

WHERE DO WE WANT TO BE IN 5 YEARS?
6TH NATIONAL AUSTRALIAN WOMEN LAWYERS
CONFERENCE

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RESILIENCE RECIPES

ACKNOWLEDGMENT

Thank you, Ann-Maree for your kind introduction.

It's lovely to be in Perth. Not only is it the wonderful traditional lands of the Nyoongar people, it's also the home or the birthplace of Edith Cowan, the first woman elected to any Australian Parliament—to the Western Australian Legislative Assembly, in 1921. So it's a pretty special place to be for the Australian Women Lawyers.

INTRODUCTION

The theme of our session is 'resilience' and it is in the context of the theme of the conference, 'where do we want to be in five years'? There are a number of elements to this. First, we want 'to be' in five years. Alive and well, first and foremost—doing the sorts of things we like to do now. A second question is *where* we want to be, but part of *how* we get where we want to be is resilience—which is the theme we are going to speak about.

The theme of resilience is one that sent me running to the dictionary. I love my dictionaries and I found a great website, 'Psychologytoday.com', which describes resilience as

that ineffable quality that allows some people to be knocked down by life and come back stronger than ever. Rather than letting failure overcome them and drain their resolve, they find a way to rise from the ashes. Psychologists have identified some of the factors that make someone resilient, among them a positive attitude, optimism, the ability to regulate emotions, and the ability to see failure as a form of helpful feedback. Even after misfortune, resilient people are blessed with such an outlook that they are able to change course and soldier on.

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The Oxford Dictionary of Etymology: links ‘resilience’ to *resilir*, a 16th century French word, and Latin *resilire*, meaning to leap back, and recoil. Resilient is therefore returning to the original positions. The modern meanings are pretty much the same. I haven’t anatomized the word so precisely before today, but I certainly identify with the key characteristic. But to me the image is a very simple one it’s captured in the form of a blow-up clown—the one that has the sand at the base—it can be any figures—but it’s those things that you can hit and they pop back up again. To me that represents the idea of resilience, and, similarly Chief Justice Bryant, your description of term ‘Pollyanna’. It’s a word that’s often attached to resilient women. But above all, I think resilience is a ‘doing word’—something you *do*, not something you *have*.

I think that we need to invent a new superhero, in honour of our conference and the theme and the topic of this session: Resilient Woman, or perhaps a more catchy manner, ‘Elastica’.

There are many I recognise in this room as being of this quality, but I think today we must hail our inaugural Elastica, Chief Justice Bryant. I went out in search of a suitable thing that I could crown you with and it was quite sad when you said this was your last time at the podium. I didn’t know whether to get up and cheer, weep, or whatever. But instead I have got you an appropriate sceptre. (It’s also because next door there’s this children’s thing, but our Elastica Superhero’s sceptre is in almost appropriate colours: green; pink, which we will deem as violet and white. Green, violet and white: ‘give votes to women’, the mnemonic of the suffragettes, which is captured in the colours of the AWL logo. Arise, Elastica!

Returning to our subject....

It’s in the form of ‘resilience recipes’.

RESILIENCE RECIPES

In thinking about these themes in times past I rendered it in a form, for an academic audience, of ‘Mrs Beeton comes to Law School’.¹ It was on the theme of the *Commonsense Cookery Book* (published in 1943 by the NSW Public School cookery Teachers Association) and the mid-Victorian classic, *Mrs Beeton’s Cookery Book* (and her *Book of Household Management*). They were books of simple wisdom with strategies for survival and success. It was published 10 years ago in an academic journal called *The Law Teacher*, in England. It was a serious, but also a flippant homage to ideas of resilience. I am going to introduce some of those themes, through the voice of resilience today, and some of them we might develop in our questions and answers thereafter.

My first: When you don’t have time to make the soufflé

For many women their stories, as is mine, are intertwined with a very simple fact: someone has to look after the kids.

(It was some something I embarked upon in conversation last night and I got a bit belligerent in my remarks so I apologise to the women engaged with me in the conversation at that time!)

¹ (2005) 39(3) *The Law Teacher* 243–258.

My attention also was drawn to the article in July 2012 by Anne-Marie Slaughter, that Chief Justice Bryant, *Elastica*, referred us to this morning. The title of the article was ‘Why Women Still Can’t Have it All’, in *The Atlantic* monthly.² But, in fact, for me the issue is not so much the idea of women ‘not having it all’, and I respect the observation of Chief Justice Bryant that it depends on what the ‘it’ is, but to me it needs another bit: having it all—but not all at once.

An aspect of that is that women’s careers are never linear; they are never straightforward. I’m not speaking about everyone’s careers but, as a generalisation, the women I have known, the women who are in extraordinary places in their lives, their careers, their pathways in life have never been straightline ones, never traintracks. They are a series of zig-zaggy lines all over the place. When you look at them now, at Chief Justice Bryant and other women in this room, you would say, ‘I can see how you got there’, but that only makes sense backwards. Looking forwards, women’s careers are never straightforward.

So where you want to be in five years is an aspirational goal, but it doesn’t matter if you don’t get *there*, so long as you get *somewhere* which is in a really nice place and you wake up everyday feeling happy to do what you are doing. You don’t want to be in a position where you wake up and say, ‘I don’t want to go to school mummy!’; and if you are in that place you are in the wrong place and you need to change it.

The element that is important I think is a mantra I adopted in my own life which is ‘to do each day well’. So many things come up all the time, particularly if you have young children. Children get sick *constantly* till they are five years old. Later in life you might have elderly parents who need a lot of attention. Your partner may get sick. You may get sick. All sorts of things *happen* in life, which is part of the normal part of just being human. But all you can manage is one day at a time, and so long as you do each day *well*, then a lifetime of days is then constructed and careers are made of doing each day well.

Part of doing each day well I have found is developing some kind of inner gyroscope, a kind of moral equilibrium where you know that the decision is correct—and it can inform all manner of things. But particularly when you end up in positions of management. People may not like your decisions all the time—they may not like your recipe; they might not like your soufflé. But so long as you know and feel confident in the ‘rightness’ of what you are doing, it helps the doing each day well to continue over a lifetime.

Keeping your cooking fresh—survival and advancement in the kitchen

In late 2011 the New South Wales Law Society produced an excellent publication, *Thought Leadership—Advancement of women in the profession*. It was a very handy snapshot of that branch of the profession in NSW, both then and historically. An important consideration was the many definitions of success—I suppose this goes to the ‘it’ in the equation (of having it all). A number of things were singled out in the definitions of success. I want to give you those and add a few of my own to it, before we go on and speak more generally. One was maintaining a connection with the profession during an absence, for example through continuing professional development; seeking out mentors, sponsors and champions—with which I agree in the sense that mentors don’t somehow descend from heaven, you build your network, you build your mentors, you build your relationships: it’s a personal responsibility.

I will add a few suggestions to that list, including some ‘dos’ and ‘don’ts’:

² <http://www.theatlantic.com/magazine/archive/2012/07/why-women-still-cant-have-it-all/309020/> accessed 6 April 2016.

First and foremost, trust in your ability. There have been a number of observations along those lines already this morning. Women (as a broad generalisation) tend not to ‘blow their own trumpet’, and this sometimes gets reflected in pay differentials and also a lack of willingness to say ‘no’. ‘Back yourself’, says this book I picked up at the airport yesterday, *Women who Seize the Moment: 11 lessons from those who create their own success*.³ It’s a familiar sort of literature, you find repackaged in various forms, with common themes and particularly the stories of women who are resilient. In fact, Chapter 10 is couched in the language of resilience. It has the title, ‘Resilience is your greatest career tool’.

Reflecting on some of the elements coming out of this morning: perfectionism is actually a problem. Perfectionism is a pain. Your 90% is usually someone else’s 200%. 90% is usually good enough. As long as you have done three drafts at least to get there. Three draft rule; perfectionism is a pain, and the other little element to remember is the ‘foetal 48 hours’. Any hard decision requires a moment of agony. But from long experience I can say that agony is good; it is a formative part of the decision making process. The foetal part of it lasts about 48 hours. Suddenly, a moment of clarity—and it’s behind you. If you build that into your thinking: it’s only going to last 48 hours and then it’ll be fine, it’s a good way of building your resilience strategies.

Laugh a lot—it’s infectious, healing and wonderfully engaging! Or, it’s funny if the soufflé flops.

Don’t blame others: for times you think you have ‘failed’—including blaming ‘a glass ceiling’—work out what your responsibility is/was in changing that situation and how you would ensure that it doesn’t happen again—to you or to others. Create your own luck.

And, finally, don’t take yourself too seriously. Fiona McLeod SC, when asked by Richard Ackland, ‘If you were a foodstuff, what would you be?’, said ‘A nectarine, or one of those alien life forms in my fridge’.⁴ Jane Matthews said she would be a sweet potato; Anna Katzmann, a passionfruit. My answer was: ‘Iodised salt. Salt because it is the great preserver and improves taste; iodine because our brains need it and my mother keeps telling me we don’t have enough in Australia.’⁵

Looking beyond ourselves and thinking collectively—the big ways to change culture—today’s discussions are all about changing culture and I think the last session gave us magnificent examples of how culture can and *will* change.

As for the statistics, I would add one caveat to those. A lot of the statistics are about attrition from the private profession, whether from the Bar or legal practice: attrition *from*, but *where to*? And one of the big ‘tos’ is government and in-house employment. The number of magnificent women in senior roles I have encountered in my government role these past nine years is mind-blowing. Where they leave, they go *to*. To get the real sense of where professional resilient women are, we need to get the entire map of the legal profession and I would count the academy in that, where the ranks of the female professoriate are growing by the day.

So, do each day well and you will build a lifetime of satisfied, resilient moments. Today our horizon is five years. Do a list of where you want to be, what you need to do to get there and plan it, in terms of priorities. Your career and life will then have many chapters and they will all be magnificently resilient ones.

³ By Angela Priestly. 2nd ed 2016.

⁴ <http://www.justinian.com.au/featurettes/fiona-mcleod.html> accessed 6 April 2016.

⁵ <http://www.justinian.com.au/featurettes/rosalind-croucher.html> accessed 6 April 2016.