining more and more professions. However, women are not as much active as men in the public life and the role of women in all spheres of life is undermined by the continued domination of workplace by men (Pervez et. al., 2015; Ferdoos, 2005). According to the Global Gender Gap

Report 2020 published by the World Economic Forum (WEF), Pakistan is ranked third last, 151 out of 153 countries, in terms of gender equality in the world¹.

Although, the Constitution of Pakistan 1973 outlaws sex discrimination and guarantees full participation of women in all fields of life, however, its implementation in letter and spirit leaves much to be desired².

The legal profession is generally considered as a male-dominated profession in Pakistan and women are facing many difficulties and challenges along with discrimination (Mehdi et al., 2012). The National Judicial Policies³ have made efforts to put an end to gender discrimination in the legal profession (Ahmed et al., 2019) and in recent years, the number of women joining in the legal profession in Pakistan has increased (Mehdi et al., 2012). The first female lawyer was licensed to practice in the Supreme Court of Pakistan for the first time in 1965 (Ahmed et al., 2019). The total number of enrolled advocates at the Islamabad Bar Council (IBC) is 5000 as of February 28th 2019, and 1500 of them are female advocates; thus, women constitute 30% of the lawyers⁴. However, there are five elected members of the Islamabad Bar Council and none of them is a female member⁵. In the District Bar Association Faisalabad, the total number of enrolled advocates is 3100 of which 500 are female (16.3 %) and there is 1 female elected member from the 16 elected members (6.25 % representation) of the bar. However, even with this representation they are subject to many challenges, difficulties and facing discrimination in the legal profession (Mehdi et al., 2012). According to the Equality and Human Rights Commission Article 14, discrimination is defined as, when one person is treated less favorable than other in similar situation and this treatment cannot be reasonably or objectively justified⁶. Gender discrimination refer to the behavior when a person is

¹ http://www3.weforum.org/docs/WEF_GGGR_2020.pdf

² <http://www.pakistani.org/pakistan/constitution/part2.ch1.html>

³ <http://ljcp.gov.pk/nljcp/assets/dist/NJP/njp.pdf>

⁴ The information is acquired by sending an e-mail to Islamabad Bar Council in 2019.

⁵ <http://www.abc.org.pk/staff/>

⁶ <https://www.equalityhumanrights.com/en/human-rights-act/article-14-protection-discrimination>

specifically deprived of opportunities or privileges and have been discriminated because of gender⁷.

There has been many research done on the role of gender in the legal profession in the world (Dinerman, 1969; Brockman, 2001; Kay and Gorman, 2008; Levinson and Young, 2010), that deals with the issues of gender bias, sexual harassment, job satisfaction and discrimination. However, there is not much research work carried out in Pakistan in the field of the legal profession. There exist a few studies, found during the literature review of this thesis work, which are carried out in the field of the legal profession in general presents the situation of women judges mostly (Mehdi et al., 2012; Mehdi, 2017; Holden, 2017, 2019). The international organizations of which, Pakistan is signatory, are also putting efforts to help women to acquire representation and gender equality in the legal filed but their main focus is on women judges (Holden, 2017), not women lawyer. During the literature review of this thesis only two studies were found (Mehdi et al., 2012; Ahmed et al., 2019), that deal with the women lawyers in the legal profession in Pakistan and both are very descriptive in nature. To the best of my knowledge, a little research has been carried out in this area. Therefore, I believe this research work will fill a vital research gap and provide a deeper understanding of the contemporary situation of the women lawyers working in the private sector in the legal profession in Pakistan. Being a female lawyer from Pakistan, I am interested in this topic.

1.1 Research purpose, aim and questions

The purpose of this thesis is to contribute to socio-legal scholarship on women in the legal profession by examining the situation and perception of female lawyers regarding gender discrimination in the capital city and the province of Punjab in Pakistan. This thesis investigates the experiences of female lawyers who are practicing independently or as employees of law firms in the private sector. This

⁷ <https://www.inc.com/encyclopedia/gender-discriminations.html>

investigation is regarding discrimination and examines the power relations in the field of legal profession in Pakistan.

The aim of this research project is to investigate the experiences of women lawyers regarding discrimination and to examine the power relations in the legal profession in Pakistan. Moreover, the project will also investigate the difficulties and challenges faced by women lawyers in their daily professional life. In order to achieve this aim following research questions are investigated and answered:

RQ1: How do women lawyers perceive working in a male-dominated environment?

RQ2: What are the difficulties and challenges that women lawyers face in their daily professional life and how they overcome the faced difficulties and challenges?

RQ1 and RQ2 will be answered by carrying out semi-structured interviews with the female lawyers practicing in Punjab province and Capital city of Pakistan. The semi-structured interviews consist of different themes pertaining to the RQs.

1.2 Scope of the thesis

This study investigates the situation of women in the legal profession in Pakistan who are working in the private sector only. The main focus is on the experiences of female lawyers therefore; the female judges working in the legal profession in Pakistan are not included in this study. Furthermore, the female lawyers working in the public sector, such as public prosecutors, are also not included because of the time limitations. The sample of this study consists of only female lawyers who are private practitioners, self-employed, or working in law firms. There are several international studies carried out on the situation of female lawyers and the challenges and difficulties they face in the legal profession, however, there is very little work done in the context of Pakistan to provide information of the situation. The exclusion of male lawyers, female lawyers practicing in the public sector, male and female judges and views of society is set to limit the scope of this

research work. As this research work is a part of a Master Programme, there is a time constraint that hinders the inclusion of afore-mentioned legal practitioners.

1.3 Background and overview of the legal profession in Pakistan

In order to understand the situation of female lawyers in Pakistan, the background knowledge on Pakistan and its legal system is necessary. In this section, I have given an overview of the Pakistani legal profession so the readers can understand the context of my research. The Islamic Republic of Pakistan is a South Asian country and an Islamic Republic. It is a common law country because of its colonial history⁸ mixed with the Sharia' law⁹ as its legal system¹⁰. The Capital of Pakistan is Islamabad that has a separate and distinctive identity with its own territory. Lahore and Faisalabad are the second and third largest cities of Pakistan respectively and both cities are in Punjab Province. The Capital city and these two cities are the research field of my thesis. In Pakistan, the legal profession consists of Judges, Advocate Generals, Attorney Generals, Public Prosecutors and Legal Practitioners (Advocates)¹¹.

The Legal Practitioners and Bar Council Act 1973¹² provides all the rules for the establishment of the Bar Councils and directs them in terms of their formation, selection criteria of their members, their functionality and determine the principles for legal practitioners (Adv.) including their qualification and eligibility.

In Pakistan, there are six Bar Councils, the Pakistan Bar Council (PBC)¹³, one each representing a Province and one for the capital city of Pakistan. The PBC is the highest elected body of lawyers in Pakistan and is established under the aforementioned Act¹⁴. It supervises the Provincial Bar Councils and regulates the

⁸ Pakistan was a British colony and part of India. It established its separate identity after the independence of 1947 from Britain and separation from India.

⁹ The legal system of Islam is known as Sharia' law.

¹⁰ <https://www.globalsecurity.org/military/world/pakistan/legal-system.htm>

¹¹ Advocate is the general expression used for a lawyer in Pakistan.

¹² <http://nasirlawsite.com/laws/baract.htm>

¹³ <http://pakistanbarcouncil.org>

¹⁴ The Legal Practitioners and Bar Council Act 1973

admission requirements of lawyers/advocates in the legal profession in Pakistan¹⁵.

The following are the names of Bar Councils.

Punjab Bar Council¹⁶

Sindh Bar Council¹⁷

Balochistan Bar Council¹⁸

Khyber Pakhtunkhwa Bar Council¹⁹

Islamabad Bar Council²⁰

There are also Bar Associations for each High Court, Supreme Court, and district courts of Pakistan.

- Supreme Court Bar Association
- High Court Bar Associations
- District Bar associations (DBA)

The aforementioned associations work under the supervision of their respective Provincial Bar Councils.

An advocate is a person who passes bachelors degree of law (LL.B.) from a university recognized by PBC and qualifies the intimation exam after six months of apprenticeship. A person can also practice law if he/she holds a law degree from outside Pakistan but that institution must be recognized by the PBC²¹. The intimation exam is conducted by DBA on behalf of the Provincial Bar Council of the respective Province. Following are the categories for advocates provided by the Legal Practitioners and Bar Council Act 1973.

- a) Senior Advocates of the Supreme Court
- b) Advocates of the Supreme Court
- c) Advocates of the High Court

¹⁵<http://pakistanbarcouncil.org/about-us-2/>

¹⁶ <https://pbbarcouncil.com>

¹⁷ <https://sindhbarcouncil.org>

¹⁸ <http://www.bbcq.org.pk>

¹⁹ <http://www.kpbarcouncil.com>

²⁰ <http://www.ibr.org.pk>

²¹ <https://pbbarcouncil.com/admission-enrollment-as-advocate/>

d) Advocates (lower courts)

The total number of Advocates of Supreme Court is 4984 and the total number of Advocates of High Court in Punjab is 48620. The total number of Advocates of Subordinate Courts in Punjab is 36172 however, the exact numbers of female lawyers from these numbers are not available²².

The apex court of Pakistan is the Supreme Court²³ and an advocate of the Supreme Court can appear before any court, tribunal and judicial authority in Pakistan²⁴. For each province of Pakistan there is a High court and a person who is licensed as an Advocate of High Court can plead in all High Courts and the subordinate courts of the country²⁵. There are subordinate courts that are divided in two classes as civil and criminal courts, which are further divided into District, additional district and session, and additional session courts. A fresh law graduate can only practice in these subordinate courts of the respective Province from which he/she has passed the intimation test²⁶.

In order to become an Advocate of subordinate courts of the Province, a person should pass his/her law degree and an intimation test conducted by the DBA and scores at least 45% marks²⁷, and undertake six months' apprenticeship with a senior lawyer. After two years practice in the subordinate courts an Advocate is entitled to become an Advocate of High Court after paying the enrolment fee²⁸. To become an Advocate of the Supreme Court, a person shall satisfy the conditions laid down in the Pakistan Legal Practitioners and Bar Councils Rules, 1976 i.e. pay the Supreme Court's enrolment fee and already being an Advocate of High Court and provide 15 judgements of his/her cases presented before the High Court²⁹. Section 29 of the Legal Practitioners and Bar Council Act, 1973³⁰ deals

²²https://www.supremecourt.gov.pk/downloads_judgements/all_downloads/Judicial_System_of_Pakistan/the_judicialsystemofPakistan.pdf

²³ ibid

²⁴ http://pbbarcouncil.com/wp-content/uploads/2017/10/barcouncil_act_amended_2005.pdf

²⁵ ibid

²⁶ ibid

²⁷ <https://pbbarcouncil.com/admission-enrollment-as-advocate/>

²⁸ ibid

²⁹ ibid

³⁰ http://pbbarcouncil.com/wp-content/uploads/2017/10/barcouncil_act_amended_2005.pdf

with the eligibility of women for admission as an Advocate and states that " No women shall be disqualified for admission as an advocate for reason only of her sex".

1.3.1 Structure of the legal profession in Pakistan

The legal profession in Pakistan has its own regulatory mechanism provided under the Legal Practitioners and Bar Council Act 1973. The Act lays down, among others, the rules and criteria for entry in to the legal profession and the establishment of bar councils. It also regulates all the matters related to the eligibility and enrolment of lawyers as well as cancelation and suspension of the license to practice in any court of law. In order to start practicing law, fresh graduates join senior lawyers/firms to undertake legal training as part of the requirements for gaining the license to become an advocate. The basic education requirement is same for all advocates to enter in the legal profession. Since the legal education (bachelor of law) does not, per se, provides for specialization in an area of law, individual usually chose their area of specialty either by undertaking further education, e.g. a specialized LLM, or joining senior lawyers/firms that specialize in their area of interest.

Advocates in Pakistan have many options/paths to forge their legal careers, from undertaking private practice, usually via self-employment or partnerships to working in the public sectors or as in-house counsels/legal advisors for large enterprises. There is no limit to the areas of law an advocate can practice at any given time. The legal system in Pakistan, whose infrastructure bears the influence of the British colonial rule, does not have the division of profession between barristers (who represent, advocates and defend clients in courts) and solicitors (who perform legal work outside courts including drafting and legal

documentation) that exists in the UK³¹ (Hamid, 2005), in Pakistan no distinction between the two kind of legal practitioners exists (Ahmed et al., 2019).

1.4 Overview of the thesis

The thesis is divided into seven chapters. The first part is the introductory chapter that outlines the research problem, objective, questions, background and the scope of the thesis. Furthermore, in this part I have explained the overview of the legal profession in Pakistan to provide an understanding of its body and working environment.

The second chapter presents the literature review. The literature review consists of the articles from the western countries mostly in addition to two studies from Pakistan. As there is not much work done on women lawyers in Pakistan, my thesis will subsequently fill the research gap.

Chapter three presents the theoretical framework used for this thesis and explains the Bourdieu's theory of habitus, field and capital to explain the power relations in the legal profession that results in discrimination faced by female lawyers in the profession.

Fourth chapter consists of the research methodology that outlines the topics of sources of data, description of empirical material, selection of participants, ethical consideration and the researcher's position within this study.

Chapter five consists of the analysis of the empirical material, the data acquired by the interviews is analyzed with the help of the theoretical framework to provide findings and results.

The sixth chapter deals with the difference of carrier paths of female lawyers in Pakistan's legal profession and the female lawyers in other common law countries.

³¹ Although, in recent times, the line between the two professions has become more blurred, with solicitors being granted the `rights of audience` which enables them to represent clients in the court.

Finally, the seventh chapter of this thesis presents the conclusions and overall summary of my research findings with the suggestions for further research.

2. Literature review

The research about gender and the legal profession is an important empirical topic in the sociology of the legal profession and gained importance after women entered in more substantial numbers in the legal profession (Silius, 2003). There is a large number of research studies that deal with women and the legal profession during the last decades, mainly from western countries like the U.S.A, Canada, the UK and other European countries (ibid). Women in the legal profession is studied from different aspects such as the change in relations of profession in the legal profession, power relations between the gender roles in the profession, gender differences, discrimination and harassment (ibid).

The literature reviewed in this thesis is mainly from western countries because there has been a lot of work done related to the topic of gender and legal profession that discusses the role of female lawyers in the legal profession. There is not much work done in Pakistan and in Asia for female lawyers, however, there are three studies from Asia, one is from Bangladesh and two are from Pakistan that deal with the gender and the legal. For better understanding of the topic, I have divided the literature review in the following subsections that deal with the prominent issues that are investigated and explained in relation to the female lawyers in the legal profession.

2.1 Female lawyers in legal profession in western countries

In 1991, a survey study was conducted by Ann Gellis (Gellis, 1991) for Indiana bar about women in legal profession. The main focus of the study was discrimination and biasness that is considered as the root cause for feeling not satisfied with their work for every working woman. It was stated in the study that

men and women were not treated equally in terms of their profession women have to face abusive language, verbal and sexual harassment most importantly the major discrimination lies in attitude towards their acceptance as lawyers and perception about women working. There are many challenges for women as they have to choose between career and child the family responsibilities. There were more obstacles for women lawyers working in firms. The lack of appreciation, financial rewards, prestige and respect, feedback from firms, difficulty in maintaining the professional relationships, low salary levels, day to day interchange among colleges and opportunity for advancement had brought very bad effects and dissatisfaction among women lawyers about their acceptance as working women. Most of the women lawyers stated that they have to face discrimination at the time of hiring, promotions and pays.

In a bibliographical essay on topic of women and the legal profession, Bowmen (1998), has briefly discussed the literature, that deals with the women in the legal profession. She has discussed the literature, that consists of historical and personal accounts, gender bias reports of state and studies that deals with discrimination faced by women in the legal profession. She has pointed out the dilemmas of "paradox" and "double blind", that were frequently used terms in the literature for women in the legal profession (Bowmen, 1998). "Paradox" refers to the contradictory image of women and lawyer in social definition and "double bind" refers to the same dilemma but with woman's point of view about the confusion of her adoption of behavior as stereotypical masculine or feminine as an attorney. In this study the author has found that the women are paid less and occupy a lower status in the legal profession. Moreover, the number of women in the upper hierarchy of legal profession is still low, that is generally known as the glass ceiling phenomenon. However, they are challenging the organizational structures of the legal profession.

"Women in the World's Legal Professions" is a great work by Schultz and Shaw (2003), in which they have presented the situation of women in the legal profession. The book has chapters from fifteen (15) countries, that includes the

common and civil law countries primarily from Western and European countries as well as from Brazil, Japan and South Korea as well. It covers a number of issues including, access to the legal profession, life and career planning, discrimination and harassment that is faced by the women in the legal profession. In the book legal profession is also considered as a male dominant profession. The articles in this book deals with the gender-based issues, power relations and marginalization of women in legal profession and the phenomenon of glass ceiling is also discussed. Moreover, it is also discussed in the articles, that law firms underrate the social, cultural and human capital of women because of their inferior social rank in society. Schultz has also concluded that gendered division of labor between the male and female as breadwinners and caretakers of home is still an argument in many professions. This stereotyping promotes persistent social forces and professional hierarchies that cause gender disparity especially in those societies, that are already highly conservative in terms of gender (Petersen, 2012). However, Schultz has discussed that the stories of female lawyers from the Asian countries and specially from the Muslim world are untold (Schultz and Shaw, 2003).

In a study from U.S.A., Dau-Schmidt et al. (2009) presented an analysis of increasing number of women in the legal profession with the differences that gender makes in the lives and careers of both male and female attorneys. The authors carried out empirical analysis and they investigated the impact of gender at every step of an attorney's legal career from his or her choice of a first job to his or her experience in practice, satisfaction in work and family life balance, promotion and partnership. Moreover, the authors carried out a detailed analysis of differences in income and career satisfaction between male and female attorneys. In this study, the authors found that besides the different levels of desire for money and concern about social impact, and different commitments to childcare, male attorneys are more likely to go into private practice and business. However, female attorneys are more likely to go into corporate counsel positions, government work, public interest work, and legal education. Female attorneys lean more towards large firms and the reason for this according to the authors is

that female attorneys are more concerned about the childcare facilities (ibid). The authors also found that female attorneys worked significantly fewer hours as compared to male attorneys and this is because of childcare and found in the analysis that men work more and they earn more.

Fiona Kay and Elizabeth Gorman carried out a review study where the authors reviewed the parameters of integration and inequality among male and female lawyers in the legal profession in Canada. The authors assessed the theoretical explanation of gender inequalities that persist across legal education, hiring, remuneration, promotions, and other professional opportunities in law. Moreover, the authors also examined female lawyers' responses to their experiences and their impact on the law and the profession (Fiona Kay and Elizabeth Gorman, 2008). This study found a significant earning gap between male and female in the legal profession. It also found that the examples of declining overt discrimination, however, sexual harassment needs to be eliminated. Moreover, women are still facing the profession's lack of accommodation for family responsibilities, as well as negative career affects connected to childcare (ibid). After this, study found that female lawyers are less satisfied with their promotion, recognition for work, salaries, job security and work life balance. The authors of this study found that female lawyers are getting rid of the glass ceiling by having more and more leadership roles within firms and organizations. Moreover, the female lawyers are challenging traditional career models that is helping them to create new innovative workplace arrangements (ibid).

In 2017, a survey study was conducted from the regions of Europe, Africa, Asia, America, Middle east and Oceania by the International Bar Association from women and men lawyers. In the survey report published by IBA's Legal Policy and Research Unit, the situation of women lawyers is discussed to understand the reasons why women are still facing discrimination and gender bias behavior in the legal profession (Ellis and Buckett, 2017). However, the number of female law graduates are increasing globally from 1980's and encountered glass ceiling but this phenomenon is still there as there are less women on senior positions in law

firms. It is discussed in the report that the situation of women regarding sexual harassment and discrimination is the same in common and civil law countries because of the societal division of labor as women are expected to be primarily responsible for household and children. This situation is not suitable for women as the legal profession is more demanding in terms of working hours and with full responsibility of house time management is very difficult for women (ibid).

In 2005, a research study was conducted by Latourette (Latourette, 2005) in which he examined the historical and contemporary perspectives of sex discrimination in the legal profession. The author described that women have faced cultural and legal barriers in all centuries for obtaining entrance in every profession and more specifically in the legal profession. The reason behind this situation was cultural norms that impose household roles like mother and wife to women and not accept and tolerate them working as equal to men. Furthermore, men are generally paid well but women are less paid, that clearly shows the sex discrimination with which females have to fight in their everyday working life. Women are associated with the homes and house hold stuff like cleaning, taking care of children and making food for the family. They are not accepted as working ladies and according to the author it is a clear example of male dominant society. Furthermore, the author discussed that if the woman wants to peruse her career she has to choose between career and family. When it comes to women as legal advisors it is very challenging and most of the time they are considered as weaker and subordinates to males and this is a bitter reality. The gender bias has put women in a place where they have to give justifications about their choices and decisions about themselves. In the nineteenth century, entry of women in legal field was questioned that why she chooses this field and it was solely a critical example of sex discrimination. The author described that many women lawyers fought for having a position in the legal profession. At workplaces women has to tolerate abusive language and behavior by the male around them. When it comes to hiring in the firms, males were prioritized as mentioned by the author. The author described that, for practicing women lawyers it was observed that female lawyers normally practice in family laws and trust laws but it was hard for them to

practice the corporate law. Those women who dominantly practiced their career had full support from their family.

Levinson and Young carried out an empirical study (Levinson and Young, 2010) where they tested the hypothesis that “*implicit gender bias drives the continued subordination of women in the legal profession*”. The authors mentioned an interesting note about the gender bias i.e. for almost two decades we are observing an equal number of male and female graduates in law schools, if there is a difference then it could be very minor. However, with this equality in number of law school graduates from almost last two decades the difference between male and female lawyers in the law firms, law schools/academia and in the judiciary is still significant and there is no sign of equality yet. According to the authors, there exist several arguments by the scholars to estimate why this difference in legal profession is huge. For example, it could be because of negative stereotypes who are presenting women either as *workplace cutthroats*, or as *secretaries* or *housewives*. According to the authors, decision makers continue to reserve higher places or designation in the legal profession for males and females will continue serving as sub-ordinates in this profession.

The authors of this empirical study carried out an experiment consisting of several measures to test if people already have implicit gender stereotypes of women in the legal profession. They created and conducted a new Implicit Association Test (IAT) where they tested the stereotype of male superiors and female subordinate. IA test is a reaction-time based measure that tests whether people hold implicit bonding between men and judges/superiors and women and lower level staff in the legal profession. Then, based on the stereotype of males as professionals and females as homemakers, the authors tested that if people link males with the workplace and females with the home and family. After this, the authors also tested if the gender stereotypes lead to the biased decision making.

This study (Levinson and Young, 2010) found interesting results where a group of male and female law students implicitly affiliated judges with males and affiliated females with the household and family. Furthermore, the results of this study

based on IAT found that male participants affiliated more strongly judges with males. The male participants preferred masculine for judges as compared to feminine characteristics. Moreover, it was revealed based on the last-mentioned result of this study that implicit gender biases can affect decision-making.

2.2 Female lawyers in legal profession in Pakistan and Asia

In 2012, a study carried out in Bangladesh by Ridwanul Hoque in which she explains implicit discrimination faced by women in the legal profession (Hoque, 2012). The study also examines the factors that are responsible for discrimination faced by female lawyers in the legal profession. The study reveals that there is not much work carried out on gender issue generally and the gender discrimination in the field of legal profession is hardly discussed in serious research in Bangladesh. Women are not found in any leadership role, pointing out that there is only one female member among the 15 members of the Bangladesh Bar Council. The author describes this may be because the women are not considered competent enough for these important positions by the society. The study reveals that female lawyers face discrimination from both colleagues and clients. However, the author points out that culture factor is a prominent reason for the gender discrimination in the profession and a reason why less women choose the legal profession. Moreover, the gender classification of occupation in the social culture as suitable for female or male is also a factor that manipulates the choices of the women. The study identifies some other factors such as crowded environment, sexual harassment, low income and demanding working hours as reasons of lower entry of women in the legal profession.

A study in Pakistan was conducted by Rubya Mehdi and her team (Mehdi et al., 2012), wherein they conducted fourteen interviews from lower and high courts of Punjab with the help of qualitative questionnaires. Mehdi has used the expression of lady advocates for the female lawyers in the beginning of her research paper

but after that she has switched to female advocates and women advocates³². The data they have collected from interviews for this study was gathered during the course of three years. The focus of the study was discrimination against female advocates, that is analyzed by keeping some important factors such as problems with social attitudes, discrimination in participating in courts, corruption, dispute reduction, softness and care with integration of customs and culture of courts. The experience of each female advocate was different depending on the educational status, age, economic class, family background and area etc. Results showed that encouragement from family allowed women to join the legal profession and helps her achieving her goals. Female advocates said that this profession is for men by men because of the male dominancy, females have to face biasness. Female advocates have to face different attitudes from judges, from society and from organizational life of court as the courts in Pakistan are generally considered as male dominated and with this background the entrance of women lawyers was a big change in the legal profession (Mehdi et al., 2012). They have also faced resistance in order to acquire space for them in this profession due to "male and money" dominated atmosphere (ibid). Although, the Bar Council Act³³ clearly outlaws the discrimination based on sex but still women lawyers are facing discrimination in terms of rude behavior form male judges, little to no remuneration during apprenticeship from senior lawyers and less acceptance from society (ibid). Many female advocates also believed that they are better than their male colleagues because of their gesture of softness and care, their punctuality and hard work, and most importantly, their understanding towards family cases.

Another study from Pakistan examines the gender discrimination faced by female lawyers in Punjab (Ahmed et al., 2019). This is a qualitative study and consists of twelve interviews with the female judge, advocate general of Punjab and advocates of lower and higher courts. This study shows that women lawyers are constantly facing harassment and gender bias from their own legal community.

³² It is important to note that in second study from Pakistan about the female lawyers the author has not used the expression of lady advocates, and used the term female advocates.

³³ Legal Practitioners and Bar Councils Act, 1973 [XXXV OF 1973] with rules as amended up to September, 2005. Punjab

This research examined the administrative and legal framework to deal with such issues. Despite the fact that Bar Council has framed rules for legal practitioners, female lawyers are still facing discrimination. Unfair distribution of rights among gender initiates the discrimination as generally in Pakistani society the women are considered as the one who is responsible for housekeeping only and men are entitled to work and earn money for household. Women are now in every field of life as women are almost the half of population. This study is conducted by in-depth interviews about discrimination faced by female lawyers, female rights activists and from female judges. Results showed that 85% of women lawyers were facing gender discrimination within their legal profession. 2/3 of female lawyers agreed that they do not have accepted equally when compared with peers (male lawyers). Different companies and firms also prefer male lawyers. In general terms this study concluded that acceptance of female lawyers is low by pointing out the wide gap in the number of female and male advocates as elected bar officials. However, it is important to note that in both the studies from Pakistan, no socio legal inquiry has been conducted to explain the situation. Moreover, both studies are done from almost the same cities of Punjab from Pakistan.

The existing research literature presents results mainly from the western countries like the U.S.A, the UK and Canada. It is also important to note that most of the research is conducted by the bar councils of the western countries. The bar councils are trying to solve the problems for female lawyers and are making rules and regulations to reduce discrimination. While there is a growing literature on women in the judiciary in the Middle East, South-East Asia, and Africa (Sonneveld and Lindbekk, 2017; Bauer and Dawuni, 2016), there are few studies that deal with women in other legal professions. Thus, there is a need for more empirical research in this area and this study will try to fill that research gap. This study attempts to examine the situation of women in legal profession in Pakistan as a socio-legal enquiry. The major change in the legal profession caused by female lawyers demand empirical research, which is not well established in the context of Pakistan. Only two studies are found on this prominent change and that

confirms the existence of discrimination in the legal profession in Pakistan. Both studies are based on interviews with female lawyers, attorneys and judges (Mehdi et al., 2012; Ahmed et al., 2019).

2.3 Summary of the literature review

To summarize, the reviewed literature discusses and addresses the following issues for the female lawyers working in the legal profession in the world. The major issues that are addressed in the literature review are, discrimination faced by the female lawyers in terms of acceptance from the society, hiring and promotions relating to the law firms, and remuneration. Furthermore, the gender bias behavior, verbal harassment and sexual harassment that women face in the legal profession are also discussed in the reviewed literature. The issues that female lawyers face in terms of low salary and low ranks in jobs are also taken into consideration. Furthermore, the impact of women lawyers on the legal profession is also discussed. In my research work, I am also looking in to these issues in the context of Pakistan. However, there are some differences in the legal profession of Pakistan from these countries. One of the difference is the structure of the legal profession as in Pakistan the profession is of more independent nature and lawyers are generally self-employed and are sole practitioners. In Pakistan, there is no concept of employment while working with a senior lawyer in his or her law firm i.e. they are not subject to the strict roles of employer and employee. The early studies that are carried out in Pakistan has confirmed that women are facing discrimination in the legal profession in Pakistan.

To the best of my knowledge there is a little research carried out in Pakistan that addresses issues faced by the female lawyers. Therefore, the proposed research project is focusing on the experiences of female lawyers based on inequality and discrimination by adopting a socio-legal approach to study the power structure and discrimination in the legal profession of Pakistan. It is clear from the literature review that discrimination is a social problem and women are experiencing the

discrimination in the legal profession in one way or other. The legal profession is an important topic of research in sociology of law. Moreover, the inadequacy in existing literature from Asian and Muslim countries as described by Schultz (2003) also about female lawyer's situation requires more research to fill this knowledge gap. I believe that this research project will substantially be able to fill this knowledge gap. In this research work four themes are being addressed. The first theme, acceptance and resistance from the family and society, addresses the stereotypes of male and female and its impact on the way how they behave. This also addresses the difficulties posed by the family and society to the female lawyers for choosing the legal profession. The second theme, workplace experiences and difficulties and challenges faced from their workplace, addresses all the difficulties faced by the female lawyers in their workplaces. This will consist of challenges and difficulties posed by the female lawyers' colleagues, judges, court staff, clients and police. The third theme, harassment and safety at work place with gender bias experiences, addresses the female lawyers' experiences regarding harassment and gender bias from bars, male lawyers, judges, court staff, clients and police. Finally, the fourth theme, job satisfaction, addresses the issues related to earnings and growth in career that leads to personal satisfaction or dissatisfaction.

3. Theoretical framework

The thesis adopts Bourdieu's framework of habitus, capital and field, which are widely considered as tools for help in empirical research (Peillon, 1998). The reason for choosing Bourdieu is that the sociological analysis of power and domination in any field is fundamental in his writings (Mottier, 2002). The notions of habitus, capital and field are eventually related to power and are helpful in explaining the contemporary social inequality (Burkett, 2001). We can trace from Bourdieu's analysis of society and social relations that the sociology of gender relations is the central proposition of his work (Karis, 2014; Husu, 2013). The habitus, capital and field are explained in separate sections and their merged

understanding of how the same will be applied in this thesis is provided in the final paragraph of this chapter.

Habitus:

According to Bourdieu, habitus is not only "a structuring structure but also a structured structure" that organizes the perception of social world but also divides it into social classes (Bourdieu, 1984). Habitus also helps in constructing the social world and influences the actions of individual in a society because every person within it follows certain disciplines that apply universally to all individuals as shared experiences (ibid). Bourdieu explains the different dynamics of power that a society have and most importantly the way that power is transferred to the generations by maintaining the social order (ibid). He explained that every person living in the society has different lifestyle, norms, values and experiences based on their age, gender, education, race and ethnicity. The (social) society has made some rigid rules, which are followed by every individual constituting the habitus of individuals that influences and at times dictates how they act (ibid). The position of the agents in a social field is based on the dispositions made by their habitus and determined by the social structures of society (Griller, 1996).

In his book, *Outline of the theory of practice* (1977), Bourdieu refers to habitus as thoughts, beliefs and tastes acquired through family, culture and education. The habitus also consist of the arrangements of things in a certain way and their meanings that people attain from socialization (Gaventa, 2003). Bourdieu has explained in his writings that it is habitus which helps us to analyze the division of labor between the genders and it constructs the body of the social world (Karis, 2014). In his book *Masculine Domination* (2001), Bourdieu has explained the gender and its role in society and the relations among genders (Bourdieu, 2001). Bourdieu discussed the dispositions of males and females as dominant and dominated agents in the society. He describes that in a male dominant society power is associated with the male members of the society and the women are treated as subordinates. The continuous practice of this situation and the experience of the members of the society creates the habitus of the members of

the society accordingly and women are treated as subordinates (ibid). Habitus is an important analytical tool as it consists of the past of the agent that is organized by his experiences and conditions of existence (Karis, 2014).

The male domination in the society is based on the socially constructed division of labor between sexes where men are entitled to work in market and women are assigned the duties of household (Bourdieu, 2001). This division of labor constitutes the social relations between the male and female agents of society and produces their habitus as dominant and dominated. In this situation, habitus acts accordingly and accepts it as a social reality that is even accepted by the female agents because of its embeddedness in social order (ibid).

Capital:

For Bourdieu, there are four forms of capital such as, economic capital, cultural capital, social capital and symbolic capital (Bourdieu, 1984). Capital regarded as basic principle that builds the proportion of social world and treated as accumulated labor (Bourdieu, 1986). Economic capital includes money, cultural capital includes social mobility and knowledge also referred to as transubstantiated form of economic capital (Bourdieu, 1984). The capital that is considered as symbolic capital is related to power (Bourdieu, 2001). The cultural capital is part of habitus and used by individual as a tool to gain dominance and power in a field whose reality is subjected to systematic misrecognition (Bourdieu, 2001). The cultural capital entitles male members to higher education and higher position in a field. This investment in education serves as a quality of the individual that confers its distinction upon the other individuals (Moore, 2004). As the distribution of social capital is uneven between classes and sexes, each class has distinctive habitus that helps individuals in acquiring those dispositions that determine the extent of their education (ibid). Bourdieu explains in his book *Masculine Domination* (2001) that cultural capital and social capital have the same value as of economic capital and because of the gendered division of labor, social and cultural capital of male members is high and termed as symbolic capital. This symbolic power is so inscribed in the dispositions of the

males and females of a society as a social reality that helps males to exercise symbolic violence and to dominate the females (Bourdieu, 2001). Furthermore, the gender inequality is reproduced by symbolic violence, which is not physical but emotional and social (Bourdieu and Wacquant, 1992). Every social field e.g. academic, political and judicial possesses internal power relations maintained by individual or collective habitus.

Field:

The notion of field refers to the social concepts of relationships that exists in the society like power relations. A society consists of different fields where agents work by upholding those positions predefined by society. While working on those positions agents sometimes transform or converse the structure (Bourdieu, 1984). By performing different tasks at those positions agents make power relations that constitute the field (Ibid). Field is described by Bourdieu as a space of conflict with its own structure, forces and struggles between its agents (Bourdieu and Wacquant, 1992). The competition in a field between its agents is related to power where participants compete to establish their monopoly over the capital (cultural, social, symbolic). A society that is divided on the basis of social classifications of agents in terms of their occupation and salary regulates the representation of agents and produces the power relations in the field (ibid). The social classification of men and women in a society imposes the low social and cultural capital on the women and they are treated as negative entity (Bourdieu, 2001). The concept of field gives an understanding of society's structure and provides a framework to conceptualize women's experiences of gender and the different roles of men and women in the society (McNay, 1999). Similarly, the legal profession serves as a field with its own structure, rules and positions of the agents. Cultural capital plays a leading role in creating domination, hierarchy and power relations in a field (Gaventa, 2003) because the position of the agents in the field is based on the possession of the capital an agent has (Husu, 2013).

This thesis investigates the situation of women lawyers in Pakistan and outlines the difficulties and challenges along with discrimination they face in the legal

profession. To explain the situation regarding difficulties and challenges and to understand why and how they are facing discrimination Bourdieu's theory is used. The concepts of habitus and capital provide understanding of production and reproduction of gender relations in the field (Sang and Powell, 2012). This thesis aims to explain the male dominance and power relations that produce and reproduce gender relations and norms in the legal field that results in discrimination faced by female lawyers. In the context of a male dominated society like Pakistan, the habitus of the agents provides them with the vision of dominating and dominated agents because in a patriarchal society female agents experience domination from the male agents and considered as weak agents in the field. In Pakistani society the division of labor is also based on genders. The societal pressure and cultural norms does not allow, in most cases, for women to get higher education and work in the market that results in accumulation of low social and cultural capital (Bourdieu, 2001). The entry of women in the legal profession have effects on its structures and women experience those effects in many ways e.g., facing resistance from their male colleagues and society while choosing legal profession because of their low social and cultural capital (ibid). Society puts pressure on individuals by assigning predetermined gender roles and resistance against the same invokes criticism and hurdles that places extra burden on the non-conformists. It is because of the societal norms and cultural restraints that a majority of the women in Pakistan are house wives and take care of their families and children with low social and cultural capital. On the other hand, the number of working women are very low, which is also mentioned in the Global Gender Gap Report 2020 published by WEF. However, there are certain exceptions in terms of the family background and social status. If someone belongs to a rich family and have sound background with a higher social status, then the difficulties are less for that person as compared to the one who could not get education and acquire a job based on their social and cultural capital. Therefore, we can say that capital plays a vital role in dispositions of a person in a society as mentioned by Bourdieu (ibid).

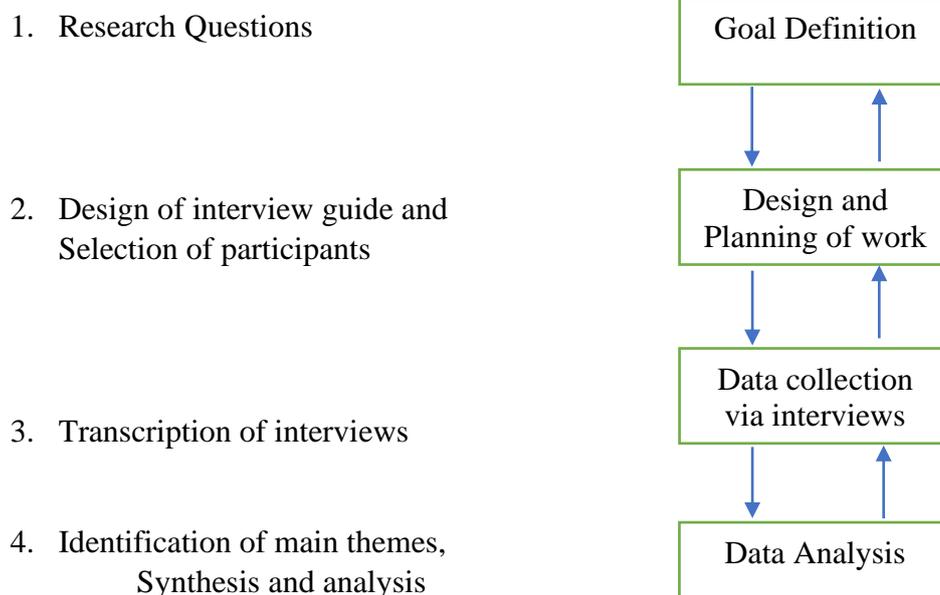
4. Methodology

This project adopts qualitative methods to conduct the research (Bryman, 2016), as it attempts to investigate and describe human experiences (Polkinghorne, 2005). The proposed research project investigates the experiences of women lawyers regarding discrimination in the legal profession. In social science, qualitative research is also considered as a method that provides more detailed information about the matter that is being investigated and is useful to describe the social world (Bryman, 2016).

The project uses primary data collected via semi-structured interviews (ibid) with open-ended questions (Bryman, 2016) conducted with female lawyers from three different cities of Pakistan (Islamabad, Lahore and Faisalabad).

Figure 1 shows the research methodology of this thesis work. As shown in Figure 1, the arrows going into both directions indicate that the carried out research was an iterative process.

Figure 1: Research methodology



The steps shown in Figure 1 were not carried out in a formal order without going back. However, during this research there were several iterations to improve the research goal, interview guide, interview questions and the findings. The interview guide for this thesis work was designed by using the research objective and research questions. As mentioned above, the interview guide was updated several times, e.g., after conducting the first interview. After the first interview, the structure and order of the interview questions were updated in the interview guide that led to the final version of it. The interview guide can be found in the appendix 1.

The interview guide was designed in the following four themes,
acceptance from family and society,
workplace experience and difficulties and challenges,
harassment and safety at workplace with gender biased experiences,
and job satisfaction.

4.1 Sources of data

The source of empirical data are the women lawyers who are practicing independently or are employed in the private sector and working in lower and higher courts in Islamabad and Punjab, Pakistan. The reason for choosing women lawyers as the sample of research lies on the notion of purposive sampling that is an important way of sampling in qualitative research and based on the research goals (Bryman 2016). Furthermore, purposive sampling enables the researcher to target the participants in relevance to the research question, that directs about the group or people who are the main focus in research question (ibid). The research question of my research implies that the focus is women lawyers in Pakistan so I believe that this sampling technique is a suitable strategy. After this initial sampling and contacting with the participants, snowball sampling approach (ibid)

is used in which initial participants suggest others to broaden our contacts for research.

4.2 Description of empirical material

In qualitative research, interviews are a widely used method for the qualitative data collection (Bryman, 2016). The empirical data for this project is collected by using the semi-structure interviews with open-ended questions. Moreover, for this research work an interview guide was designed and used to lead the interviews. An interview guide covers specific topics related to the research questions (Bryman, 2016; Bernard, 2011). The semi-structured interviews are considered to be more flexible because in this the interviewee directs the interview and provides insight for interviewer to see what is important for interviewee (Bryman 2016). Moreover, this method also helps the interviewer to ask further questions that are not included in the guide and arise out of what interviewee say during the course of the interview, providing an in-depth understanding (ibid). The interview guide consists of four main parts that covers questions related to the demographic or background, workplace behavior and experiences, harassment and safety at workplace and job satisfaction. The use of open-ended questions allows the interviewees to express his/her feelings and helps the researcher to understand the situation by asking follow-up questions to make it clear (Bryman, 2016). The data collected by interviews was recorded and transcribed. The length of each interview was about one hour. The interviews were recorded as one cannot memorize the whole conversation and recording helps us to go back and check again if there is something that we have skipped to transcribe. The data is transcribed to keep a record of it and it helped in analyzing the data. The interviews were conducted in either English or Urdu language, depending on the preference of the interviewees.

4.3 Selection of participants

This section presents the selection process adopted in this research work. The capital city and Punjab province were selected to conduct this research and all the participants were selected from Islamabad and two cities of Punjab, Lahore and Faisalabad. All the participants of this research are members of Islamabad Bar Council and Punjab Bar Council, that is the largest Bar Council in Pakistan with 124 Bar associations working under its supervision with a total 100,000 licensed advocates as its members³⁴. The participants of this research project are member of the District Bar Associations Islamabad, Lahore and Faisalabad. The selection of participants was carried out with the objective to cover the relevant range of viewpoints from the legal profession for female lawyers pertaining to discrimination. As a result, purposive sampling was carried out and a total number of seven (7) interviews have been conducted for the project. To select the participants for this study, it was decided that all participants must be females and working in private sector only. Moreover, participants were chosen based on their different levels of experience of working in the legal profession, ranging from junior to senior lawyers, to enable the project to study and understand the whole situation regarding discrimination. The number of participants from Islamabad are 3, with 1 advocate is with the license to practice in the lower courts and 2 advocates of the High Court. 2 participants are from Lahore and are advocates of the High Court and 2 participants are from Faisalabad of whom 1 is advocate of the High Court and 1 is an advocate of the lower courts. The capital city was chosen because the researcher has connections with some advocates there and it was easy to contact with them. The province of Punjab was chosen because of the ease of access to the interviewees as the researcher herself is from Punjab and has worked there as a lawyer.

Table 1 shows the details about all the participants that took part in this research work. The consent was acquired from all the participants to publish their details however; it was assured to them that their identities will be anonymized.

³⁴ <https://pbbarcouncil.com/about-us/>

As shown in Table 1, Interviewee A has an experience of around 17 years (senior level), and she is around 40-45 years old. She is practicing in Islamabad (capital city of Pakistan) in high court that also gives her access to all lower courts (district and session courts). She is running her own law firm and she has done Master (MA) and Bachelor of Law (LLB).

Interviewee B has an experience of around 2.5 years (entry level), and she is around 25-30 years old. She is also practicing in the Islamabad district courts that are considered as lower courts. She is sharing office with her seniors and other colleagues and she has done Master of Law (LLM).

Table 1: Presentation of the participants

Participants	Experience	Location	Marital Status	Practicing Court	Office Setup (Own/Shared)	Age in years	Education	Lawyers Family
A	17 Years	Islamabad	Single	High	Own	40-45	MA/LLB	No
B	2.5 Years	Islamabad	Single	District	Shared	25-30	LLM	No
C	10 Years	Islamabad	Single	High	Shared	32-37	MA/LLB	No
D	8 Years	Lahore	Single	High	Shared	28-33	LLM	No
E	9 Years	Lahore	Married	High	Shared	30-35	LLM	Yes
F	2 Years	Faisalabad	Single	District	Shared	28-33	MA/LLB	No
G	8 Years	Faisalabad	Single	High	Shared	28-33	LLB	No

Interviewee C has an experience of around 10 years (senior level), and she is around 32-37 years old. She is also practicing in Islamabad like interviewee A and

B. She is practicing in high court like Interviewee A. She is sharing office with her seniors and other colleagues and she has done MA and LLB.

Interviewee D has an experience of around 8 years (senior level), and she is around 28-33 years old. She is also practicing in Lahore that is capital city of province Punjab. Moreover, she is practicing in high court like Interviewee A and C. She is sharing office with her seniors and other colleagues and she has done LLM.

Interviewee E has an experience of around 9 years (senior level), and she is around 30-35 years old. She is also practicing in Lahore that is capital city of province Punjab. Moreover, she is practicing in high court like Interviewee A, C and D. She is also sharing office with her seniors and other colleagues and she has done LLM. Interviewee E is the only participant in this study who has family member from the legal profession. Except interviewee E all other interviewees in this study have no family member working in the legal profession.

Interviewee F has an experience of around 2 years (entry level), and she is around 28-33 years old. She is practicing in Faisalabad in the district courts. She is also sharing office with her seniors and other colleagues and she has done MA and LLB.

Interviewee G has an experience of around 8 years (senior level), and she is around 28-33 years old. She is practicing in Faisalabad like Interviewee F. Moreover, she is practicing in high court. Moreover, she is sharing office with her seniors and other colleagues and she has done LLB.

As it can be observed that from Table 1, only Interviewee A has own law firm and office. All other interviewees are sharing the office with their seniors and other colleagues. Moreover, Interviewee E is the only participant in this study who has family member from the legal profession as mentioned above.

4.4 Ethical considerations

Ethics are an important part of a research process to respect the rights of the participants and to avoid any harm to them (O' Reilly, 2009). In order to meet the ethical considerations, all measures required by the European Commission Report for Ethics for Researchers³⁵ were employed. A great care was taken to inform the interviewees about the aim of the research before conducting the interviews. A consent form was sent to them by e-mail and interviews were conducted after a signed consent form was received from the participants via email. The informed consent form helps the respondents to understand their role in the research and they also get to know about the research project (Hesse-Biber and Leavy, 2011). It was clearly mentioned in the consent form that their contribution is voluntarily and anonymous. They were informed that instead of their names other identification number or sign will be used in the research (ibid). Furthermore, they were also informed about their right to terminate, cancel or withdraw from the interview at any stage of the interview and the research. They were also informed about the recording of the interview. The interviews were conducted with the consent of the participants.

4.5 Researcher's position

In qualitative research the position of researcher plays an important role because researcher is directly involved in the process of collection and analysis of data (Dwyer and Buckle, 2009). Both the positions, insider and outsider, have some merits and demerits in the research process. The authors have discussed that if a researcher is an insider in the study and have knowledge about the culture and language it helps him/her to understand the meaning of the conversations. The demerit with this position is that researcher bias as researcher knows already about the situation. This position imposes a duty on him/her that researcher should be more careful about his/her biases. Researcher's outsider position also puts some

³⁵ https://ec.europa.eu/research/participants/data/ref/fp7/89888/ethics-for-researchers_en.pdf

limitations on him/her as there are chances of not understanding the problems if researcher is not familiar with the culture and society that he/she is studying. Dwyer and Buckle (2009) suggested that it is beneficial for a researcher if he/she occupies both the situations as an insider and outsider and they termed it as space between. As a member of Pakistani society and the legal profession, I am aware of the difficulties and challenges of female lawyers and that is why I am interested in this research. I am also familiar with the social and cultural norms and language, moreover, being a woman it is easy for me to interact with other females. I am now studying and living in Sweden that makes me an outsider. Furthermore, there is a less chance of the researcher bias validity threat because I am an insider and aware of difficulties and challenges but I have not experienced it myself that makes me an outsider as well. I believe that my positionality of being an insider and outsider at the same time helps me in acquiring the position of space in between and provides me the privilege of better understanding that enables me to analyze the data objectively. Moreover, the methodological design of research and application of compatible theory allows to get in-depth knowledge from the participants and helps in analyzing the data objectively.

5. Analysis and results

To understand the whole situation and to present the situation of female lawyers in Pakistan, the hurdles that they faced initially in the beginning of their career and they still face on daily bases are investigated. The analysis of this thesis is based on the following themes that are also used for coding to answer the research questions. These themes are created by using the research objective and research questions of this thesis. The following four themes are used for the coding and analysis.

Acceptance and resistance from family and society

Workplace experience with colleagues, bar associations, judges, clerks of courts, clients, and police

Harassment and safety at workplace with gender bias experiences from bars, male lawyers, clients, and judges

Job satisfaction in terms of earnings, growth in career, facilities provided by the Bar Associations and professional satisfaction

5.1 Acceptance and resistance from family and society

During the interviews, the experiences of the acceptance and resistance from family, relatives and society faced by female law practitioners while choosing the legal profession were investigated.

Acceptance of any action by females is very important in Pakistan. The reason for this is that females are financially dependent on their families. In Pakistan, there is no financial support from government for citizens. Therefore, majority of the females must seek permission from their families to decide something in their career (with some exceptions).

Regarding acceptance from families for choosing the legal profession, the results of this thesis found that the majority of the interviewees did not face any resistance from their families. For example, three of the interviewees mentioned that they have not faced any resistance from their family as it was their fathers' desire that there should be a family member who is working in the legal profession. Furthermore, two out of three interviewees mentioned that their fathers had some bad experiences with the litigations. They were misled by the lawyers because of lack of legal knowledge and unawareness of legal requirements. Therefore, in this situation their fathers decided to have someone from the family in the legal profession. After seeing their fathers facing difficulties both financially and legally the interviewees agreed to join the legal profession. According to the interviewees, in Pakistan if you have no personal connections (someone you know or your relative) in any field or departments then it is hard for you to get your things done. Two more interviewees expressed that

their parents are always supportive in any situation so when they decided to choose the legal profession then their families fully supported them.

These five interviewees who did not face any resistance from family also mentioned that it is difficult to join this profession if you do not have family support with you. They considered themselves lucky by not facing resistance and having no issues with their parents and family.

The findings of this thesis found only two interviewees who faced resistance from the family. One of the interviewees mentioned the comments of her parents as,

"my father told me that the environment of courts and katcheri (Urdu name of Bar) is not for women and girls of our family and our women never visited a police station".

Interviewee F

Another interviewee mentioned that,

"my family allowed me to do LL.B. on the condition that I won't practice".

Interviewee D

Although the majority of the interviewees said they did not face resistance when it came to initial career choice, most of them mentioned that because of the conservative society and culture the relatives had voiced concerns based on considerations of social propriety. One of the interviewees mentioned,

"my Uncle and rest of the family they were not kind of like so much literate people so it was initially very difficult for me and I had to undergo like a lot of turmoil to make them understand that its ok I am not kind of going to violate any customs or rules of our family but I am just working, I am learning and it will be helpful for all of you so that was some extra miles I had to go that way".

Interviewee A

This shows that the social acceptance of female lawyers is really low in the Pakistani society that they even start facing challenges from their homes and

families. It is linked to the dispositions of the male and female agents as breadwinner and care taker of home that are embodied in the social structure, which make up habitus of the agents. According to Bourdieu, human behaviors mediate through culture as part of the habitus (Bourdieu and Wacquant, 1992) and as a patriarchal society Pakistani culture is very much male dominated that restrains women to actively participate in the public life. Moreover, the sexual division of labor between genders that constructs the social bodies of male and females gives men the monopoly over all the public activities (Bourdieu, 2001). This is embodied in the habitus of the society that makes it difficult for society to accept the females as working in the public spheres.

5.2 Workplace experience with bar associations, colleagues, clients, judges, clerks of courts, and police

The workplace experiences were also investigated in this research work. The interviewees were asked about their experiences with bars, courts, judges, clerks of courts, police and male and female colleagues. Furthermore, the difficulties and challenges faced by the female lawyers in the legal profession were also investigated. All the interviewees mentioned that they have mixed experience at workplace. For example, some of the things are good and getting better and some of the things are bad with no chances of getting better yet.

Difficulties and challenges with bar associations:

According to the majority of the interviewees, the environment of bar is very discriminatory and hostile for female lawyers. The main challenges they faced in initial days of their profession were finding a good senior lawyer or firm for apprenticeship and financial sufferings. They have mentioned that they were not given any work initially and were doing inappropriate work e.g. to go to courts for attendance and take dates on behalf of their seniors. A recurring theme in the interviews was that the male seniors lacked trust in the female lawyers on account of being women and questioned the interviewed female lawyers about their

professional capabilities before assigning them any field work. This situation of not being assigned any work by their seniors and consequently not receiving remuneration posed a big challenge according to the interviewees. This, in turn, makes it difficult for them to develop a network with clients enabling them to gain access to more cases that would ultimately help them in overcoming the financial challenges. One of the interviewees mentioned,

"the seniors were not generous enough to grant us any cases and we were not having any social support or social links. If we were getting socially linked, then it was resulting into some kind of undue proposal coming from someone i.e. some kind of offer so yes initially I suffered financially".

Interviewee A

Regarding workplace experiences the remuneration is a challenge for female lawyers. Another interviewee mentioned that,

"I started working in a law firm and for six months I was not given any serious work. I was only responsible for going to courts for attendance and taking dates in cases. I was receiving no remuneration from the firm and I was supporting myself and my work from my own pocket for all the work-related expenses".

Interviewee B

In describing the atmosphere of bar associations, the majority of the interviewees agreed that it is very hostile and tough for the women to survive. In their opinion, there are several factors that pose hindrances to female lawyers consequently this situation makes many female lawyers afraid and they leave the practice in their initial professional years. According to one of the interviewees,

"I must say that if you are a male then you can survive and if you are a female and you want to be successful in this profession then you must need the iron nerves".

Interviewee F

Resistance from the male colleagues:

Regarding the resistance from the male colleagues, this thesis found that it is a big problem for the female lawyers and all the interviewees viewed the behavior of their male colleagues as discouraging for women, with a few exceptions.

According to the interviewees, the attitude of male lawyers is not welcoming towards the female lawyers because of the particular stereotype mindset, where female lawyers are expected to stay at home because it is not their field. This mindset led them to engage in discriminatory behavior, sometimes directly and sometimes in indirect ways.

Three of the interviewees mentioned about their experience that their male colleagues do not like the woman who is vocal about issues. The interviewees mentioned about a leading senior female lawyer who was very active in the bar and was also a human rights activist, that she is quoted in a negative way by their male colleagues and they were suggested by their male colleagues not to become like her. The majority of the interviewees shared that they take her (senior famous female lawyer) as their role model and they are impressed with her work.

One of the interviewees mentioned that the male lawyers are insecure with our progression that is why they quote her negatively and create problems for us. Another interviewee mentioned that working with male lawyers in the same office is a big challenge. The reason for this is when they feel that you (female lawyers) are excelling in the profession they take it as a threat to their position and try to create hurdles for you. For example, sometimes they misplace or hide the files you are working with.

One of the interviewees described the discriminatory behavior of male colleagues as follows:

"if they're doing something that's making you uncomfortable like smoking for example and not respecting the fact that you might not be comfortable with it they take it as of right as they can smoke and they can be vulgar in terms of their language and laughter and that would make you as woman very uncomfortable. They just don't say it directly to you they are making you uncomfortable so that fact is there and I have seen that social attitude is a problem that many of the

people in this society have but that is more prominent in legal profession. Again, there are few women and more men, it was always their club and we are the intruders, we are the outsiders, we are the one who are intervening in their space according to male lawyers".

Interviewee E

Experience with senior male and female lawyers:

The interviewees' experience with senior male and female lawyers differed greatly. All the interviewees agreed that the attitude of senior female lawyers was not supportive and encouraging when they started the profession. Meanwhile, the experience with senior male lawyers is mixed. For example, four out of seven interviewees told me that they have good experience working with male lawyers while three of them described that it is not a good experience. One interviewee who had started out working with a senior male lawyer found him to be very harsh towards females and expressed astonishment that women were working in this field. She eventually stopped working with him and left to practice as a lawyer with another male senior.

Difficulties and challenges with clients:

The interviewees also spoke about the difficulties and challenges they face in dealing with the both male and female clients. Initially, they told me, clients would think of the female lawyers as front desk officers and refuse to discuss their legal issues with them unless a male senior partner is present. The clients were reluctant to hire a female lawyer and, if they did, they were not willing to pay them appropriately for their cases. According to the majority of the interviewees, they experienced difficulties with both male and female clients, but the nature of the challenges differed. By way of example, the female clients would often approach them with the family cases (that is already a less paid field in the legal profession) because they feel more comfortable in discussing family issues with the female lawyers. However, they would often not pay the appropriate fee. One of the interviewees elaborated by saying that,

"The challenge with the female clients is that they cannot pay the fees for their cases or if they can then it is not as demanded. The reason for this is the overall status of women in our society as there are few working women and majority women are not financially independent, so they are not able to pay the appropriate fee".

Interviewee D

To summarize, the primary challenge female lawyers face from male clients is associated with the acceptance but with female lawyers they have not faced this challenge. They have expressed that female clients give them due respect and follow their instructions. However, male clients try to make female lawyers work in their way and suggest them to use the arguments the way they are suggesting. Furthermore, their abusive language and aggressive behavior create a challenging situation for the female lawyers.

Difficulties and challenges faced in courts:

Meanwhile, the majority of the interviewees found that the atmosphere of courts is supportive, and the attitude of judges is mostly encouraging towards female lawyers. They attributed this to the code of conduct which judges are obliged to follow, but there are exceptions as well, as I will show later. The main difference was the level of frankness with which male lawyers could interact with the male judges and is described by one of the interviewees as,

"Obviously being a male, it is easy for them to interact with each other because of the same level of frankness and the male lawyers get favors too because of that but being a female, you need to keep a distance".

Interviewee C

Difficulties and challenges with clerks of court and police:

Furthermore, the majority of the interviewees mentioned that they have to face challenges from the clerks of the courts as well. The interviewees stated that the

overall legal profession is male-dominated and therefore the court clerks view female lawyers as somewhat of an enigma. This situation creates difficulties for female lawyers in interacting and engaging with them. Furthermore, most of the interviewees mentioned that when they asked clerks to provide them with any document, the clerks would delay and request more money (bribe) than they usually ask from male lawyers.

All the interviewees confirmed that they have worst experience with police and because of their nature of job they must interact with them every now and then and it was never pleasant rather discriminatory.

All the interviewees expressed, that it is easy for the male colleagues to adjust in the atmosphere of bar and courts. They are of opinion that if they would have been male, they would have achieved the position long ago where they are now. Furthermore, the interviewees expressed that it is really easy for a male or female newcomer if they have father, brother or any relative in the legal profession. They are of opinion that in this way they will not suffer in terms of searching a good senior and they will start learning early. It will also help them in getting clients because of their peers' connections. Another thing that female lawyers see as a challenge is not having their own chamber (office). Only one interviewee from the seven has her own chamber in the bar association rest of the interviewees share chamber with their male seniors or female colleagues. The interviewees expressed that it is even easy for a male lawyer to set up his own chamber because he can ask from his share of property from his father. Furthermore, the parents take it from a business point of view that a male member is entitled to do job and earn money for the family, so their investment is safe.

Difficulties and challenges related to feminine behavior:

The challenges regarding the behavioral changes that they have to adapt for decreasing gender identification were also investigated.

According to the majority of the interviewees, another salient problem that female lawyers face is adaptation of behavioral changes that they need to adapt to

decrease gender identification in the field of legal profession. The majority of the interviewees mentioned that they must adapt the arrogance and aggressive behavior and the use of loud voice that is particularity associated with male members of the society. They stated that sometimes they really need to speak in the way male colleagues speak (loud) otherwise they do not give importance to your argument. According to one of the interviewees,

"Exactly I am not by myself. I would say I have changed myself for the work environment".

Interviewee F

She has further explained that in situations when she feels like her arguments are not given any importance because of her voice then she changes her way of speaking and argue in an authoritative way being louder. She has further explained that she has done this so many times and it has become routine for her. Now when she comes in courts, she speaks in loud voice but at home she does not speak like that.

Another interviewee mentioned,

"Yes, the profession demands you to be more men like in your behavior that is loud voice and other traits".

Interviewee G

She has mentioned that in the legal profession they have to adapt some other traits besides loud voice e.g. the way male colleagues walk and make eye contact with everyone. Some interviewees also stated that they have not changed themselves but have seen many female lawyers who have adapted to these traits. The common traits among almost all female lawyers that they follow are, no make-up and no jewelry. They mentioned that if they do make-up and wear jewelry then they get comments from their male colleagues e.g. that they are coming to attend a party. One of the interviewees mentioned that I always wear jewelry and nail color because I am a woman and I do not like to look like a man. She described that once I was arguing in a case about a rigorous matter and during the

argumentation the judge commented on my earrings i.e. such a nice pair of earrings you have and she replied him, “you can take it sir”. She expressed that I will not quit wearing jewelry as it is a part of my uniform.

This shows that in the field of legal profession women have to face many challenges and difficulties depending on their cultural and social capital in the field. Although they have the same qualifications like male lawyers and have the same cultural capital in terms of education, still the male counterparts are having more privileges on grounds of economical capital and social capital in the legal field because of their higher earnings and status. The problem of getting no remuneration or less remuneration as expressed by the female lawyers is an example of low economic. As shown in table 1, only one female lawyer owns a chamber (office) that adds in her cultural capital. Other female participants have no personal chamber that results in the low cultural capital in the field. This situation also results in the low position of the female lawyers in the field of legal profession because the position of the agent in the field is dependent on the possession of capital as described by Bourdieu (Bourdieu, 2001). Furthermore, the discriminatory behavior of clients, judges, court staff and police adds in the lower social capital of the female lawyers. This is also a result of negative stereotyping of women in a society that contributes in the difficulties of female lawyers in the field of legal profession resulting in lower social and cultural capital. The structure of legal profession is male dominating, male and female lawyers are agents of legal profession that struggles to establish their monopoly over capital. For example, female lawyers are adapting the behavioral changes to overcome the difficulties thus producing the power relations in the field (Bourdieu and Wacquant, 1992).

5.3 Harassment and safety in workplace

This theme includes the issues regarding gender bias experiences, attitude of male lawyers and judges, threatening situations in the profession and safety in the work environment.

It is evident from the analysis of this study that female lawyers have to face gender biased behavior from their male colleagues, senior male bosses and the judges. The interviewees described that male counterparts do not say directly at your face that you are incompetent, and you should not be doing law practice. Instead, they ask questions such as ‘why have you not chosen the teaching profession or other professions?’ and suggest that they take on family cases that suits them better (instead of criminal, civil, and corporate cases). One of the interviewees mentioned that the male colleagues even start doing character assassination of female lawyers working in the same office if they see her getting more work and excelling in the profession. One of the interviewees revealed the behavior of a male counterpart who during proceeding of a case objected in front of a judge by saying,

"she is a lady, ask her not to argue like that".

Interviewee F

She further explained, that I replied to male lawyer, that I am a lawyer too but the judge has not said anything he just smiled and ignored his comment.

All interviewees also mentioned that the male seniors also sometimes show gender biasness by not trusting on female lawyers and assigning more work to male colleagues. Some of the female lawyers told me that in terms of assigning work seniors prefer to give litigation work to male lawyers and for females they ask them to make notices or some applications. Two of the interviewees expressed that they have even faced direct gender-based discrimination from their male seniors who were also their teachers in law school. Both interviewees described that after finishing their degree when they approached their seniors for doing an apprenticeship with them, they were refused directly on the basis that they did not

accept female apprentices. They elaborated by saying that the male seniors do not take female lawyers seriously and do not try to help them in learning because in their opinion,

"there is no use in helping you learning because ultimately you get married and will quit the legal practice".

Interviewee E

As previously mentioned, the majority of the interviewees viewed the attitude of judges as quite encouraging. However, two of the interviewees recalled gender biased behavior from judges as well. For example, if female lawyers are wearing heels, jewelry and not observing dupatta (scarf to cover their head) then they are victim of gender bias. One of the interviewees disclosed that a judge has given orders that a women lawyer can only enter in his court if she is observing dupatta. Another interviewee stated that,

"once I was wearing heels in the court and because of the voice of heel while I was walking everyone looked at me and the judge got really intimated and was showing anger."

Interviewee A

Crucially, the majority of the interviewees told me that they have faced the threatening situation in the profession. Two of the interviewees revealed that they have faced threatening situation from the male colleagues and two of the interviewees stated that they have faced the threatening situation from the male clients. One of the female lawyer expressed that once she received a call from his client, whose bail petition was filed by the female lawyer. She asked her client to provide some documents related to the case and the client asked the female lawyer to come and pick those from his place that was in other city. The female lawyer refused to go to his place and asked him to send the documents by any other means. Upon the refusal the client got so furious that he threatened her to death if she loses his bail petition in the court. Another interviewee also mentioned threatening situation she faced from a female client's father. She described that

one of the female clients of my office filed a divorce deed against the will of her parents. So when her father came to know that she has filed a divorce case, he came to our office to ask who made it. The female lawyer told that she was in the office at that time and client's father approached her aggressively with weapon. He was so angry and wanted to kill the person who filed that case. One of the female lawyer told me that during an argument in her office her male colleague tried to convince her in such an aggressive way that he smashed a glass in front of her. Another interviewee mentioned that,

"It was initial period of my practice and I was arguing in a case and the other party was losing their case, so one of the opponent lawyers tried to attack (physically) me and that incident made me so dis-hearted that I left that case".

Interviewee A

In other questions about safety at work place, a recurring theme that the interviewees stated that they feel safe in their work environment because of their uniform. They explained that because of their uniform people around them know that they are lawyer and therefore, almost no one acts inappropriately or try to indulge with them. On the other hand, some of the interviewees told me that they do not feel safe in the work environment. For this reason, they never go alone anywhere in the bar or in courts (it is linked to their feelings only, if they go alone then nothing bad will happen to them according to the interviewees). One of the interviewees mentioned that if she has to go somewhere she calls her munshi (clerk) and goes with him while interviewees stated that they prefer to go to courts or inside the bar premises with their friends (female colleagues with whom they feel comfortable) as they feel awkward/strange going alone. Furthermore, all the interviewees expressed that they have never faced harassment particularly sexual harassment. However, sometimes they experience harassment from their male colleagues in terms of not giving passage to them and to exchange long gazing eye contacts.

We can conclude from the findings that how male members perceive women and use violent behavior to dominate them. The threatening situations and harassment faced by female lawyers from their male colleagues and male clients indicate the symbolic capital that consists of the economic and social capital as described by Bourdieu, which is related to power (Bourdieu, 2001). This symbolic capital is used as symbolic violence by male colleagues and male clients that they try to dominate female lawyers by threats and harassment. However, the uniform of female lawyers can be treated as their capital because this helps them to feel safe in the field of legal profession.

5.4 Job satisfaction

This theme addresses the issue of job satisfaction in terms of earnings, growth in career, facilities provided by bar associations and professional satisfaction. All the interviewees agreed that they are not satisfied with the facilities provided by the bar associations to the female lawyers. Although they have separate bar rooms, those are not enough for female lawyers and there are not enough facilities in the females' bar rooms. They have issues with the sitting arrangement, kitchen, washrooms and daycare facilities for children. One of the interviewees mentioned that in female bar room there is not sufficient space for all the female lawyers. Sometimes, female bar room becomes overcrowded because they have to share it with the female clients as there is no separate area for female clients. They have described that all the areas like cafes and gym are very male centric and usually female lawyers do not go there. Furthermore, all the interviewees mentioned that they are not satisfied and happy with their earnings from legal profession. The majority of the interviewees stated that they are doing or looking for some other jobs beside their practice to support themselves financially. They expressed that they are putting more efforts however, they are earning less because many of the interviewees are doing pro-bono cases as well. They have to spend from their own

pockets to help the deserving and poor clients and especially for the female clients. One of the interviewees mentioned that,

"I am not contented with my earnings right now and my major source of income is teaching, I am teaching in a law school because I need money for setting up my own office".

Interviewee D

In spite of dissatisfaction with the earnings, all the difficulties and challenges female lawyers are optimistic towards the growth of their career and believe that they will be able to acquire high positions as now more and more females are joining the profession. They have also expressed that in terms of career they are satisfied as they are not only practicing in the family law only but also practicing in the corporate field of law and some areas of criminal law as well. They have mentioned that they are equally capable as male lawyers that is why they do not want to practice only in family laws and are now choosing other careers in the field of law that were considered as male careers e.g., criminal and corporate law. However, they were not happy with the earning gap and status differences with their male colleagues. All the interviewees confirmed that it is really easy for the male lawyers to be friends with the male judges and to interact with the male clients, which is really beneficial in this profession. For example, you can get more cases yielding more earnings and even you can ask for favor from the judges. It is really difficult for the female lawyers to be friend with a male judge because the society does not accept it and they cannot even interact with the male clients as freely as male lawyers do. One of the interviewees mentioned,

"They are males so they can interact easily with everyone but we being females are not open to interact freely with the judges and clients as the society does not approve it and your reputation is at stake".

Interviewee B

Interestingly, all the interviewees mentioned that they really enjoy their work and they feel proud when they do pro-bono cases and help some needy and poor

clients in their cases or when they do some human rights and women rights cases. This study also investigated the incidents that made the interviewees dis-hearted or de-motivated. The interviewees mentioned that almost all of them have faced this type of situation occasionally at every stage of their profession. Some of the interviewees faced this situation from the male clients and some of them faced this from their male seniors and male colleagues.

This theme shows that the low economic capital is a challenge for the female lawyers and adds in their difficulties to acquire higher positions and to gain dominance in the field of legal profession as described by Bourdieu (Bourdieu, 2001). However, the female lawyers are optimistic that they will overcome the hurdles as now there are more females joining the legal profession and adding in the social capital for the female lawyers in the field of legal profession. This situation indicates the transformations in labor market as explained by Bourdieu that the balance of power can be shifted if women entering in the field possess more cultural and social capital (Bourdieu and Wacquant, 1992). Furthermore, their choices in terms of career is also changing and adding in their cultural capital in the field that will also help them in acquiring equal status with male lawyers.

The empirical data is analyzed by keeping in mind the idea of the legal profession as a field that is described by Bourdieu as a space with its own structure, forces and struggles between its agents (Bourdieu, 1984). The legal profession is a field with its own limitations and rules and the male and female agents enters into that field with their gendered habitus (Karis 2014), which creates the same power relations of dominating and dominated class (Bourdieu, 2001). The discrimination in the legal profession faced by the female lawyers is a result of stereotype mentality of the male counterparts that female lawyers are not considered as enough capable. The practical attitudes of male lawyers are the product of their habitus of domination that provides the basis of the discriminatory behavior.

The social and cultural capital plays very important role to maintain their dominance in a society (ibid) and in a patriarchal society social and cultural status

of male is always high and the women are treated as subordinates with lower social capital (Petersen, 2012). Furthermore, the division of labor in the society between genders is produced and reproduced by the habitus that maintains the circle of power relations in the legal profession as well. The behavior of society as clients is also discriminatory towards female lawyers as their habitus also acts accordingly and consider female lawyers as less competent in the legal field (Bourdieu, 2001).

Power operates according to the reality of the social relations in the field as discussed by Bourdieu (ibid) and presented in the chapter of theoretical framework that masculine dominance is the base of the social relations in a male dominating society. When agents enter in the legal profession with their habitus of dominating and dominated agents, the hierarchy of power relations constructed accordingly, leading male lawyers to maintain their high positions in the profession as well. This situation creates difficulties for female lawyers and they face many challenges in breaking this stereotype circle in the profession.

In Pakistani society, professions are also divided into male professions and female professions as discussed in the introduction section of this thesis. The Legal profession being considered the male dominated profession in the whole world made this profession a male profession and that is why serves as a negative field for women to work. The less acceptance from the society towards female lawyers is also a reason and because of this female lawyers face discrimination and difficulties in dealing with the clients especially male clients.

6. Discussion

As we can see from the afore-mentioned analysis that women lawyers in Pakistan are also facing to some extent the same challenges that women lawyers are facing around the globe and is evident from the literature review (Bowmen, 1998; Schultz and Shaw, 2003; Kay and Gorman, 2008; Dau-Schmidt et al., 2009).

However, some of the circumstances and situations are different based on the work environment in Pakistan.

The analysis of this thesis is carried out based on the four themes. The first theme, acceptance and resistance from the family and society, addresses the stereotypes of male and female and its impact on the way how they behave. This also addresses the difficulties posed by the family and society to the female lawyers for choosing the legal profession.

Regarding theme 1, the findings of this thesis revealed that the participants have faced resistance from family to some extent. However, all the participants confirmed that they have faced many difficulties and challenges from the society while entering the legal profession. This resistance from the society is because of stereotypes thinking. As most of the participants mentioned, the conservative society and culture made their relatives to raise concerns on the choice of legal profession. The results of an empirical study by Levinson and Young (Levinson and Young, 2010) corroborates the results of this thesis where authors tested the stereotypes by using Implicit Association Test (IAT). The authors found in their study that a group of male and female law students implicitly affiliated judges with males and affiliated females with the household and family. Furthermore, the results of this study based on IAT found that male participants affiliated more strongly judges with males. The male participants preferred for judges as compared to feminine characteristics.

One more study conducted by Latourette (Latourette, 2005) that examines the historical and contemporary perspectives of sex discrimination in the legal profession. Similarly, this study also confirms the results of this thesis. The author, Latourette, described that women have faced cultural and legal barriers in obtaining entrance in every profession and more specifically in the legal profession. The reason behind this situation is cultural norms that impose household roles like mother and wife to women and not accept and tolerate them working as equal to men. This again confirms the stereotypes that society do not accept women at higher level positions and in male dominated professions. In

Pakistan, the legal profession is still considered as a male dominated profession and families or relatives do not feel comfortable if their daughters are going to start career in this profession.

Moreover, this situation shows that the social acceptance of female lawyers is really low in the Pakistani society. According to Bourdieu, human behaviors mediate through culture as part of the habitus (Bourdieu and Wacquant, 1992) and as a patriarchal society Pakistani culture is very much male dominated that restrains women to actively participate in the public life.

The second theme, workplace experiences and difficulties and challenges faced from their workplaces, addresses all the difficulties faced by the female lawyers in their workplaces.

Regarding theme 2, the findings of this study revealed that the environment of bar is discriminatory and hostile for female lawyers. The main challenges they faced in initial days of their profession were finding a good senior lawyer or firm for apprenticeship and financial sufferings. Then, they were not trusted and given very minor tasks. After this, the participants found the remuneration as a challenge for female lawyers.

A review study conducted by Fiona Kay and Elizabeth Gorman (Kay and Gorman, 2008) confirms the findings of this thesis. This study found a significant earning gap between male and female in the legal profession. Then, this study found that the examples of overt discrimination. Another study by Dau-Schmidt et al. (2009) found that female attorneys are more likely to go into corporate counsel positions, government work, public interest work, and legal education. Female attorneys are leaner towards large firms and the reason for this according to the authors is that female attorneys are more concerned about the childcare facilities. With these facts there is a huge difference between earnings of male and female attorneys.

Based on the analysis and results of this thesis, it can be observed that in Pakistan glass ceiling phenomenon still exists for the female lawyers and they are facing discrimination. Despite of their increasing numbers in the legal profession, the

difficulties and challenges hinder them in the contemporary professional life. They are also facing the problems in terms of earnings as compare to their male colleagues and lower status in the profession. All these problems are also discussed in the studies (Bowmen, 1998; Gellis, 1991) that reveals women are still suffering and facing discrimination in the legal profession.

Furthermore, another study (Ellis and Buckett, 2017) mentions the increase in number of female law graduates globally from 1980's and encountered glass ceiling but this phenomenon is still there as there are less women on senior positions in law firms. It is discussed in the report that the situation of women regarding sexual harassment and discrimination is same in common and civil law countries because of the societal division of labor as women are expected to be primarily responsible for household and children. In Pakistan, the situation for female lawyers, based on the findings of this thesis, is still the same because of societal division of labor. To summarize, the female lawyers in Pakistan are facing difficulties and challenges in their workplaces by their male colleagues, court staff, clients etc. because of the stereotypes and societal division of labor.

The third theme, harassment and safety at workplace with gender bias experiences, addresses the female lawyers' experiences regarding harassment and gender bias from bars, male lawyers, judges, court staff, clients and police.

Regarding theme 3, the results of this thesis found that the female lawyers have to face gender biased behavior from their male colleagues, senior male bosses and the judges. Furthermore, the results of this thesis revealed that the male colleagues even start doing character assassination of female lawyers working in the same office if they see her getting more work and excelling in the profession.

A study carried out by Ridwanul Haque in which she explains implicit discrimination faced by women in the legal profession (Haque, 2012) confirms the findings of this thesis regarding theme three. The study reveals that female lawyers face discrimination and harassment from both colleagues and clients. Moreover, the study identified some factors, such as crowded environment, sexual harassment, low income and demanding working hours as reasons of lower entry

of women in the legal profession. Here, it can be said that harassment is a major factor for low number of females in the legal profession.

The findings of this thesis found only verbal harassment from the colleagues and clients however, it is still discouraging and hinders entry of females in this profession. Two of the interviewees revealed that they have faced threatening situation from the male colleagues and other two interviewees stated that they have faced the threatening situation from the male clients. Another interviewee mentioned threatening situation that she faced from a female client's father. These all facts are linked to be a female and working in a hostile work environment.

Furthermore, the book "*Women in the World's Legal Professions*" edited by Schultz and Shaw (2003), covers a number of issues regarding, access to the legal profession, life and career planning, discrimination and harassment that is faced by the women in the legal profession.

Finally, the fourth theme, job satisfaction, addresses the issues related to earnings and growth in career that leads to personal satisfaction or dissatisfaction.

Regarding theme 4, this thesis work found that all the interviewees are not satisfied with the facilities provided by the bar associations to the female lawyers. They have described that all the areas like cafes and gym are very male centric and usually female lawyers do not go there. Furthermore, all the interviewees mentioned that they are not satisfied and happy with their earnings from legal profession. They are not happy with the earning gap and status differences with their male colleagues. Fiona Kay and Elizabeth Gorman (Kay and Gorman, 2008) found a significant earning gap between male and female in the legal profession.

In this thesis, all the participants mentioned that in spite of dissatisfaction with the earnings, all the difficulties and challenges they are optimistic towards the growth of their career and believe that they will be able to acquire high positions as now more and more females are joining the profession.

In this research work, the religious capital is not taken into consideration while carrying out the analysis because it is the social and cultural factor that is more

prominent. To summarize, it is pointed out by the research participants of this study that the number of female law students is more than the female practicing lawyers. The reasons for not opting it as a profession are the discrimination in the legal profession, unsuitable atmosphere of bars and less acceptance of profession for a female from society. It is important to note that there is no data available regarding the numbers of female lawyers in the legal profession in Pakistan. Some of the websites of bar councils and associations have the numbers of all registered lawyers but it is not provided how many of them are female lawyers.

7. Conclusions and future work

The objective of this thesis was to investigate the experiences of female lawyers in Pakistan. The main focus of the thesis was discrimination faced by the female lawyers in Pakistan and examining the power relations in the legal profession. Furthermore, the difficulties and challenges faced by female lawyers in their daily professional life were also investigated.

The research question 1 of this thesis investigates how female lawyers perceive working in a male dominated field i.e. the legal profession. Based on the results of this thesis for RQ1, we can conclude that female lawyers in Pakistan generally perceive legal profession as tough and demanding job. The male dominance in the society and the negative stereotyping of women as subordinates effects the status of women lawyers in the legal profession. Women lawyers are subject to discrimination from society, male colleagues and Bar Associations. The overall environment of legal profession is hostile for women lawyers in Pakistan. Furthermore, the gendered division of labor in the legal profession is evident from the findings where the female lawyers are continuously being advised to choose the family or other cases by the senior male lawyers and colleagues because they think female lawyers should only deal with such cases.

The research question 2 of this thesis investigates the difficulties and challenges faced by the female lawyers in their professional life and how they overcome.

Based on the results of this thesis for RQ2, we can conclude that there are many challenges and difficulties for women lawyers in the legal profession in Pakistan. Women have to face challenges at every stage of their professional life and the obstacles start from home and then continues with colleagues, Bar associations, clients, judges, and police. Their capabilities are always being questioned by their male seniors, clients and judges. The reasons for these challenges and difficulties are the cultural barriers and social norms of the society at first place and then the lower cultural and social capital in the legal field. The gender biased social and cultural norms create hurdles for women lawyers in terms of their acceptance from the society as a lawyer. They are not provided with the opportunities to achieve the high positions in the Bar Associations. This situation also results in the glass ceiling phenomenon that is widely used in the western literature to explain the position of female lawyers in the legal profession. The power structure in the legal profession is male driven and males have set the hierarchies according to their desire. However, the female lawyers are adapting the behavioral changes to overcome the difficulties and challenges. Moreover, their transition for the selection of cases i.e., from family to criminal and corporate also indicates that they are overcoming the difficulties and challenges and trying to break the glass ceiling. Then, the increasing number of female lawyers is an addition to their social capital in the legal profession, which makes them to feel more confident and secure in the field. According to the whole situation of the female lawyers that is presented in the thesis, we can observe that their difficulties and challenges are overlooked by the bar associations but they are struggling to establish their identity in the legal profession.

Regarding the potential future work, there are a couple of possibilities. The findings of this thesis have revealed that the number of female law graduates are high as compared to the practicing female lawyers, which can be a potential future work to investigate for the reasons behind not joining the legal profession by females. This thesis also revealed that there is a competition among the female lawyers and a consequence of this new comers (female lawyers) are not welcomed by the senior female lawyers. The reasons behind this competition, found inside

the same gender, can be investigated in the future work. Furthermore, in this thesis the perspective of male lawyers and clients has also not taken into consideration due to the time limitations, that can be investigated in the future research work.

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Appendix 1

Title: Women Lawyers in Pakistan : navigating in a male-dominated field		
Interview Guide		
SOLM02		
Q #	Demographic Questions / Acceptance	Categories
1.	What is your name, age, education, background, marital status, any family member in legal profession	background details
2.	How did you choose to become a lawyer - Reasons to join legal profession	
3.	How long have you been practicing as a lawyer	
4.	Reaction / Acceptability of family / relatives for joining the profession? if they give the advice to change the profession?	Hurdles to convince family
5.	Reaction of friends/neighborhood/community? advise to change the profession	
	Workplace Behavior Experience	
6.	What were the main challenges that you faced when you started the profession / Any specific issue that took time to sort out	
7.	What are the issues you face on daily basis in your professional life?	
8.	Tell me about the challenges you face in dealing with clients?	Male clients, Female clients/Eye contact, gazing/ Loud mouth or abusive

		behavior
9.	How will you describe the atmosphere of bar/courts for female lawyers?	
10.	Attitude of Senior female lawyers, is it supportive, encouraging	
11.	How is the experience of working with senior male lawyers	
12.	Have you experienced any difference of behavior in terms of support between your male and female colleagues?	
13.	Do you think that being a woman confines you to practice specific areas of law only? Do you work with family cases, criminal cases, commercial cases, in which field you work more?	Only specific category of cases approach?
14.	Attitude you face from the male judges/clerks/police?	
15.	Do you participate in bar meetings and discussions? If so, how? Have you ever felt as an outsider in such gathering or if you have ever been treated as an outsider? Do you like to participate in meetings/ elections/ gatherings arranged by the Bar	
16.	Behavioral changes that you have to adopt to decrease gender identification at workplace	
17.	What do you think of women lawyers' organizations like PWLA? are you a member of any such organization? Why/why not?	Pakistan Women Layers' Association
18.	Have you overcome the hurdles you faced on starting your profession/How did you overcome?	
	Harassment and safety at Workplace	
19.	Is there any difference you feel between the behavior of male and female judges?	Space In making arguments?
20.	Do you face gender biased behavior from your male colleagues / male judges?	Attitude of males
21.	Have you ever faced threatening situations in the profession	Pressure to do something

		or not
22.	Do you feel safe in your work environment (bar association, courts)?	Independent mobility
	Job Satisfaction	
23.	Are you satisfied with the facilities provided by bar association to female lawyers?	Daily facilities
24.	Tell me about a moment/incident that made you feel proud as a lawyer	
25.	Do you feel contented with your earnings?	Met your expectations?
26.	How do you see growth in your career, salary, ambition, plans?	
27.	Tell me about an incident which made you feel dishearted/demotivated	
28.	Have you ever feel like quitting the profession because of the difficulties you face? Do those difficulties essentially arise from sex discrimination in the legal profession?	
29.	Do you think that male counterparts are making more money and getting high positions?	
30.	Do you enjoy your work?	
31.	Would you suggest this profession to other women?	