

PROFESSIONAL AND FAMILY LIFE OF WOMEN JUDGES. AN INCOMPATIBLE RELATIONSHIP

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It is not well-known that the Greek judiciary is primarily composed of women judges. Things, however, were not always so. Until the 1980s, most judges were men, and various reservations were raised on whether women should be occupying judges' chairs at all. For historical reasons, it is worth referring to the point expressed, in the opinion of the session of the Legal Council of State (no. 275/1955), which seeks to challenge the ability of women to settle in court, per the explanation poised as, "women, per their physiological and biological composition, as compared to men, are subject to a greater extent of emotional fluctuations, and therefore undergo the influence of emotional factors in a greater range, have less analytical capacity, a less sophisticated competitive instinct, and have less physical strength while they succumb more easily to pleas". The social changes that followed, however, at first hesitantly, but later very swiftly and in a barrage, formed new conditions on the position and the social and professional role of women. Thus, the first woman judge¹ was appointed as an Associate judge in Athens in 1959. The prosecutorial branch, however, accepted a female public prosecutor only in 1975, and recently, in 2011, appointed a female President of the Supreme Court,² whereas the first woman Attorney General of the Supreme Court was appointed as recently as 2013.³

1. Anna Athanasiadou.

2. Rena Asimakopoulou.

3. Euterpe Koutzamani.

In recent years, however, the number of women judges has increased dramatically. Today, women make up 60% of all judges, whereas in the lower levels of the judicial hierarchy, this percentage may reach the figure of 65%. Especially referring to the Administrative Courts, wherein relocation transfers are not so common, women constitute about 70% of all judges. Regarding their qualifications, the judges generally are civil servants who have tenure, and must be Law School graduates with at least three years of experience in exercising the legal profession. Since 1995, when the National School of Judges was founded in Thessaloniki, they must have graduated from this school, as well. The number of candidates is excessively large⁴ and the examinations' difficulty within the School of Judges is extremely demanding. So few candidates are successful on their first try. Most must re-sit for exams two to three times. The education of the incumbents lasts sixteen months, ensuing a mandatory eighteen months of internship in court. To qualify, the candidates must have reached 27 years of age, but not be older than 40. Those who have completed the above study cycle are appointed as associate judges in a Court of the First Instance, within the country. For each promotion to a higher grade, there are subsequent relocation transfers around the country.

In the rank of the Associate judge, the judges remain effective for at least one year. The rank of judge in the Court of the First Instance that follows, lasts for about twelve years, while serving as presiding judges of the Courts of the First Instance, takes at least four years. In the following ranks, those of the Appeal judge, and President of the Court of Appeal, they must also remain for about ten to twelve years. In the careers of judges, steady hierarchical progression is expected, and only in case of misconduct, or a disciplinary problem, is this progression reassessed. The rank of President of the Court of Appeal is usually the maximum rank achieved. Those who wish to progress into the Supreme Court are required to submit a special request. Members of the Supreme Court retire at the age of 67, in

4. For example a thousand candidates applying for only sixty positions.

contrast to all other judges, that share compulsory retirement at 65 years of age.

This case study, highlights the incompatible relationship between professional and family life of Greek women judges. The object of this study has been to investigate the factors that affect the balance between personal or family life and work, among women judges. Specifically, we examined the difficulties, needs, career aspirations and expectations, as well as strategies, which the judges, as social actors, chose in order to overcome the work-life dichotomy, from the gender perspective. For this purpose, through snowball technique, ten semi-structured interviews with nine women judges and a public prosecutor, aged 38-51 years, with at least one minor child, were conducted. In addition, an eleventh interview was performed, with a key informant and member of the Trade Union of Judges and Public Prosecutors, during which the important problems of their sector, and those concerning women judges and public prosecutors, were exposed. It is worth mentioning, that the reported interviews were preceded by an extensive pilot interview with a judge from my social circle. The purpose was to get a preliminary overview of the topic and identify some critical points that would help configure the sections to be discussed and documented, within the interview's guide. In this text I choose to refer only to certain points of research that seem important.

Within this text, I choose to make special reference to two indicative features that characterize the profession of judges, which, in my opinion, impose decisive influence on the work-life balance within this specific professional group of women. One peculiarity is the relocation transfers, and the other, is the possibility of working from home.

Relocation transfers are generally mandatory for judges. The issue arises immediately after their graduation from the School of Judges, and every time they are promoted to a higher rank. Their first placement can occur in any region of Greece, and outside their place of residence, wherever a court may have personnel requirements and vacancies. The existence of a judge's family does not affect the

Agency's decisions on the transfer of women judges, since the issue is inherent in the profession and it is left upon the judges themselves to manage it. My interviewees had a total of transfer times from two to five years. Most transfers take place between the ages of 30 and 40 years, when as Associate judges or judges of the Courts of the First Instance, they have the largest caseloads to handle, but are also at the age at which they normally have children.

One of the judges whom I spoke with, was already married when she took her first placement in a bordering region of the country. While she was pregnant, she remained in her placement, practicing until the eighth month of her pregnancy. During her pregnancy and childbirth leave, she returned to Athens, where she lived previously, and where her husband was situated, and continued his work. After a few months, she returned to her post, whilst she was still breastfeeding, and she found a local woman to care for her child, while she was working, from 8.00 in the morning, until 6-7 in the afternoon. She confided, that in the three years of this placement, she could go to Athens to see her husband only at Easter and summer. In the meantime, he would come to visit if he could, about twice a month. When she asked for a leave of absence for an exceptional reason, her motion was denied, and later she learned that this was commented by a superior as *"and who asked this lady to have children?"*.

Another interviewee considered the matter within a more holistic context. In her own words:

"When you start your career at about thirty years of age, and you're in a city that you will abandon in one to two years, to go to another city for another one to two years, with relocation transfers, only to return to your initial residence at the age of 36 years, it is difficult to immediately meet the right person to marry and start a family. That is why, today, many women judges, remain unmarried. So, the issue of family is a thorny one, in our sector".

And further, she continues:

“The continuous relocation does not allow for a stable social environment. Whom can you meet in the provincial regions? The lawyers you socialize with, in court, every day? Nor can you live a rewarding social life... you must accept a very restricted lifestyle, that predominantly consists of working, and only socializing with colleagues. This reduces the chances to make an acquaintance for marriage, especially within the timeframe that you can start a family”.

The second peculiarity of the judicial profession that I wish to make special reference to, is related to the possibility of working from home. Judges can study their casefiles and prepare their respective decisions, whilst working from home. They can go to court solely on the days when they must occupy the bench. While this may, at first, be considered only as an advantage, however, it has its problematic dimensions. As was referenced by my interviewees, the defendants and the First Instance Court Presidents, do not have their own offices within the courthouse. There is only one big room to drink a coffee before entering the courtroom. The First Instance Court Presidents must share an office with four to five other colleagues; obviously, one cannot have the necessary peace to work in a shared office of many people. Only Presidents of Appeals' Courts have their own office. As one woman judge stated, *“for the first time I had a permanent office when I worked in the Juvenile Court.”* At home, however, things are not always so easy, because not all judges can maintain an office at home or, even, a dedicated workspace within the residence of the whole family.

Judges do not have fixed work hours and may be found working ten to twelve hours a day when they have court days. Often, this can occur until late at night, when their children are sleeping. One interviewee explained to me how she prepared her future husband for the requirements of the job.

“When we were to be married I told him: You know, I work all week, even on Saturdays and Sundays. We'll be able to go on an

excursion only occasionally. You cannot tell me: it's Easter, you can't be working, or, it's Christmas, you can't be working. This is going to be my work schedule, I hope you'll be able to endure it".

And she continues with humour.

"Instead of myself, he was the one going to children's parties. No one from our social surroundings had ever seen me, they thought we were separated. They always saw only a dad, and asked: where's mom? She's at home, working... whoever could believe it, believed it!"

The undisturbed atmosphere a judge needs, to do a job that requires great concentration and lucidity, is not always accessible within the family home, especially when there are small children living there. The judges with more robust finances have their office on another floor of the house or may be found looking for other ways to solve this problem.

"Lately, with a colleague, we rented an office, nearby my home. To be respected by everyone in the family, that mom will be going out of the house, to go to a workplace. Because if I was in the house everybody thought: come on, you're at home, you can do this and that. And although I was cooking and I did everything, they still had to say to me: why didn't you pay this bill? If I worked elsewhere and had to punch a clock, they would not be saying something like this! "

But guilt that can be expressed with emotional reactions, can be seen scattered throughout the interviews of mothers, when they are reflecting upon the childhood of their, now, grown-up children. They believe that their childhoods passed them by, whilst they were drowning in stacks of casefiles, even if they had a home office. Because balancing family and work, although involving the whole family, is still primarily considered a woman's concern.

I quote an indicative incident, confided by an interviewee, regarding the time she had turned the living room of her home, into a working office.

“He came (my son) from the outside, when he was three years old, knocking on the door, to get inside the living room. I wouldn’t let him, I locked the door. I was usually locked inside the living room, working. The poor boy would come out of the balcony door, hitting the windows, because he wanted to sit on the floor beside me and draw a picture. Since I did not want to be seen by him, I closed the balcony door shutters and pulled the curtains. Now I consider this behaviour tragic, and regret it. Maybe my relationship with my child is not good at present, because I did all this in the past? Now I would not do any of this again! “

These were my judges. With the responsibility that must distinguish the exercise of their demanding profession, nine out of ten of my interviewees, were evidently putting the priority on the job, and not on the family. Only one out of ten put her family first.

In conclusion, I would like to focus upon two prevailing themes in the narratives of the interviewees. For once, the long-term professional preparation, the demands of the profession, the continuous mandatory relocation transfers cause considerable delay, for women judges who wish to embark on starting a family. Concerns were also expressed, by my interviewees, regarding the plans to start a family within their own reproductive age limit. They often mentioned that the number of their younger colleagues who did not manage to surpass the time constraints necessary for the balance of work and family life, were forever on the increase. Secondly, despite the fact that the number of petty offences heard in court has declined in recent years of the economic crisis, because “*people do not have money to spare on lawyers*”, the growing number of financial offences relating to household debt, unpaid ‘red’ debt, bankruptcy, tax evasion, corruption etc., has increased the workload for the courts. This alongside the reduction in income, due to the economic turndown, the lack of technological

infrastructure, the pressure to resolve judicial cases speedily, have intensified work stress for women judges.

On reflection, I would say that my original belief that women judges and public prosecutors would be difficult to approach, that they would be distinguished by cold rationality and a punitive spirit, was completely refuted. Through this research, I met women who are active and hard working, but are also sensitive, with deep empathy for the people they are called to judge, and who are open to discussion; acknowledging their conflicting feelings with honesty, and who speak freely or have the need to speak about everything, even about the most sensitive, and often painful, personal and professional issues.

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