

"Girlfriends of the Court"

Amicae Curiae

employability, graduate attributes, Legal culture

Do Clothes Make the (Wo)Man?

In Career, fashion, Guest Post, legal education, shoes, women on **April 29, 2012** at **10:32 am**
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(<http://amicaecuriae.files.wordpress.com/2012/04/425-madmen-barbie-lc-0310101.jpg>)

Are we just reproducing the dominant paradigm? *Mattel

The Culture of Professional Dressing

There's been a lot of talk on this blog here (<http://amicaecuriae.com/2011/12/15/respect-ma-authoritah/>) and here (<http://amicaecuriae.com/2012/02/22/the-law-and-tights/>) amongst others, (<http://www.feministe.us/blog/archives/2010/04/12/so-what-exactly-should-female-attorneys-wear/>) of women's (and some men's) experiences as legal practitioners, in terms of what to wear (<http://wp.me/p1sbro-4r>). We could ask why these posts are so popular with readers. Is it because women love clothes? (I mean – you know what *women* are like, right?) Perhaps. However I have another theory.

It's about culture – in particular, the dominant culture of the law. Read on.

Consider this submission to the NSW Law Reform Commission in 1977 by Justice Hutley:

‘The effect of World War II was to open the legal profession to groups who had no historical connection with the profession... This influx, had resulted in ‘the flooding of the profession by persons who without either professional family association, or adequate indoctrination, have acquired the dangerous skills put into the hands of the lawyers’...

(cited in Richard L Abel & Phillip S C Lewis, *Lawyers in Society: the Common Law World* 1988, p273)

This is somewhat dated now, but I wonder whether these views continue to exist in the contemporary profession? They represent a very strong view of the notion of who belongs in the profession, and who does not.

I’ve been thinking about this lately in terms of government policy and the discourse in universities about graduate employability (<http://www.deewr.gov.au/HigherEducation/Publications/Pages/GraduateSkillsAssessment.aspx>). If you are a student, or have been in the last decade or so, you may be aware of graduate attributes of your institution or your particular degree. This is part of what I’ll call the employability discourse.

‘Industry’ has identified skills and attitudes (<http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CD4QFjAA&url=http%3A%2F%2Fwww.dest.gov.au%2FNR%2Frdonlyres%2FE58EFDBE-BA83-430E-A541-2E91BCB59DF1%2F20214%2FGraduateEmployabilitySkillsFINALREPORT1.pdf&ei=KcKbT-HwD-awiQeL2rG4Dg&usg=AF>) that it values in graduates; things like team-work, independence, good communicator etc. Universities have taken this on board, and a law degree now is designed not simply to cram students’ heads full of legal knowledge, but to have them graduate as (junior) functioning members of the profession.

In other words, law graduates (and other types of graduates) will be *employable*. In Australia, it is possible to find rates of employment of university graduates – see here for example (<http://myuniversity.gov.au/UniversitySearch/Results>). This is a much bigger enterprise in the UK (<http://www.thecompleteuniversityguide.co.uk/league-tables/rankings?s=Law>) and US (http://en.wikipedia.org/wiki/Law_school_rankings_in_the_United_States) where league tables exist. In fact, in the US, there is presently legal action afoot against law schools that have allegedly misrepresented their graduate employment (<http://management.fortune.cnn.com/2012/03/16/law-school-fuzzy-grad-jobs-stats-a-federal-offense/>) rates.

So you get your degree, you tick off the employability criteria or your graduate attributes and you look for a job. But you may not land a job in the law, or in the place that you want, and if you do, there is something not quite right... What happened to your employability?

I think this is where all the hidden aspects of legal practice come into play – the culture of the law. And nowhere is it more apparent than in what you wear to work (http://abovethelaw.com/2010/04/fashion-dos-and-donts-from-the-windy-city-if-you-have-a-tramp-stamp-it-may-already-be-too-late/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+abovethelaw+%28Above+the+Law%29&utm_content=Twitter). This might be a manifestation of what others call ‘cultural capital (<http://en.wikipedia.org/wiki/Bourdieu>)’, an unquantifiable asset we gain by immersion (<http://thethesiswhisperer.wordpress.com/?s=academic+fashion>). I think that this may impact upon employability (directly or indirectly) – but it is not only unstated in legal practice, it is unstated in universities’ employability criteria. *You won’t know what it is that went wrong.*

It may be hilarious to read the [attire satire](http://www.cardozo.yu.edu/life/spring1999/wigs/) (http://www.cardozo.yu.edu/life/spring1999/wigs/) about the genesis of the wigs and gowns of the court – but this covers what I see as a serious barrier to those who are unfamiliar with the cultural traditions of the profession, and those who are different from what these cultural traditions represent.

In particular, this impacts on women, though it also includes anyone who isn't able to reproduce the appearance of propriety and professionalism that the court garb or 'professional wear' represents. [This discussion](http://storify.com/katgallow/do-clothes-make-the-lawyer) (http://storify.com/katgallow/do-clothes-make-the-lawyer) on Twitter for example, illustrates that a lawyer's appearance does matter. But this goes deeper than simply a gender issue.

For example, what if a man isn't aware of the 'language of ties' (<http://strangelittlebird.hubpages.com/hub/Mens-Neckties-Can-Help-With-Communication-in-the-Workplace>)? (Or see [here](http://www.bbc.co.uk/news/magazine-17233299) (http://www.bbc.co.uk/news/magazine-17233299), or [here](http://magpiefiles.blogspot.com.au/2007/09/secret-language-of-ties.html) (http://magpiefiles.blogspot.com.au/2007/09/secret-language-of-ties.html) or [here](http://articles.chicagotribune.com/1985-01-09/entertainment/8501020694_1_abstract-patterns-stripes-necktie) (http://articles.chicagotribune.com/1985-01-09/entertainment/8501020694_1_abstract-patterns-stripes-necktie)). What if, apart from colour, a male law graduate goes to an interview with a tie that is tied too short (<http://astoriaunderground.blogspot.com.au/2008/03/too-short-of-tie-makes-you-look-like.html>)? Does this affect his employability?

The fact that I suspect some men may also experience an 'othering' in the legal workplace through their choice of clothing indicates that the culture is not only gendered, but it is quite culturally specific – representing a type of person (man) who is to be replicated by the employee (graduate lawyer, other party etc) to gain acceptance.

The legal profession is so imbued with the nature and characteristics of a particular type of man and the way in which they think, that it is possibly still startling to see people who do not conform to the centuries-old form that *is* the legal professional. Do [other professions](http://thethesiswhisperer.wordpress.com/?s=academic+fashion) (http://thethesiswhisperer.wordpress.com/?s=academic+fashion) require the same display of external conformity or cultural capital?

I think this is why women lawyers [have so much to say](http://www.feministe.us/blog/archives/2010/04/12/so-what-exactly-should-female-attorneys-wear/) (http://www.feministe.us/blog/archives/2010/04/12/so-what-exactly-should-female-attorneys-wear/) about what they [wear to work](http://corporette.com/) (http://corporette.com/), and the [responses](http://www.nytimes.com/2009/05/23/us/23lawyers.html?_r=3&hp) (http://www.nytimes.com/2009/05/23/us/23lawyers.html?_r=3&hp) to what they wear.

I also think that this is a gap in our understanding of what is 'employability' in terms of our law graduates.

What do you think? Is there a silent language or culture of dress that defines the legal profession and excludes others?

UPDATE: The Age/SMH ran another story on corporate fashion on 13.5.12, this time with a slightly different take on the issue: it comes with the subheading 'Big business is under fire for its views on how young women should dress for success.' (<http://www.smh.com.au/lifestyle/fashion/dressed-down-over-dressups-20120512-1yjjp.html>)

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