CHAPTER-I

INTRODUCTION

Increase in number of professionals and growth of professionalism has generally been accepted by social scientists as a major, if not the defining characteristic of an industrial 'modern' society. Professionals are special type of persons having an image of prestige, trustworthiness and responsibility. They normally have high pay, high social status and autonomy in their work, which can be explained on the grounds that professionals perform services which are socially valued. Thus, professionals can be called incumbents of certain newly created roles, carrying out new and expanding social functions in their jobs, which are not mere occupations but 'professions.'

PROFESSION DEFINED

It is not always easy to define a specialty but to define a profession is especially difficult because there is no unanimously accepted definition of a profession. Abercrombie et.al. (1984) in The Penguin Dictionary of Sociology define profession as a vocation in which professed knowledge of some department of learning of science is used in its application to the affairs of others or as the practice of an art founded upon it. Similarly, Mann (1983) in Macmillian Student Encyclopedia of Sociology defines a profession as a vocation or occupation requiring advanced training in some liberal art or science, usually involving mental, rather than manual work such as teaching,
engineering, writing, medicine, law or theology while an assembly of persons in a particular calling is called an occupation. In simple words, the term profession denotes service occupations that apply a systematic body of knowledge to the problems which are highly relevant to central values of the society.

TWO CONCEPTUALISATIONS OF PROFESSIONS

A careful survey of the literature on professions reveals two main approaches to the conceptualization of a profession, namely, processual and attributional. Implied in these approaches are two broad conceptions of profession, which for want of better terms, may be called organizational (processual) and normative (attributional), respectively (Sharma, 1980).

The processual approach, as the name shows, describes the historical evaluation of profession, i.e., how mere occupations become professions after passing through different stages. Such an approach usually makes use of the term professionalisation. Huges (1963), for instance, says that professionalisation implies a change of status of the occupation in relation to its own past and to other people, clients, the public and other occupations involved in its work spheres. Such a change entails more independence, greater recognition, a higher standing, a large measure of autonomy in managing its affairs, and a claim to authority in relation to clients. Those who opt for this approach tend to focus on the steps that an occupation must go through to achieve professional status. Caplow (1970) sees four steps in the process of professionalization: the first,
in which a professional association is established; the second, in which there is a change of name which dissociates the occupation from its previous non-professional status and provides it with a title which is its exclusive domain; the third, in which there is development and adoption of a code of ethics; and the fourth, in which there is a political agitation to gain popular and legal support and the setting up of a mechanism controlled by the profession to train new members. Wilensky (1964) also outlines a five-step sequence that is very close to Caplow’s approach. For him professionalisation process involves (i) Creation of a full time occupation (ii) Establishment of a training school (iii) Establishment of a national association (iv) Efforts to win legal support and (v) establishment of a code of ethics. Combining the above two processual approaches as given by Caplow and Wilensky, profession can be seen a) as a full time occupation, involving a change of name, which becomes the occupation’s exclusive domain; b) as a national association; c) as a training school; and d) as having a code of ethics.

The processual approach offers some important insights into the study of profession. It attunes us to the historical development of occupation. However, the basic problem with this approach is that it tends to become rather routine and simplistic. One is simply expected to look for stages and if they have occurred, an occupation is labeled a profession. Also, there is a tendency in this approach to generalize from the past to the present and future. Another criticism of the processual view is that the approach is only descriptive and offers no analysis of profession, professionals and professionalisation process. The biggest fault of this orientation is the under-estimation of the significance of the political process, i.e., power of opposing forces.
that must often be overcome. In other words, while in recent thinking power assumes central stage in the conception of profession, in processual approach the political variables are relegated to secondary status. Thus, this approach despite its informative and descriptive nature, falls short of providing us with a satisfactory definition of profession.

Another approach explaining the concept of profession is the attributional or trait approach, which tries to define it in terms of its traits. Abraham Flexner (1910, 1915) was the first one to make a systematic attempt to define a profession as an occupation having some distinctive traits, pre-eminently, an "altruistic" orientation. Brandies (1914), too, has defined profession as being intellectual in character, pursued largely for others and not merely for ourselves and in which the amount of financial return is not a measure of success. Scholars like Barber (1963), Carr-Saunders and Wilson (1933), Goode (1957), Pound (1942) etc. have since sought to build on this attributional-cum-normative formulation. Carr-Saunders and Wilson (1933) for instance, saw professions as being one of the most stable elements in the society which inherit, nurture and pass on a tradition. They generate modes of life, thinking, habits and standards of judgment, which make them centers of resistance to any kind of revolutionary change. For them the family, the church, the university, certain associations of intellectuals, and above all the great professions, stand like rocks against the destabilizing forces which are unable to overcome the resistance of these institutions.

Bernard Barber (1963) while offering a functionalist view of the role and rewards of higher professionals argues that there are four essential attributes of professions; (i) A body of systematic and
generalized knowledge; (ii) Community rather than self-interest; (iii) Behavior of professionals strictly controlled by a code of ethics; and (iv) High rewards received by professionals. Goode (1957) suggests that all occupations fall along a continuum of professionalism. This continuum consists of certain characteristics such as specialized body of abstract but useful knowledge and a full time occupation. Reoscooe Pound (1942) defined profession in terms of organizational learning and the spirit of service.

Attempts have been made by some writers including Milerson (1964) and Hans Nagpaul (1970) to identify common characteristics of profession. Discernible from such attempts are the following common attributes; i) it is based on specialized intellectual knowledge, skill and training, ii) it is committed to ideal service training; iii) it has a code of ethics; iv) professional culture consists of norms, values and symbols which guides behavior; v) there is a license for professional practice; vi) professional autonomy; vii) high power, prestige, ranking and social standing; viii) professionals’ control over new entrants through the selection and training process; and ix) a set of role relationship between expert and client.

Parelius and Parelius (1995) too, have specified the main characteristics of profession as: i) Highly specified and esoteric knowledge; ii) excessive university based training programmes; iii) considerable autonomy in making professional judgments; iv) an ideology that stresses service and commitment rather than personal gain; and v) membership in nation-wide organizations of fellow practitioners.

Thus, a profession is not a structure nor is it a state of mind. It is a social object. It is not the rule but the activity that gives
profession its social reality. In fact, as Huges (1963) says it is not significant whether a profession is an occupation or not but to what extent it exhibits the characteristics of a profession.

Thus, in the trait approach certain attributes add up to the normative conception of profession. This view was dominant until the 60’s but in the recent years this concept also has come under sharp criticism. The charge levelled against this approach is that the dichotomy of the profession and non-profession (occupations) is false (Johnson, 1972). Occupations cannot unidimensionally be designated as professions on the basis of these attributes. Even the criteria differentiating the traits of profession are vague, since they do not indicate whether these traits represent empirical generalizations, ideal types or a set of norms (Gyarmati, 1978). Thus, both processual and normative (trait) paradigms of profession have come in for a fair amount of criticism.

THEORATICAL APPROACHES TO THE STUDY OF PROFESSION

Just as it is difficult to define the term profession due to absence of a unanimously accepted definition, similarly, there is no single accepted theoretical approach to the study of profession. Literature on profession reveals the existence of two specific perspectives in the sociological study of profession, namely, the functionalist approach and the conflict approach.

FUNCTIONALIST APPROACH

Two things are notable in the functionalist view on profession. In the first place, using the attributes conception of profession,
functionalists highlight various professional traits, and secondly, stress the role benefits of professions. In the view of Ritzer (1972) all occupations can be placed on a continuum ranging from non-professionals on one end to established professionals on the other. In surveying a variety of efforts on professions the six characteristics most frequently mentioned are-

1. General Systematic Knowledge and Training: Intellectually, the profession is differentiated from other occupations by a general systematic knowledge, which is acquired through a long period of training in professional schools. The professionals have knowledge about their subject which none outside the occupation can acquire. It is believed that non-professional occupations do not require such elaborate system of training, as their knowledge is less general, less systematic, less complex and less important to the functioning of society.

2. Norms of Autonomy: Norms of autonomy means self control rather than external control, as outside interference would reduce the quality of professional status. Believing this, the community surrenders to the profession, the right to control its own activities. The professionals seek to expand their mandate, select, train, initiate and discipline their own members and define the nature and terms of services, which they are to perform.

3. Norms of Altruism/Service Orientation: Professionals are dominated by community interest rather than self-interest. They emphasize symbolic rewards, which reflect their success in helping others while non-professionals seek economic rewards.
4. **Authority Over Clients:** The professionals claim that they have unaccounted authority over clients. This characteristic has two aspects, namely, existence of a clearly defined client and authority over him. Professions have clients while all other occupations have customers. The client is characterized by an inability to judge what he needs and surrenders his ability to judge the quality of service to the professional authority.

5. **Professional Association:** Professionals need to organize themselves into an association and to establish strict criteria specifying who shall be admitted to it. According to Carr-Saunders and Wilson (1933) a profession can exist only when there are bonds between practitioners that can take the form of formal organization. According to Goode (1957), each profession is a community without physical focus. It can be called a community by virtue of these characteristics. Its members are bound by a sense of identity. They share values in common and have common language. The community has the power over its members and though it does not produce next generation biologically, it does so socially. Professional organizations have power to expel, censure or suspend those who act unprofessionally.

6. **Code of Ethic:** It is necessary for a professional group to develop a code of ethics. This code serves two important functions - first, to guide the conduct of the members of the profession and second, to form the basis for mandate from society to pursue the professional activity. This means professionals provide a service
to the client and the interest of the client is protected by the professional group itself. In the second place, the code of ethics ensures the clients' interests will be served and protected and the public is aware of it.

Apart from above six traits of profession, two more features typical of professions are sometimes mentioned, viz., existence of distinctive occupational culture and recognition by community and law. Regarding distinctive occupational culture, professionals claim that they develop an occupational culture that is different from that developed in non-professional occupations. Greenwood (1965) points out that this culture develops around formal as well as informal groups within the profession. Developed culture is composed of a number of distinctive values, norms and symbols. Professional values include importance of their service to the community, authority over the clients, self-control and theoretical objectivity. Norms within the profession serve as specific guides for behavior. Similarly, structuralists tend to see recognition by community and law as one of the key facts that serve to differentiate occupations in terms of their degree of professionalization. All myths promulgated by the profession are aimed at acquiring this recognition, since once the recognition is obtained, all other facts of profession model fall into place.

In enumerating these characteristics, the functionalists have argued that these are "real" qualities that professionals possessed and non-professionals did not. After identifying the distinctive features of profession the functionalist approach then goes on to stress the desirability of professions in a society by describing their various functions. The important thing emphasized is that through these
attributes, professions, rather professionals perform certain key functions for the society. For instance, Barber (1963) argues that the knowledge and skills of professionals provide them with considerable power and hence it is essential for the well being of society that the power be used for the benefit of all. He accepts the view that firstly, professionals are primarily concerned with services to the community and use their exercise for public benefit; secondly, professionals serve not only one group, but all the members of society, i.e., they are equally useful to all the sections of society; and thirdly, professionals are concerned with public service rather than personal gain.

Functionalists' explanation of role and rewards of profession has been strongly criticized. In the first place, the recent works of power advocates have made it clear that the profession may not really possess the above-described traits; it may simply have the power to convince public, law etc. that it possesses them. The characteristics given by structuralists are criticized on the following grounds:

It has been argued that professionals possess general systematic knowledge while knowledge of other occupations is less general and systematic. Also, the knowledge of a professional is more theoretical while that for other occupations is more practical. This evidence fails since, Friedson (1970), in his study of medical profession found that physicians tend to rely on their own tested remedies for various maladies rather than using latest medical discoveries mentioned in medical journals. Thus, physicians are found to be more practical people.

Professionals' emphasis on the norms of autonomy is also criticized by supporters of power approach. Though professions are able to gain a measure of autonomy, this is not always the case.
Johnson, (1972), for example, has demonstrated how both the client and state have exercised considerable control over the professions. History of every profession is studded with incidents of external control. However, despite this, professions have been able to continue to exist and to function seemingly as well as they do under more or less autonomous situations.

Professionals’ claim that they have undisputed authority over clients is also contested. It has been found that clients always have considerable power over professionals. Clients can and often do ignore the professional’s advice and recommendation. Beyond this, there is a “revolt of client” taking place which means that for variety of reasons clients are becoming even more questioning of the authority of professionals (Roth, 1976). Similarly, the professionals’ claim that it is necessary for a professional group to develop a code of ethics is also criticized as code of ethics in actual practice is only on paper while professionals tends to violate many of these codes as and when required.

The functional value of professions for the society and community is also treated with suspicion. Firstly, the functionalists’ view that professionals provide valuable service to society is questioned. For example, architects have been denounced for building houses and flats which are unfit to live in, planners are condemned for producing urban chaos and lawyers have been accused of mystifying the legal system to the point where a layman finds it largely unintelligible (Haralambos, 1980).

Similarly, the view that professionals serve society as a whole rather than sectional interests is criticized as it has been found that
higher professionals primarily serve the interest of the wealthy and powerful only. Thus, accountants and lawyers are employed in service of capitalists, architects build for the wealthy and doctors care for the physical and mental needs of rich. Another claim that professionals are concerned with public service rather than personal gain is also criticized. It is held that rather than attempting to define professionals in terms of the nature of their work, professionalism is simply a strategy employed by particular occupational groups to improve their market situations.

Thus, the functionalist approach, refers to positive functions of professions for society as a whole. In this view professions are supposed to have certain traits through which central needs of society are served. (Barber 1963; Parsons, 1968). However, as discussed above, this approach has met with lot of criticism and as an alternative the conflict or power approach has been offered to explain and understand the phenomenon of professions.

**CONFLICT APPROACH**

Conflict approach seeks to explain professions in terms of their power relations to society (Johnson, 1972). Thus, it is also known as power approach to profession. The power perspective advocates offer a unified theory describing what a profession is (structure) and how it came to be (process). Instead of structural or processual approaches, they propose a single and presumably more sophisticated, approach revolving around the concept of power. According to them, power is the ability of an occupation and its leader to obtain and retain a set of rights and privileges (and obligations) from social groups that otherwise might not grant them. This implies the resistance, or
potential for resistance, among various social groups that must be overcome by the professions.

Power approach operates from the assumption that there are no qualitative differences between the profession and non-professions other than the greater power of professions. Except for their power positions, the professions are indistinguishable from most other occupations. Also, there is no logical basis for distinguishing between so-called professions and other occupations. A less extreme variant of this position is that while power is the defining characteristic of professions, one or more distinctive characteristics are derived from that power.

It has been argued that professions possess power and use it to develop a set of characteristics that they use to set themselves apart from other occupations. But the really important issue is the source of power. Where does it come from? The professional margin of indeterminacy and control over areas of uncertainty are said to be two major sources of power. Of course, this uncertainty (and indetermination) may not apply to all groups and for all times. What is uncertain in one era may not be so in another and same applies to indetermination. For example, the secularization of society has made religion less uncertain to people, which results in diminution of variation in power and professionalization. Thus, some groups may continue to accord professional status to clergy while others have withdrawn such recognition.

However, once an occupation acquires the area of indeterminacy and / or uncertainty naturally or artificially, it can and often does seek to deliberately expand those areas. Johnson (1972) makes this argument for uncertainty and the same can be said for
indetermination. Uncertainty is not, therefore, entirely cognitive in origin, but may be deliberately increased in order to serve manipulative and managerial ends. Physicians, clergymen, military officers, lawyers have all engaged in such expansions, which brings us to a central variable to those who follow the power approach namely, ideology.

Almost all criticisms leveled by the power advocates at the basic characteristics of the profession can be subsumed under the heading of ideology. According to Daniels (1973), what professionals say about themselves as justification of their privileged status above ordinary occupations, might better be studied as political ideology than as an indication of intrinsic difference between professions and other types of occupations. Professionals have used their idealized characteristics as ideological tool in their efforts to enhance their power. For those occupations with historic control over areas of indeterminacy or uncertainty, ideology has been used to expand their control and hence their power. For occupation without such control, ideologies have been employed to win control over these areas and then to expand control once it has been acquired. Thus, power advocates hold the opinion that power is the only single factor that differentiates a profession from a non-profession.

DEPROFESSIONALIZATION

Related to the concept of power approach is concept of deprofessionalization. Past literature on profession has dealt mainly with two aspects of this phenomenon; firstly, the broad field of sociology of profession and secondly, certain isolated characteristics of profession. However, in recent years, some attention has been paid
to a till now neglected aspect namely, de-professionalization (Haug and Susa 1973).

It is held that professionalization as a historical process carries within it a contrary process of deprofessionalization. Deprofessionalization is a process by which characteristics of professionalism are eroded. In other words, deprofessionalization implies a decline in the force and intensity of the characteristics of profession, dequalification of professional labor and work autonomy. That is, deprofessionalization connotes erosion of characteristics and class formations, all of which have been neglected by the main-stream literature on the sociology of profession.

While discussing the process of deprofessionalization, it has been found that many of the ideal-typical traits of professionalization were either never gained or got lost along the way in a spectrum of professions. Even if it is so, many professions are now moving away from the ideal-typical conditions towards the opposite state. In other words, process of professionalization which is characterized by a body of abstract knowledge, service orientation, professional authority, community sentiment, professional-client relationship, code of ethics, professional culture etc., is transforming into the process of deprofessionalization which involves erosion of these characteristics.

For instance, in the contemporary times, the monopoly of technical knowledge of various professions is being gradually eroded. With the extension of nationalization of the labor process, technical and skilled manual labor of the past is being simplified, routinized and deskilled. Haug (1973) says that today scientific professional knowledge can be codified, i.e., it can be broken into bits, stored into a computer’s memory and recalled as and when needed by anyone.
who knows the output procedure. In other words, command over stored knowledge is not because one knows it while others do not, but because one knows how to get it. For example, a physician’s assistant can record a patient’s symptoms into a computer for diagnosis; legal assistants can instruct machines to locate precedents etc. These examples demonstrate how dequalification process is underway and skilled work is being deskilled.

Similarly, accountability of professionals has now begun. Earlier, professionals were not accountable for their actions, because of their monopoly of knowledge and the ignorance of the outside world. But now professional’s accountability has started taking place. There is two sided attack on professionals’ cult of expertise; one is from the side of popular movement (ideological) and other from the side of computers (technological). On the one hand, popular movements have begun to question the professional’s monopoly of knowledge and demand is raised for professional’s accountability towards the client and citizen by ideological claims. Professionals have now to face the ideological challenge from both sides in class struggle; from the dominant as well as the lower classes. As a result, professionals are subject to devaluation and many people are no longer ready to yield to the wishes and opinions of the professionals. Thus, the professional-client relationship premised on inequality is not acceptable any more. Besides these ideological onslaughts on professionals, there is a technological assault, i.e., professionals no longer have the relatively unchallenged autonomy they often enjoyed in former period.

The service orientation claim and the claim of being liberal and humanistic by the professionals are also being suspected. (Parry and
The general attitude of professionals in practice is not altruistic, but of intense individualism. In fact, the individualistic organization of these professions is now fatal to the fulfillment of their functions. In the present state the prospect of fulfilling their end as a profession declines rather than grows. In other words, so long as the professional works on one’s own for fees paid directly by one’s clients, one’s pecuniary interests will prevent one from fulfilling his social obligations, whatever professionals associations may do through their ethical codes to curb the profit motive in their members. One can even compare the professions to business saying that just as businessmen care only for the vendibility of their output and not for its serviceability, similarly, so long the opportunities for moneymaking in professions are great, some professionals will be tempted to deviate from strict professional standards and dilute the service-orientation. Similarly, professionals claim that they are moral, liberal and humanistic in their outlook, but in actual practice, there is a gap between what they claim and what they do. Professionals may see themselves as liberal and humanistic but they are often bureaucratic and technological in practice which is shaped by the organizational context within which they work.

Again, the professional’s control over profession is being whittled away by the states and private corporations’ control over the professions. While the states are becoming “Welfare States”, private corporations are assuming the work of social service. This institutional centralization by the State and the corporation is superceding decentralization leaving less space for work autonomy which in turn has undermined the independent practitioner and fee-for-service organization of newly born professions and steadily whittled away many professions like medicine and law.
Hence, there exist two polarized views on professions, first, that professions exhibit all the distinctive features as discussed above and, second, the view that professions are becoming deprofessionalized. In other words, the first view stresses the prevalence of professionalism among people we call professionals, while the other points towards deviation from professional behavior among them.

Thus, while discussing the concept of professionalization / deprofessionalization scholars split themselves into two broad categories. In the first are those who perceive professionalization as being deeprooted. In their view, professionalization is on the march, professionals are struggling hard to gain the advantages of being professionals and professions are not being mechanized and rationalized. Arrayed against them are those who contend that deprofessionalization rather than professionalization is the trend of future. Haug (1973) argues that professionalization as a historical process of formation of segments of the middle class also carries within it, especially in the present phase of development, its specific contrary tendency, namely "deprofessionalization" that is, profession and all that it stands for, is in a process of deep decline because of its condition of decay. Thus, these two view points concerning professionalization having contradictory implications for the way in which this institution is to be understood, are clearly founded upon the two approaches, namely, the functionalists and the conflict approaches to profession.

Like the functionalist view, the conflict or power approach also suffers from severe criticism. The greatest drawback of power theory is its single factor approach to the professions. In positing power as the sole propelling and sustaining factor in professionalism, the power
advocates have in their own way over-simplified a complex phenomenon, the very thing for which they have criticized structuralists.

PROFESSIONALISM

Professionalism implies instilling belief in the practitioner that his occupation can organize and use his knowledge in the most proper manner. It has two aspects—one is structural, i.e., when occupation is professionalised or when any occupation is professionally established; and the other is attitudinal, i.e., how far the individual acts out these attributes of profession. Normally there may be a gap between the two as established professions may contain weakly developed professional attitude while some less professionalised groups may have very strong professional attitude. Keeping this in mind, this study aims at focusing on the attitudinal dimension of professionalism. Just as occupations vary in terms of their degree of professionalization, individuals in any occupation vary in their degree of professionalism. In every occupation, there are individuals who are regarded more professional than others, because they are more knowledgeable, competent, efficient and service-oriented than others or because they conform to the profession’s code of ethics or enjoy greater degree of autonomy and so on. This study would address these issues, especially in the context of women lawyers.

WOMEN PROFESSIONALS AND WORK

The women in India, since a long time, have had a very low social status. They did not receive good education and mostly had to stay behind closed doors. It was an accepted Indian tradition that woman’s place was in her home. Even a generation ago, most middle
class and upper class women were content to stay at home as housewives (Mehta, 1982). Although the ancient thinking regarding women was full of reverence and sentimentalized adoration yet in actual practice it did not permit her equality with her male counterparts. She represented and maintained tender virtues. Her position was confined to the household and she was not permitted to work outside. The larger world was beyond her area of operation and the domestic hearths was her altar, as well as, prison (Nagaich, 1997).

Even within the house, her influence was limited. Her greatest virtue was submission and obedience to the will of her spouse. Her role was essentially that of a homemaker. Formal education was mostly denied and the role training received by girls in childhood was more consistent with a traditional adult female role. The participation of a woman in labor force, though, is an age-old phenomenon in the lower rungs of the society, irrespective of the roles based on sex distinctions, yet, in the upper middle classes, there was a complete demarcation of roles based on sex. These classes never allowed their womenfolk to be gainfully employed. Rather, for a long time there was a stigma attached to a woman opting to work outside their homes. A change in rigid attitudes was ushered in as a result of the industrial revolution which opened the avenues for economic emancipation of the individuals irrespective of sex.

In the Indian context, the change in these deterministic attitudes came along as a result of the contact with the western values of equality and secularism. The spread of Western education and active affirmative legislative intervention of the government resulted in the measures which set the pace for enhancing the status of women in the
Indian society. The changes generated by many socio-economic and political factors have left their impact on women and contributed in creating new consciousness among them about their importance in the society. In the post-Independent India this process accelerated and one of the major consequences was the awakening among some of the leading women about the fact that they should come forward to improve their lot themselves. According to Wadley and Jacobson (1977) throughout India there was an increased awareness of the particular disadvantages the women suffer and efforts were being made on many fronts to increase women’s economic and decision making power and to improve their general well-being as many women clearly felt that they themselves must play a major role in endeavors to mitigate the enormous problems of poverty and inequality that plague them and the nation as a whole. Consequently, women started taking more interest in the education.

The activities of various reform movements, in spite of some limitations, contributed to create an atmosphere of political and social awakening among women. The economic crises and the rising cost of living as a result of two World Wars accelerated this process and women who were confined to the home began to enter into gainful employment. Independence of our country also ushered in a new era and brought in its train immense responsibilities for all the citizens of the country. The constitution gave women equal rights in all spheres of life. Since then, many women have come forward to avail the educational facilities, which they were deprived of since a very long time.

Even after having got equal educational opportunities, however, women opted only for some occupations like teaching and medicine,
which were considered comparatively more respectable by the society. However, gradually the situation changed and women came forward in large numbers to work in offices in varying capacities along with men. As Kapoor (1975) has pointed out taking up of jobs in the offices as clerks and officers in various capacities by the women of middle and upper classes is almost a post-independence phenomenon. Women from these classes - both married and unmarried - have been entering in increasing number into various kinds of remunerative jobs and occupations that have been largely the preserves of men. For women, work outside the home is stimulation to achieve excellence in various fields of life. They have once for all, shattered the myth of male’s superiority and female’s inferiority by their achievements and performance.

Daniels (1973) pointed out that growing number of women are qualifying as engineers, architects, accountants etc. No profession or service is barred to women and more women are taking advantage of these opportunities. But women’s entry in different professions stands on a crossroad without a long history of past experiences of their own that can guide them for their onward march on the road to the successful performance of the duties. Moreover, women who played second fiddle and accepted happily as a matter of habit what came from the mouth of men are now playing the role to which men folk have not been accustomed to. In this new situation they are confronted with many problems and difficulties. Further, the attitude of the society has not been changing with the speed with which the women are occupying the fields recently dominated by men. So, a large number of problems are bound to arise. Kapoor (1975) remarks that in principle, woman has the status of equality
with that of man but, in the day-to-day life, it is still far away from the ideal and as a worker she faces multiple problem both at home and at work.

The question that society is changing according to the requirement is very important for all the women who are in workforce but as Silverman (1970) has pointed out, it is especially important for those women with the ability to go to the highest posts for it is here that career commitment which is needed for success is usually most intense and can most easily clash with stereotypes of what a feminine world should be. Besides this, in our country the family as a social unit and woman's role as a wife and as a mother and a housewife has its own significance. A woman working outside is still considered, consciously or unconsciously, doing something unnatural or unwomanly and the society does not encourage the extra interests, which interfere with the comforts of the family. Reconciliation between commitment to the career and the family responsibilities give rise to many problems and difficulties. Kala Rani (1976) explains that any combination of work and home, which requires women to opt out completely for paid work, is highly inconsistent with the success in many high status occupations. The performance of traditional responsibilities by women at home puts an intolerable strain on those who take a professional employment even when their children are at school.

The two roles, that of a successful careerist and a good housewife are very taxing because each is a whole time job. Naturally, there are many occasions when one has to be neglected in the interest of the other and this may give rise to a sense of guilt and inadequacy. The career woman occupying a position of responsibility is torn
between two loyalties, loyalty to achieve success in her career and thus, hold her head high and loyalty to her family, particularly to her children. This dilemma may become really excruciating and she may begin to feel as if there is no way out of it. No wonder this gives rise to tension that adversely affects her dual roles. Mitra and Sinha (1993) hold that the problems and difficulties of working women are multi dimensional and may be broadly classified as *social-environmental* and *psychological*. The social-environmental includes problems faced by women professionals at the place of work, problems arising due to dual role being played by women professionals, that of a working woman and of a housewife, while psychological are problems related to self-perception of the women. Nahar, Chandani and Talwar (1996) state that today women professionals face a singularly complex dilemma. They have to switch their role from housekeeping family raising individuals to efficient professionals desperately seeking to produce the best results. On both the fronts extraordinary demands are made on them, unusual limitations placed and uncommon situations forced. The problems and tensions that women face, are peculiarly their own as these affect not merely their individual life but also have an impact on the life and the destiny of their families and society.

Still, women have taken up professional roles out of economic necessity or in order to create a meaning for themselves. They have arisen above socio-cultural traditions to take serious note of themselves, their potentialities and capabilities.
PROBLEMS FACED BY WOMEN IN PROFESSIONS

A review of literature on women professionals in general has thrown up a variety of issues. Studies on women engineers, by (Barbery, 1963) for instance, reveal that there is only a small number of women in the profession of engineering due to the attitude that this is an all male profession. There is reluctance on the part of private industries to employ women in their undertakings due to the fear that they might loose them after marriage. Other prejudices are that women do not have that much stamina and capabilities as their male counterparts have.

Sinha, Kapoor and Horner (1996) attributed women physicians' lack of representation at the top levels of medical institutions to their modest ambition. Only women physicians, who enter government services and are full-time, enjoy same salary as that of men. But in private practice they earn according to their specialty, working hours and the number of patients seen. In specialties like general surgery, cardiology, neurosurgery etc. which are male dominated, men earn much more. It was found that eighty-five per cent Indians prefers to consult male physicians unless there is an emergency (Elster, 1980, Rosenthal, 1979).

Though number of women in top positions in various professions is small, still even these have to face many problems like working after office hours, to complete their administrative tasks, going on tours etc. If a woman is transferred, she has accommodation problem at the new place, and if she lives alone, she may not find herself safe/ secure and her family life is totally disturbed.

Women are mainly concerned about two family responsibilities that have significant bearing upon the career – household chores and
childcare. As a result they feel bad that they lose a number of opportunities. For instance, women scientists feel that they are unable to travel except to limited extent for the purpose of work and therefore, are unable to meet other scientists, establish and maintain research contacts, attend conferences or attain specialized training. Some of them also feel that they cannot work as much as they would like to since they have to spend much time with their families. Hence, it is held that women professionals are unable to realize their total potential. The other set of problems that occurs is that women are not associated with the ‘public sphere’. This results in their exclusion from mainstream ‘culture of science’, i.e., while as academics these women continue to perform their duties like teaching or some research they can never become an integral part of the scientific community (Subrahmanyan, 1998).

Teaching, in fact is one of the few occupations where women are highly concentrated as compared to their male counterparts because the time stringency in this profession is considerably less and less burdensome. These factors seem to help women to cope both with household chores and with professional engagements. Also, teaching profession is not complicated and demanding. It is being held as a respectable profession. All these factors contribute greatly to the feeling among women to aspire for teaching profession. Social attitudes are also responsible to a greater extent for women’s participation in teaching. Moreover, it is not considered as a male-dominated profession.
WOMAN AND LEGAL PROFESSION

The history of legal profession in India suggests that the profession in its present form has evolved over a period of century and a half. The entry of women in legal profession in India is much recent but smoother as compared to their entry in other countries like USA where the first woman was admitted to the Harvard Law School in 1950 after prolonged struggle extended over a period of eighty years (Gandhi, 1987). The courts were conservative with judges reluctant to have women lawyers appear before them but much more important was the general public sentiments, which even today considers women unfit to be a lawyer.

In India in 19th century, British Law prohibited women from entering the Bar. But Allahabad High Court defied the bondages of traditions and enrolled Ms. Corenelia Sorabji as the first woman advocate in India in 1885. She was appointed legal adviser to Women Court of Wards in Calcutta by the Governor of Bengal. In response to an agitation by women, the Government of India passed the Legal Practitioners (Women) Act in 1923 removing the ban on women to be enrolled and to practice as legal practitioners arising by means only of her sex (Anklesaria, 1985). Some women did obtain law degree but few practiced, as it was not generally considered respectable for women of high status family to be employed. However, in later years, opening up of law schools and public and private law practices for women has caused a surge of women’s participation in the legal profession.

In fact, the traditional view of law as a male field has been drastically changed as one third of the nation’s law students are now
women, and women now work in every kind of practice, up and down
the hierarchy. Old prejudices are being challenged as women
demonstrate their competence in all aspects of the legal enterprise
from corporate law in the social interest to legal research and
courtroom advocacy. Though the profession has been essentially
male dominated for centuries, it is only recently those women have
begun to penetrate into this closed shell of male dominance. The
recent appointments (1999) of all women Assistant Public Prosecutors
and Law officer in Law and Prosecution Department of Chandigarh,
for instance, is a credit to the women that they have found their way in
this profession. Women have created a meaning for themselves, they
have arisen above socio-cultural traditions to take serious note of
themselves and their potentialities and capabilities.

PROBLEMS FACED BY WOMEN IN LEGAL PROFESSION

Since the entry of women in law is fairly recent and their
proportion to the professional population small, most of the studies on
legal profession pertain to male lawyers only and relatively few
studies have been done on women in legal profession in India or any
other country. However, some studies can be mentioned which have
focused on women lawyers. For instance, Whites (1967) states that
the legal world is multitude of inconsistent rumors about the
composition and status of, female segment of the bar. The differences
between the men and women lawyers and the low proportion of
women in legal profession are because of the failure of women to
work full time or because of less experience, class rank and a low
proportion of practicing women lawyers.
Janette Barnes (1970) in her work on the entrance of women to the Legal Profession had studied the gender bias of entry to the legal profession. She remarks that the prevailing view that “law is a masculine profession” results in the low proportion of female graduates in law schools. The self-selection process among women law graduates is a far more important reason for the low number of women lawyers than any anti-feminine policy practiced by masculine members of the profession.

Pawan Chaudhry (1973) has also made an opinion on women lawyers on some vital issues such as their motives for joining the legal profession, difficulties experienced by them and their contribution to the legal profession.

Kanta Jain (1983) discusses the entry of women in the legal profession and states that women had to wage a relentless war to emancipate themselves from age old bonds. In the profession of law competition is extremely tough and women had to compete with men but man made law did not readily permit the entry of women in the legal profession.

Jana Evertt (1984) has made a revealing study of women lawyers in the legal profession in India. She has made a brief review of Hindu Law and the Indian legal system as a context for discussing the experiences, prejudices and difficulties encountered by women lawyers in securing work, preparation and projection of cases.

Phiroza Anklesaria (1985), too, has reviewed the entry of women in legal profession and the difficulties faced by them as lawyers. She states that any significant change in the status of women in legal profession involves a change in the values and pattern of thinking which is indeed a hard to achieve target in a tradition bound
country such as India. She also studied the attitudinal and the environmental problems encountered by women lawyers in India. The “attitudinal problems” include difficulty in securing work, winning the confidence of clients, problems with male colleagues, and the judges, the “environmental problems” involve mainly odd working hours, visits to jails and police stations. The major drawback in her study is that she highlights the attitudinal and environmental problems faced by women lawyers but does not explain how women lawyers are able to overcome these problems and achieve success in the profession.

Spencer and Podmore (1986) stated that the discrimination against women is particularly pronounced in the law, partly because the profession is unusual in that the career structure is extended by the addition of judiciary at the upper end; only 2 or 3% of judges are women and there are no women Law Lords. They have given some male lawyers’ definitions of women, namely, women as sexual objects. This theory takes two forms: either women are seen as having unfair advantage, because their sexual attractiveness will enable them to obtain clients and influence courts’ decision (which carries with it the implication that women who are less sexually attractive will be even further disadvantaged); or they are dismissed as just being a pretty face.

Similarly, women are viewed as different kinds of beings as compared to men. Women are regarded by many lawyers as having far more differences than similarities with men, and that their whole emotional make up is entirely different from that of men leading them to see things from a different perspective. This implies partly that female lawyers are seen as being ‘women’ and more ‘people-oriented’ than
men and partly that they are inferior to men and less able to participate in the shared understanding that exists between men and all these differences make them less efficient professionals.

Male lawyers also believe that women tend to get emotionally involved in every thing. Part of women’s differences from men is their more emotional nature, and their tendency to get too ‘involved’ in a way that impairs their professional judgment. Women are not tough enough- or else they are much too tough. This is familiar male prejudice which leads to a ‘no win situation’ for women, which is really a particular case of the themes that women are different from men, that it is a man’s world and that it is up to women to adjust. Women’s lack of toughness makes them basically unsuitable, and when they try to adjust they get it wrong.

Sethi(1990), in her report on the professional orientation and commitment among lawyers concluded that recently women have started entering the legal profession in a big way but their professional attainments are much lower as compared to men. Their career patterns show the existence of two types of structural constraints. First, the legal profession is predominantly male oriented, highly competitive and generalized. Second, the sex-based normative patterns of behavior, the primacy of the home role, the segregation of the sexes all contribute in exacerbating their professional problems and in lowering their professional performance.

Rana (1998) found in her study that women lawyers face problems with transportation and late working hours. They feel they have an advantage while dealing with women clients. However, since most clients are men, women lawyers say it is difficult for them to interview men in cases involving impotency or rape, etc.
Thus, the various studies on women in legal profession have dealt with diverse issues such as entry of women in the profession, their success in this career, their treatment at the hands of male colleagues and so on. All, however, point to the fact that women professionals do not find it easy to be part of this male bastion.

OBJECTIVES

Keeping in view the above discourse, the primary objectives of this study are:

1. To examine the general profile of women lawyers practicing in the Punjab and Haryana High Court and District Courts selected for this study.

2. To study the level of professionalism among female lawyers which will be gauged on the basis of their perceptions regarding professional traits such as autonomy, altruism, service orientation, authority over clients etc. This will also give us an idea regarding the extent of deprofessionalization taking place in the legal profession.

3. To provide a comparison of women lawyers in the High Court and District Courts since it is assumed that the nature of work and general atmosphere in both these settings may result in different level of professionalism and work experiences; and

4. To study the work experience of women lawyers focusing on the environmental–social and psychological problems faced by them while entering the profession and later once they have joined the profession.
METHOD OF STUDY

Modern Indian legal system consists of four layered judicial hierarchy, namely, tehsil and lower courts at tehsil headquarters, District and sessions courts at district headquarters, High Court - the highest court of law in the state at one or more places within the state, generally in the capital of the state and the Supreme Court - the highest court of law of the land - at New Delhi. These courts at all the levels of judicial hierarchy have their own independent bar associations comprising all the legal practitioners of the same court. But since, these courts are different from each other in terms of their location, there may be a difference in the nature of work and general atmosphere. Also, the lawyers working at these settings may differ in terms of their level of professionalism. Keeping this in view, the present study aims at the comparative analysis of professionalism among women lawyers practicing at two levels of hierarchy, i.e. the High Court and the District Courts.

To achieve these objectives, the study was conducted in the Punjab and Haryana High Court as well as the District Courts located at Chandigarh. Apart from this, two District Courts were selected through random sampling method, one each from the states of Punjab and Haryana, in order to obtain a more comprehensive picture of the professional work culture of women lawyers. The Districts selected were Panchkula from Haryana and Ludhiana from Punjab. It was our intention to include all the enrolled female lawyers practicing in the four courts. However, that was not possible as from the 150 female lawyers practicing at High Court, we were able to contact only 68 females since all the enrolled females members of the Bar were not practicing. Similar was the case with the female lawyers practicing at
the District Courts at Chandigarh, Ludhiana and Panchkula where 57 of the 90 enrolled female lawyers could be contacted in the Chandigarh District Courts. Similarly, only 32 out of 90 and 7 out of 10 enrolled female lawyers were available for our study in the Ludhiana and Panchkula District Courts, respectively. Thus, in the final analysis, our study was conducted on 68 female lawyers from High Court and 96 from the District Courts.

The data were collected from the respondents through interviews for which schedules consisting of structured and open-ended questions were formulated. In structured question respondents were provided with a set of possible alternatives and were asked to mark the one which is most appropriate. The schedule consisted of four parts- the first part concentrated on preliminary information about the respondents which included variables like age, education, caste, religion, marital status, nativity, income etc. The second part dealt with the occupational information, i.e., the reasons for their choice of this profession, work procurement, type of cases they deal with, matters related to fees etc. of the respondents.

In the third part, level of professionalism among female lawyers and the extent of deprofessionalization was measured. To analyze the level of professionalism among female lawyers practicing at the High Court and District Courts an index of professionalism was made. Certain major attributes of professionalism were identified. Under each attribute a set of four statements were included and their responses were ranged on a five point scale whose scores ranged from one to five. Thus, the minimum/maximum score a respondent could acquire on the index was divided into three categories- High, Medium and Low. The medium value of the index was calculated and the value
of first and third quartile were calculated subsequently. Since no clear cut index was available to study the extent of deprofessionalization taking place among female lawyers, this was assessed by looking at the scores on professionalism of our respondents. Apart from this, the information regarding the nature of work and general atmosphere of two settings were also compared. In the fourth part, the questions regarding the environmental-social and psychological problems faced by women lawyers while entering the profession and later once they have joined this profession were included.

Each female lawyer was interviewed personally. The entire fieldwork was conducted in the Punjab and Haryana High Court and District Courts located at Chandigarh, Ludhiana and Panchkula. There was by and large no difficulty in collecting the data. Sometimes, the respondents were reluctant to answer certain questions and needed assurance that all information collected will be kept confidential. However, most of them were cooperative and did their best to give all kinds of information. The data were then coded, tabulated and analyzed.

Apart from the introductory section, there are five chapters. The following chapter provides us with the general profile of female lawyers practicing at High Court and District Courts. The third chapter deals with occupational information regarding the respondents, while in the fourth chapter we have discussed the level of professionalism among female lawyers and also the nature of work and general atmosphere of the High Court and District Courts settings. The next chapter focuses on the problems faced by female lawyers while entering this profession and later once they have joined it. The concluding chapter contains a recap of all the findings of the study as well as some concluding remarks.