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Pro Se Divorce: A Strategy for Empowering Women

Emily Joselson & Judy Kaye*

I.

As third year law students commencing the day-to-day work of low-income client advocacy at the Legal Services Institute,¹ we subscribed to the basic tenets of progressive or "political" lawyering:² that the law can and should be used instrumentally to effect social and political change; that an integral part of this process is the demystification of the legal system; and that one end result must be the empowerment of disenfranchised groups and individuals. However, as we struggled to connect these political theories with our daily legal practice, we discovered that such often-used terms as "demystification" and "empowerment" eluded our attempts to define them. As such, we were hard-pressed to recognize their achievement, either in the context of our interactions with clients or in any other aspect of our work. In an effort to understand these concepts and the assumptions upon which they were based, we

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1. The Legal Services Institute is a neighborhood law office and clinical education center, jointly sponsored by Harvard Law School and Greater Boston Legal Services, and staffed by Harvard Law School faculty, legal services attorneys, paralegals, and support workers. Located in Jamaica Plain, Massachusetts, the Institute is both a full time clinical program for third year law students and a functioning law office providing legal services to low and moderate income residents and community organizations. In addition to providing direct client representation, the Institute sponsors *pro se* legal clinics in several substantive areas, including landlord-tenant law, divorce, unemployment and welfare benefits.

2. By progressive or "political" lawyering we mean to include lawyers who are dissatisfied with the current idealized model of legal theory and decision-making, and who attempt to combine political goals such as equalizing the distribution of power and wealth in this society with their day-to-day legal practice. *See, e.g.*, The Politics of Law: A Progressive Critique 1-7 (D. Kairys ed. 1982); *see also*, J. Auerbach, Unequal Justice: Lawyers and Social Change in Modern America 278-85 (1976).

turned our attention to the Institute's *Pro Se* Divorce Clinic,³ a "self-help" project designed to enable legal services-eligible women to do their own uncontested divorces.⁴

We focused on the divorce clinic rather than any other facet of practice at the Institute⁵ primarily because, as feminists, we were seeking to work as much as possible with female clients on issues affecting them

3. We were not the first to see the potential for combining our political goals with our commitment to working with female legal services clients in the context of the self-help divorce setting. We were told by one of the clinic's founders, and its current coordinator, that from its earliest planning stages one of the clinic's goals was to "empower" women by helping them to take control of the legal process in a group setting. Today, the brochure which advertises the clinic speaks in these same terms. See Legal Services Institute Clinic Brochure, App. A (Jamaica Plain, Mass. 1983).

More significantly, others who do *pro se* work, or who have started *pro se* divorce clinics elsewhere in the country, have frequently articulated their goals and expectations in the same way. See, e.g., A. Pozefsky and L. Rosenzweig, Manual for the Teaching of Pro Se Divorce Clinics I (Camden Regional Legal Services, 1976) ("[A] *pro se* divorce clinic [is] a fundamental and valuable means of increasing the self-confidence and self-sufficiency of client participants."); C. Rosenthal, *Pro Se Divorce Clinics*, Lawyer's Guild Women's Bull., Fall 1979, at 1 (discussing a *pro se* divorce clinic set up in Philadelphia in 1974, by a group called Women in Transition, Inc.) ("We . . . saw the clinic as an alternative to the legal establishment that would bring women together to learn, assert themselves, and in some small way tackle the system."). See also K. Triantafillou, Do Your Own No Fault Divorce *iv-v* (1979). Triantafillou posits that the traditional legal system "*disempowers all of us*," and goes on to say that in her

practice as a feminist attorney [she has] tried to demystify law and to involve clients as much as possible in the process of lawyering. [She] believe[s] it is extremely healthy for people to take responsibility for their lives by becoming involved in the process of law which traditionally has excluded the very people it has meant to serve.

Id. at v. Finally, the Sourcebook of the 12th National Conference on Women and the Law (Apr. 3-5, 1981), included a section entitled *Pro Se Divorce: A Way of Empowering Women*.

4. As the clinic was structured at the time of our study in 1982, it consisted of a series of two to three sessions, during which a small group of women was instructed by a legal advocate skilled in divorce law. This teaching was supplemented by a detailed instruction manual given to clinic participants, outlining each step in the relatively simple uncontested divorce procedure. The process included group trips to file papers in court, and culminated in a court hearing which the women conducted themselves. New clinics were set up according to client demand.

5. Interestingly, of all the legal and community projects carried on at the Legal Services Institute, we found that the *Pro Se* Divorce Clinic was talked about the least in terms of having political content. Much of the staff's energy goes into housing work—the office represents numerous tenant unions and runs a weekly eviction defense clinic. Landlord-tenant problems are seen as having obvious connections with class and race inequality under capitalism, and therefore legal work in this area is considered a vehicle for politicization and empowerment of low income clients, most of whom are tenants.

In contrast, divorce work is accepted as being somehow vaguely feminist, but is rarely touted as active, important, political work. We think this bias results from the fact that women seeking divorce are not seen as "organizable" in the familiar political sense.

disproportionately as women.⁶ We were also hoping to realize our goal of structuring a more feminist legal practice, one which involved a reconceptualization not only of the lawyer's role, but of the kinds of cases taken, the outcomes sought, and the way in which relationships are formed and issues shaped between lawyers, clients, and courts. We felt that the divorce clinic held great potential as an experiment in feminist legal practice: designed to teach women about the law and to allow them to take responsibility for getting their own divorces, the clinic also could provide them with a ready-made support group of other women, all sharing in a crucial life experience. Moreover, while promising to be a positive, confidence-building experience for women clients, the clinic further offered us the opportunity to step out of the traditionally powerful role of lawyer, and to assume the role of facilitator and teacher, letting the women conduct their own legal advocacy.

Theoretically, at least, such a project could empower the women participants, demystify the legal system, and reorient the practice of divorce law in a more feminist direction. Yet, we also understood that by invoking such terms, absent a clear idea of their meaning in a practical context, we were insulating the process from careful evaluation and critique. Therefore, we determined to articulate more explicitly this concept of empowerment, and to take a close look at whether the clinic was actually achieving this potential; in the process, we hoped to test our assumptions about the process of change upon which political lawyering is based.

Marriage breakdowns are not visibly connected in dramatic ways with local systems of authority and wealth, but are viewed instead as personal events.

6. Unfortunately, this is ever easier in a poverty law practice, given the "feminization of poverty." See, e.g., D. Pearce and H. McAdoo, *Women and Children: Alone and In Poverty* (National Advisory Council on Economic Opportunity, Washington, D.C., Sept. 1981) reprinted by the Center for National Policy Review, Catholic University Law School, Washington, D.C. 20064. In 1978, more than one-half of the total number of poor families were maintained by women. "Families with female heads have a poverty rate six times that of male-headed families (31.4 percent vs. 5.3 percent)." *Id.* at 2.

The 2,380,000 women who work year-round and full-time comprise one-third of the paid labor force, but they account for 53 percent of those who earn less than \$5,000.00 per year. In contrast, of full-time, year-round workers who earned \$15,000.00 (per year) or more, only 9 percent are women. *Id.* at 5. Therefore, the presence of earners in female-headed families does not necessarily eliminate poverty: 21 percent of female-headed households with income from earnings are below the poverty threshold. Moreover, "more than one-third of single mothers with children under six who work full-time at paid labor are poor." *Id.* at 6. See also *Poor Women Said At Crisis Point*, Barre-Montpelier Times Argus, Apr. 12, 1983, at 2, col. 1 (citing a U.S. Commission on Civil Rights study which found that poverty in female-headed households is growing, particularly for minorities; the Commission also found that between 1960 and 1981, the number of persons in poor families headed by women rose 54% while the number of families headed by white men dropped by 50%).

A.

While we had yet to come up with an explicit, satisfactory definition of "empowerment" and "demystification" that embodied our assumptions and ideas, and although we felt uncertain about our ability to recognize their achievement, we also realized that the primary place to look for working definitions was in the experience of the women themselves.⁷ Thus, we decided to interview as many women as we could locate who had participated in the clinic at the Institute.⁸

We began by devising a questionnaire⁹ designed both to elicit concrete data about the women's experiences as clinic participants,¹⁰ and to allow them to reflect on the ways in which they might have been affected by those experiences. For a number of reasons, we also drafted a series of open-ended questions, which we hoped would generate more broad-based discussion and reflection about the women's lives.¹¹ Given the woman-focused group orientation of the clinic, we saw in it the potential for something like feminist consciousness-raising to occur. Thus, we sought to discover the extent to which the women might have grown in feminist consciousness, as we define the term *infra*, as a result of the clinic, or simply whether they had been changed by their experience of divorce. We also structured these general questions with the hope that some degree of consciousness-raising might occur during the interviews themselves, for us as well as for the women we interviewed. We felt that discussions generated by our questions might prompt some women to reflect on their lives in new ways and, as a result, perhaps come to some conclusions about the condition of women in our society.

The interviews were conducted informally, usually in the women's

7. This in itself reflected a feminist methodology; see *infra*, note 54. Actually, however, we did begin by doing some reading. We read about consciousness-raising generally, S. Evans, *Personal Politics* (1979), political radicalization and empowerment in political theory, P. Freire, *Pedagogy of the Oppressed* (1981), W. Hinton, *Fanshen* (1966), and about a method for discovering these changes in people, L. Rubin, *Worlds of Pain* (1976).

8. Out of approximately twenty-eight women who had gone through the divorce clinic since its inception in 1980, we were able to contact only ten who agreed to be interviewed. The remainder were either impossible to locate or did not want to participate. It is important to point out that some who refused to be interviewed had hired private lawyers mid-way through the process or had never completed the process at all, due to various complications or problems. Such information would obviously be crucial to an overall assessment of the clinic's effectiveness, but will have to wait for another study.

9. See *infra* Appendix B.

10. We knew in advance of the interviews that the clinic's structure frequently broke down. For instance, while the brochure outlined a coherent group process and three well-defined sessions, participants often missed these group meetings, and had to make them up by phone calls or individual sessions with a clinic staff member.

11. The model for this portion of the questionnaire was Rubin, *supra* note 1.

kitchens over cups of coffee, and lasted from two to four hours. We began by giving them two reasons why we had taken on the project: to gather feedback on their clinic experience and, through that information, to develop suggestions for improving the clinic. This limited explication of our goals was intentional, for we wanted the women to respond openly to our questions. Such a result would have been impossible had they felt that we came with preconceived notions of what they might say, or if our questions somehow suggested their own answers.

The interviews themselves were very successful.¹² We valued the opportunity to come to know and relate to these women as whole persons, to understand more fully their backgrounds, attitudes, values, goals, and fears. Such intimacy, unfortunately, is often precluded by the pace and volume of a legal services practice, and in too many cases our clients' identities are subordinated to their specific legal problems. The women openly appreciated our genuine and undivided interest in them. Few had had the opportunity to explore their divorce experiences in depth, either with friends or family, or in the context of the clinic. And while many initially balked at the prospect of talking long enough to fill a two hour cassette tape, each warmed to her subject and spoke at length.

In reviewing the tapes we tried to piece together what the women had been like before participating in the clinic, in order to assess whether and in what ways they had been affected by the process. We also sought to analyze their life experiences as women¹³—their value systems, marital

12. Trained as lawyers, and not as sociologists, we make no claims to conducting an empirically "sound" survey in a strict, methodological sense. Moreover, the interview pool was far too small to reflect overall patterns. However, we did try to control our results as much as possible by sticking to our written questionnaire, tape-recording answers, and interviewing as a team. After the interviews were completed we analyzed the information by listening to the tapes and transcribing the women's comments. But our goal was not limited merely to data collection. We were further interested in the social-political experience of the interviews themselves. With that objective, we designed the questionnaire to generate discussion, thought and reflection which went beyond the women's clinic experience, to their marriages and divorces. As such, the results of the open-ended discussions were impossible to categorize scientifically and we make no claim to have done so.

13. The group of ten women we interviewed was extraordinarily diverse. The women ranged in age from 18 to 36. Six were white, three were Afro-American, and one was Haitian. There were three Protestants, two Catholics, four Baptists, and one Jew. All but two had one or more children. Only two had finished high school, but four others had high school equivalency diplomas. Most had married at about age 20, two married at 15, and one at almost 30. Most worked during their marriages.

Not all of the women, however, had completed the divorce process—four were still awaiting hearings. As grounds for their divorce actions, six women had chosen Cruel and Abusive Treatment, three Irretrievable Breakdown, and one chose Desertion. See Mass. Ann. Laws ch. 208, § 1, 1A, 1B (Michie Law. Coop. 1981).

Nor did the women have similar clinic experiences. Only two had actually gone through the process in a group, and their experience was unique: all of the women attending

roles, relationships, and their reasons for divorce—to test our assumption that, for the most part, the patterns of these experiences are neither isolated nor unique, but rather are commonly shared by women in our culture.

B.

Only after listening to and analyzing hours of taped discussions did we set about to formulate working definitions of empowerment and, within that, of legal demystification. To a large extent our definitions, although born of our original assumptions and orientations, are firmly rooted in the women's experiences, for we attempted to incorporate within the definitions the most positive ways in which the women had been changed by the *pro se* process. On the other hand, our definitions also look to what we see as the unrealized potential for a more profoundly feminist experience, were the clinic to undergo a significant shift in emphasis. Finally, we note that our definition of empowerment is presented as a series of stages, or "levels," in order to connote a gradual, incremental process, rather than a static state of being.

What follows, then, are the four "levels" in our working definition of empowerment. They are offered not only as goals toward which clinic participants might strive, but also as guideposts for those seeking to structure the clinic experience of others.

Level One: Control and Confidence. Acquiring sufficient skills and information concerning the substantive and procedural aspects of divorce law so that the woman feels in control of the process and satisfied with her performance. Such mastery breeds confidence in herself as a person.

Level Two: Legal Demystification. Through reflection and discussion about her *pro se* experience, the woman is able to view the legal system critically; that is, to develop insights into the ways the system facilitates or discourages access, influences social outcomes, and otherwise maintains itself as the powerful social institution that it is.

the clinic were black, in their early thirties, and had been separated from their husbands for a considerably long period before they began their divorce actions. Moreover, this group met four or five times, and everyone attended consistently. The women all filed their papers together and spoke frequently by phone, not only about the divorce process, but socially as well. However, the rest of the women had no comparable group experience. Four women attended only two sessions each, and rarely saw the same women again. Two others attended only one session each, while the remaining two women received individual instruction from the clinic staff. Practical constraints such as job, school, and childcare prevented regular attendance; consequently, none of these women had an experience of the clinic as advertised.

Level Three: Connecting With Other Women. Opening up and sharing her experiences as a woman with the other clinic participants and, as a result, discovering the degree to which their life experiences are similar to hers. This leads to recognizing and valuing other women as a source of support and strength.

Level Four: Feminist Consciousness-Raising. Progressing beyond the realization that individual women share important life experiences, to an understanding that such experiences reflect the myriad and subtle ways in which society fosters the subordination of women as a class. This, in turn, can lead to developing strategies for change.

The first two levels of empowerment set out the definitional objectives most commonly shared by those involved in developing *pro se* divorce programs, as we will discuss below. We will argue, however, that these objectives, when not explicitly acknowledged, too often elude achievement. Moreover, in our view, *pro se* clinics which seek to achieve no more than these first two levels fall short of their full political potential. Thus, in the second two levels of empowerment we stretch the meaning of that term in explicitly feminist directions, based on our belief that the feminist consciousness-raising model can and should be incorporated into the *pro se* divorce clinic structure.

The clinic at the Institute was specifically designed to enable women to master the divorce process, to foster their growth of confidence, and to encourage their exposure to the legal system. In Section II, we explore in greater detail our definitions of these first two levels of empowerment, and assess the degree to which these empowerment goals were achieved. In Section III, we first set out our underlying definitions of feminist consciousness and consciousness-raising. We then return to the women's own experiences, for in them we find the most compelling reasons to incorporate feminist consciousness-raising into the structure of *pro se* divorce clinics, as an explicit component of empowerment.

II.

Those women who derived the most satisfaction from their clinic experience attributed it to the following aspects of the clinical experience: they *themselves* were in control of the legal process which eventually led to their divorce decree; the process was neither as complicated nor as mysterious as they had imagined; and, as a result of having mastered this relatively straightforward legal task, they felt better about themselves and more competent in other areas of their lives as well. From these reflections we formulated the first two levels in our definition of empowerment. Thus, a woman was empowered in the "level one" sense if she felt she had actually controlled the divorce process herself, understanding each

procedural step well enough to feel relatively autonomous as she executed it, rather than feeling overly dependent on the clinic staff for direction. As a result of the successful achievement of these legal tasks, she gained more confidence in herself as a social actor and, consequently, took more control over other aspects of her life.

If "level one" empowerment meant successfully following the rules of a system to which the woman had just gained limited access, "level two" meant questioning those rules, discovering and testing the assumptions upon which they are based, and challenging efforts to make the relatively simple and straightforward procedures involved in obtaining an uncontested divorce appear mysterious, complex and beyond the ability of non-lawyers.¹⁴ Admittedly, we hold very definite views about the law and legal institutions which form these definitions, and this should be fully acknowledged here.¹⁵ Simply stated, we believe that, in order to maintain its role, retain its authority and ensure its legitimacy within the social structure, the American legal system shrouds itself in mystery, symbolism, and complicated ritual, enhancing the need for legal expertise and justifying the role of abstract reasoning as the basis for legal decision-making. Laws, both statutory and judge-made, are not neutral entities which exist by supernatural fiat; rather, they are promulgated by people in positions of power, whose values and interests necessarily influence their ultimate content. Further, while such laws are frequently cumbersome and often outmoded, for the most part they are comprehensible and predictable.

In the same vein, we believe that lawyers have, over time, exerted ever more control over human interactions, and now perform some tasks which their clients could easily perform for themselves. Moreover, lawyers are generally overcompensated, often for fairly routine jobs, and as a result they are overly protective of their position and power. Finally, we maintain that court personnel are so used to dealing exclusively with lawyers that they overestimate the importance of a law degree and underestimate the extent to which lay people can often solve their own legal problems. Consequently, they are frequently rude and intimidating to *pro se* litigants, and thereby impede people's right to act legally on their

14. We do not mean to confine the second level of empowerment to the discovery that what appears to be complex is really not so; nor do we mean to imply that *all* legal doctrines and processes are fundamentally simple. Our focus here is on the uncontested divorce process, wherein there are no issues of custody, property or alimony to litigate, as a means for gaining insights into the ways in which the legal system operates.

15. For an excellent, comprehensive discussion of left legal theory and progressive legal criticism, to which the authors subscribe, see Kairys, Introduction, in *The Politics of Law: A Progressive Critique*, *supra* note 2 at 4-6, and the essays contained in that collection. See also Unger, *The Critical Legal Studies Movement*, 96 Harv. L. Rev. 561 (1983).

own behalf.¹⁶

Thus, by legal demystification we mean the process whereby clinic participants take advantage of their firsthand legal experience—however limited—and begin to question and scrutinize the subtle ways in which the system limits access and fosters expensive lawyer domination and control. Such an awareness is important for several reasons. First, given reduced funding for legal services, poor women will find it increasingly difficult to retain lawyers on a full-representation basis; thus, the more willing and able they are to handle relatively simple legal problems *pro se*,¹⁷ the more likely they will be to assert such rights. Second, if and when they are represented by counsel, they will be more equal participants in the relationship, and may be less likely to approach their lawyers with the inflated awe, unquestioning deference, or even active distrust, which clients too often bring to such relationships. Finally, in the unlikely event that they never have another legal problem, it is an important lesson to learn that even such a powerful and accepted social institution as the legal system should be subject to scrutiny and challenge.¹⁸

A.

Evaluating the degree to which clinic participants were empowered in the "level one" sense of control and confidence was the most tangible, and therefore the easiest of our tasks. Moreover, the results were overwhelmingly positive. Almost every woman interviewed identified

16. With regard to low level court personnel this picture may be more complicated. Court clerks, not unlike welfare workers, are low on their institution's hierarchy and often have less than ideal working conditions. As a result, they may be venting their frustration on the most vulnerable targets: poor, female, *pro se* litigants. See, e.g., W. Ryan, *Blaming the Victim* (1971). Also, we recognize that clerks' regard for lawyers is not always positive, and they do not necessarily see lawyers' status and power as legitimate.

17. Legal Services and other community-based legal programs are increasingly offering *pro se* clinics or instructional manuals in a number of substantive areas, including housing, welfare and disability benefits, small claims and credit problems, and unemployment. See *infra* notes 27-30 and accompanying text.

18. It has occurred to us that as recent law school graduates, destined to function within the legal system, we may in fact be more intimidated by legal institutions than are most lay people, for whom the law is more peripheral. We tried in the interviews to elicit the women's attitudes about the legal system prior to the start of their divorce process, but few could articulate any particular sentiment. However, almost every woman expressed great fear and nervousness about completing most stages in the legal proceedings, especially the hearing. Rightly or wrongly, we attributed this fear in part to the "mystification" of legal institutions. Nevertheless, the question remains: are we inflating the "intimidation factor" of the law in most people's lives? Moreover, if those with less money and social advantage are disproportionately denied access to the legal system and, once there, obtain disproportionately adverse results, perhaps they are less likely to accept the legitimizing myths that shroud the system in the first place. See, e.g., Galanter, *Why the Haves Come Out Ahead: Speculations on the Limits of Social Change*, 9 *Law & Soc'y Rev.* 95 (1974).

herself as the primary legal advocate in her divorce process, acting with the ready guidance of the clinic's staff. That is, while some of the women complained that they did not always have a sufficient grasp of the overall legal procedure, no one felt as though she were merely carrying out someone else's instructions. This was primarily due to two factors. First, the women were provided at the initial clinic meeting with their own step-by-step¹⁹ instruction manual, complete with answers to anticipated questions, directions to court, and samples of every form they might have to file. Second, the clinic's staff²⁰ conveyed to the women, in a low key, warm, and tirelessly supportive manner, their steady assurance that the women could complete this procedure themselves. Thus, by providing a clear transfer of information and an accessible, supportive legal staff, the clinic was well designed to allow its participants to achieve a basic level of mastery and control over the divorce process.

In this regard, most of the women's comments were very enthusiastic. The *pro se* materials, they said, were "great," "easy to understand," and "well-organized,"²¹ and the women repeatedly cited the availability of the clinic's legal staff as contributing to their feelings of mastery and control. They felt they could always ask clarifying questions of the legal workers, either during a clinic session or in a later phone call or personal visit, and whenever women ran into snags they were usually able to reach a legal worker for advice. As one woman put it: "I really like doing my divorce alone—with help!" Many exclaimed that the procedure was "easier than I thought." One woman, who described herself as being on a "self-help kick," said she would urge all women in the process of divorce to consider the clinic, because it made her feel "more independent and sure" of herself. Another woman declared: "I feel better about myself knowing I can do something to make me happier." And another stated she was "happy because I'm finally getting my life started again." One woman, referring to her failed marriage, said: "I walked myself into that mess but, hell, I walked myself out, too!" Another, who now sees her *pro se* experience as a "test" for herself, explicitly recognized the degree to which her newfound confidence and control have "spilled over" into other aspects of her life: "I used to be scared to do new tasks at work; I'd always have to stop and ask my supervisor lots of questions. Now I just plunge right in!" She also noticed that she is more assertive, and speaks out more often in her night school classes.

19. Under Massachusetts law, a fault-based, uncontested divorce action consists of three basic steps: 1) filling out and filing the complaint and accompanying documents; 2) serving process, submitting the proof of service to the court and requesting a hearing; and 3) going to the hearing itself.

20. Primarily Victoria Read, paralegal and coordinator of the clinic, with the assistance of law students.

21. All quotes are direct transcriptions of the taped interviews.

Other women also recognized a net gain in confidence following their *pro se* experiences. One woman is a member of the tenant task force in her public housing development, and has taken a leadership role in negotiations over housing conditions. Another woman, engaged in a represented landlord-tenant dispute, actively involves herself in all aspects of that case. A third woman finally moved herself and her two children out of their old apartment, and has taken a new and demanding job which eliminates her need for welfare assistance. A fourth woman, who had married at fifteen but returned to her parents' home following her divorce three years later, moved out on her own, learned to use the public transportation system, and now has plans to finish her high school education. Some have felt more confident at work, more enthusiastic at school, and more selective in their social companions. While the credit for these changes certainly goes as much to each woman's personality and the healing passage of time, it was also true that the more positive the *pro se* experiences, the more noticeable were the spill-over effects on other aspects of the women's lives.

However, not every woman achieved "level one" empowerment. We note in particular one woman, who had chosen to undertake the more complicated "no fault" divorce process and who found herself utterly lost and confused amidst a pile of forms and materials she could not understand.²² She felt she had never received adequate legal instruction to enable her to feel confident about the choices she was making or the legal steps she was taking. The cumulative effects of this confusion were personalized and debilitating: she attributed her problems to her own indecisiveness and stupidity and, as a result, was too embarrassed to demand additional assistance from the clinic staff.²³ While such extreme anxiety and unrelieved confusion were unusual among the women interviewed, we do not want to overestimate the role that handling their own divorces played in the women's lives. For the most part they

22. Admittedly the clinic is less well prepared to assist a woman in doing an "irretrievable breakdown" divorce, see Mass. Ann. Laws ch. 208, § 1A, 1B (Michie/Law. Coop. 1981), a process which usually requires the submission of several additional documents, including affidavits and a separation agreement, and which also requires close cooperation with the husband at every stage, up to and including the hearing. Most women file for their divorce on traditional "fault" grounds, see Mass. Ann. Laws ch. 208, § 1 (Michie/Law. Coop. 1981), and their husbands are either out of state ("of parts unknown"), or are only required to participate to the limited extent of accepting service.

23. Self-blame and castigation, however unfounded, were in fact frequent responses by the women. See generally text, Section III, B. This particular woman's story ends more happily, however. As a result of her interview with us, during which she expressed these fears and concerns, she enlisted our help. We clarified the law and procedures for her, helped her write her separation agreement, and generally boosted her confidence to a level sufficient for her to carry on the process herself, which she did with a firm sense of control.

successfully understood and carried out each stage in the divorce process with a minimum of delay and confusion, they derived clear satisfaction from doing so, and most came away from the experience with a net gain in confidence, however slight or marked.

B.

The degree to which women were empowered in the "level two" sense of demystifying the legal system proved more difficult to assess than their achievement of "level one" control and confidence. In part this is due to the fact that, as presently run, the clinic makes no real effort to encourage such reflection or discussion beyond the initial observation that those within the legal system often resent and resist *pro se* litigants. Thus the women were left to make such discoveries on their own. Predictably, some women were better able to pierce the legal mystique than others, and each woman's degree of perception seemed to correlate with her level of involvement in the experience: those who were more reflective by nature tended to approach the process critically, and to scrutinize each encounter within the legal system; conversely, those who were more interested in just "getting the job done," and who performed their tasks more perfunctorily, did not take the time to reflect.

Moreover, part of the difficulty in assessing "level two" empowerment stemmed from the fact that the outward indicia of demystification are less apparent and tangible than those of control and confidence. For example, is it significant that a woman becomes frustrated with lengthy, and therefore intimidating, legal forms? Is her refusal to accept a clerk's haughty and superior response to her *pro se* status relevant? Is the legal system demystified for the woman determined at her hearing to "just tell the judge my story," and who refuses to see her ignorance of "legal mumbo jumbo" as a shortcoming? We decided that such reactions as these *are* relevant to the achievement of "level two" empowerment, for in subtle ways they may lead to important discoveries about the system and the way it operates: that it restricts access to its legal forums, encourages client dependence on lawyers, and in countless other ways excludes the very people it is meant to serve. Nevertheless, despite experiences which might well have led to such insights, we found that these connections were rarely made. As a result, empowerment in this "level two" sense was not uniformly achieved.

At least half of the women observed the degree to which the laws, legal forms and procedures were cumbersome, outmoded and often useless. For instance, four of the women, whose husbands had moved out of the area and were now "of parts unknown," served notice of their divorces by publication, that is, by posting such notice for three consecutive weeks in a court-designated local newspaper. Each one

wondered why she was required to publish notice of the action locally, when her husband clearly would not see it. One woman had to publish notice in an English-language newspaper while her husband, even if still living in the area, only read Spanish. As she said, "It's a ridiculous waste of money!" When one woman questioned a probate court clerk on this issue, the clerk acknowledged that the practice was "just a formality." If the clinic's staff had encouraged and explored such observations, the women might have realized that, while legal forms and procedures seem to be mere formalities, they are actually protecting such important rights as due and adequate notice. In this way, the requirements no longer appear so difficult to comprehend, for understanding the source of a rule tends to deflate its mystery. In addition, the women might have come to realize that a surprising amount of a lawyer's time is spent performing just such routine tasks as these, and that legal expertise often means no more than following the right procedure or filling out the right form for the circumstance.

Interestingly, several women observed that, between filling out and filing the necessary papers, perfecting service, attending a hearing, and waiting through the requisite time periods, getting divorced is considerably harder than getting married. Those who chose to do "no fault" divorces realized that that procedure is even more cumbersome than the traditional fault-based action. These realizations led to some discussion within the interviews about how laws reflect social values and dictate certain behavior. We discussed what interest the state might have in facilitating marriage and impeding divorce, especially in those cases where the parties themselves declare that neither is "at fault." But such discussion and reflection did not occur spontaneously, and none of the women had had the opportunity to explore these issues at her clinic meetings.

However, several women came close to displaying "level two" empowerment in their attitudes toward, and interactions with, court personnel. At least half the women had had some sort of negative confrontation with a clerk about their right to proceed without an attorney.²⁴ One woman was told flatly, despite the simple nature of her case, "Do yourself a favor, lady, get yourself a lawyer!" Another was almost prevented from filing by a clerk who insisted that she could not proceed *pro se*. However, both women stood their ground, asserted their right to represent themselves, and got their papers filed—grudgingly—by the clerks. Each felt she had won a victory of sorts by not caving in to the pressure. Another, who had painstakingly organized her papers prior to filing, watched incredulously as the clerk treated her rudely and abruptly, while according patient respect to disorganized attorneys.²⁵

24. The other half had positive or neutral interactions with court personnel.

25. See *supra* note 16 and accompanying text.

Such experiences forced reflection on the unjustified lawyer-bias of the legal system and the subtle pressures which are brought to bear on *pro se* litigants. But such reflection rarely progressed beyond observations, and most women merely shrugged it off as the grouchiness of individual clerks. Although these women clearly benefited from the opportunity to stand up for their rights, the clinic format failed to expand this analysis from the individual to the systemic, political level.

Most often it was at the hearing stage that the women were best able to see through the legal mystique. For instance, one woman arrived for her hearing early enough to watch an uncontested divorce hearing, much like her own, except for the fact that it was lawyer-represented. The lawyer began by asking his client a few preliminary questions; after that, the client did "the rest, by telling her story to the judge. The lawyer, in his nine-hundred-dollar-looking suit, just stood there!" Observing this not only eased her nervousness, but justified her decision to proceed *pro se*. As she got up to conduct her own hearing, she told herself that the judge was "just a man who was probably wearing funny-looking underwear under his black robes" and that she would "talk to the judge like normal, and tell him the truth about what happened in my marriage." She was pleased to discover that the judge "really listened" to her and, after she was finished, told her she had done a "bang-up job." When we asked her where she had gotten such confidence, she said she had seen a lot of courtroom dramas on television, and knew that lawyers and judges tend to "dress up the situation." "All I could do is fail," she told us.

Other women had similarly pleasant experiences at their hearings. On the one hand, these positive interactions with judges might have simply reinforced the legitimacy of the judicial process for the women. And yet, several women observed that they would sooner not get divorced than have to hire an attorney to do the procedure for them. In fact, of the women who mentioned it, five concurred in one woman's assessment that all lawyers do is "push paper." But they also cited other reasons for avoiding lawyers: several assumed that with a lawyer the divorce would take much longer, because lawyers "complicate matters;" others anticipated with distaste having to open the intimate details of a failed marriage to a "sleazy male attorney." One woman had consulted a male lawyer who, through his questions about her and her husband's sexual relationship, inspired such distrust in her that she decided to forego his assistance and proceed *pro se*. Clearly, for these women having a lawyer was a negative prospect, and they felt they could do a better job themselves.

However, three of the women stressed that getting a lawyer would be "better" than going *pro se*, even though their own divorces were uncomplicated. These three assumed that the process would have taken considerably less time had they been represented, and that they would

somehow have been assured of "more rights." One woman acknowledged honestly that "doing things yourself is just another burden of being poor. Sure, if I had money I'd hire a lawyer." Although this woman said she felt some satisfaction in completing her own divorce, it was clear that if she had had money, she would have preferred to have missed the whole experience. Such comments appear to be grounded in the assumption that, regardless of how simple, straightforward and accomplishable a legal task, it is preferable to be able to hire a lawyer to do it. It is just these sorts of assumptions that the clinic, with some directed effort, could challenge and critique.²⁶ Because a public preference for lawyers reflects social attitudes about class, power, and status, such attitudes demand exploration and probing. Moreover, as long as the dominant ideology teaches that legal rights are somehow less real or less worthy of enforcement because one cannot afford a lawyer, the poor will question the infringement of their rights less often and less vigorously than those who can afford legal representation.

One interview illustrates this point particularly well. The woman who sued for no-fault divorce, and who felt lost and confused amidst the extra paperwork, told us that she would undoubtedly "get screwed," both in drafting the separation agreement and in the hearing itself, without a lawyer. In fact, she was right to be concerned. While all divorce cases can potentially involve the same documentation, the no-fault procedure requires drafting and filing additional instruments, and therefore makes more explicit the need to preserve future rights. It is complicated, and therefore she *did* need more legal supervision. But the lesson which she took from the experience, that lawyers are always indispensable, missed a subtler point which might have been brought out by clinic facilitators. The legal system, by design or circumstance, operated in this instance to make the woman's intimidation valid, and warranted her lawyer-dependence. Nevertheless, having once completed the more technical legal requirements, she was in fact capable of proceeding *pro se*. It is important for *pro se* litigants to learn to distinguish those circumstances in which legal expertise is warranted from those where it is all but superfluous; only then will they begin to see the contours of our legal system realistically.

Several women were confused and intimidated by other aspects of their *pro se* experience. For example, one woman was unable to

26. We found the attitude that *pro se* representation is a badge of poverty, while lawyer representation symbolizes wealth, sophistication, and social status, to be widely held and it deserves further discussion and exploration than is here allotted. Moreover, while this clinic was designed for legal services-eligible women, the authors clearly feel that such *pro se* programs ought not to be so limited, and that these empowerment goals are valuable for all women, regardless of their marital status.

distinguish between clerks and judges: they were all judges to her because they were all powerful officials working at court. Another woman assumed that only *she* was required to file a financial statement, because she was on welfare. Rather than being encouraged to look for practical reasons why parties to a divorce might have to file such information, she was left to assume that it was yet another badge of her social inferiority.

Finally, when we asked women whether the experience of doing their own divorces would make them more willing to handle other legal problems *pro se*, four said no. One woman said, "If it wasn't a divorce, I wouldn't know how to do it." When we asked whether she might be able to discover how to do it, either with the help of legal services or some other agency, or by asking the clerks at court, she just shrugged. It was clear that if the system had been demystified at all as a result of her *pro se* experience, it was only in this one circumscribed area. On the other hand, six of the women stated they would attempt to litigate *pro se* were the situation to arise, some noting they would feel free to "ask legal services for help."

C.

The interviews revealed that the Institute's *pro se* divorce clinic is, for the most part, successfully providing its clients with enough support, information and autonomy to allow them to get their own divorces. From the experience, some women are sufficiently exposed to the workings of the legal system to realize that, while it does not encourage easy access by lay people, neither is the system prohibitively complicated or uniformly mysterious. In addition, the cumulative effects of the *pro se* experience often spill over into other areas of these women's lives: having successfully steered themselves through a divorce decree, many feel more confident, stronger, and better able to accomplish tasks and tackle life problems unrelated to their divorces.

Such, it seems, is what most legal workers mean when they use the terms "empowerment" and "demystification" to articulate the goals of *pro se* and other community legal education (CLE) projects. For example, a memo on this subject recently circulated to Massachusetts legal services workers starts with the following assertion: "The basic premise of CLE is that the more people know about their rights, the more they will exercise such rights and act on their own behalf."²⁷ The memo goes on to present three "pragmatic arguments" which support CLE, based on maximizing

27. Baker, Community Legal Education Brainstorming Meeting 1 (South End Legal Services, memorandum, July 15, 1981), circulated at *Strategies for the Eighties* (Mass. state-wide conference, Mar. 5, 1982).

service delivery to clients."²⁸ Next it presents the "principled arguments,"²⁹ summarized as follows:

CLE, as a transference of skills and information, *empowers* the low income community by increasing their ability to advocate on their own behalf and on more sophisticated levels. The basic notion is that *self-sufficiency is a component of empowerment* because *people gain more autonomous control over lives and can better address their needs*. In the brokerage analogy of society, the poor are then better equipped for political and social competition. CLE recognizes that *some legal advocacy skills and information are transferable* with time and extended support from professional advocates. The monopolization of such skills, even by poverty lawyers, is a perpetuation of the dependency relationship in society which stifles the poor community.³⁰

While this memo is directed to those working with poor people generally, practitioners who do *pro se* work primarily or exclusively with women explain their goals in similar terms.³¹ One Boston lawyer who ran a series of workshops on how to "do your own no-fault divorce," and who later authored a book by that name, stated her objectives as follows:

In my practice as a feminist attorney I have tried to *demystify law* and to involve my clients as much as possible in the process of lawyering. I believe it is extremely healthy for people to *take responsibility for their lives* by becoming involved in the *process of law* which traditionally has excluded the very people it has meant to serve. This is a basic tenet of feminism and all self-help movements; it is the primary reason for writing this book.³²

Another feminist attorney and founding member of a Philadelphia-based *pro se* divorce clinic echoes this position: "*Demystifying the legal system* is always fun. Moreover, watching women obtain divorces under their own power, and learning to assert themselves in the process, makes it all worthwhile."³³

28. These arguments are: 1) CLE increases service capacity by helping clients help themselves and training clients to help each other as lay advocates, 2) CLE allows for a more efficient use of legal worker's time by freeing her to do more complex legal tasks which clients cannot do themselves, and 3) CLE is an effective alternative given the reduction in professional legal advocates by increasing the number of lay advocates in the client community. *Id.* at 2-4.

29. These are: "1) Poverty law, by definition, must integrate social, political, and economic issues in the community with legal advocacy; . . . 2) CLE is one contribution towards the vital need for empowerment in low income communities." *Id.* at 4-6 (emphasis omitted).

30. *Id.* at 5-6 (emphasis added).

31. See *supra* note 3.

32. Triantafyllou, *supra* n.3, at v (emphasis added).

33. Rosenthal, *supra* note 3, at 4 (emphasis added).

These feminist practitioners appear to agree with other progressive legal workers that empowerment is gained through control and demystification, the first two levels of our definition. So defined, however, empowerment does not appear to be a particularly feminist goal, except in that it is envisioned primarily on behalf of women clients. We believe that striving for empowerment limited to these two levels is to forego those features of a *pro se* divorce clinic which hold the greatest feminist potential: the exclusive participation in a small group process of women who have each experienced a profound life crisis—the trauma of marital breakdown.

The relevance of these aspects of the clinic to a more feminist concept of empowerment became clearer to us during the interviews themselves.³⁴ There, every woman opened up and shared with us the raw experiences of her life, marriage and divorce, as well as her thoughts and feelings about those experiences. Moreover, most of the women expressed regret and disappointment that there was no opportunity for such sharing within their own clinic. Apparently, they had hoped for more than procedural instruction.

III.

Throughout history, women have recognized and lamented the physical, spiritual and economic constraints imposed upon them by society. But that awareness is not necessarily liberating:

[A] lament, pure and simple, need not be an expression of feminist consciousness. As long as their situation is apprehended as natural, inevitable and inescapable, women's consciousness of themselves, no matter how alive to insult and inferiority, is not yet feminist consciousness.³⁵

In our view, feminist consciousness-raising provides women with

34. It seemed clear from the interviews that presently the group-based, women-centered orientation of the clinic had little or no relevance to most of the participants. *But see supra* note 13. At best, the group orientation served a few more women than time would permit had all the *pro se* counseling been one-on-one. At worst, the lack of continuity within the groups allowed some women to fall between the cracks. Moreover, the women did not seem to need the presence of other women similarly situated in order to be empowered in the sense of the first two levels. While they might have found in each other support and encouragement—for example, sharing instances of cruel and abusive treatment as they discussed alternative legal grounds for their divorce actions, or relating “survival tips” as poor, single women and mothers—little supportive interaction actually took place.

35. S. Bartky, *Toward a Phenomenology of Feminist Consciousness*, Soc. Theory & Prac. 425, 429 (1975).

intimacy and support; a feeling of belonging to the small female group and, by extension, to a larger group, composed of women; a gradual awareness that this larger group is degraded and oppressed; and some commitment to personal and/or social change.³⁶

Our second two levels of empowerment—Connecting with Other Women, and Feminist Consciousness-Raising—were conceived to embrace these same goals.³⁷ We suggest that a *pro se* divorce clinic, structured to facilitate and encourage the women's desire to talk with each other in small groups about their divorces and the feelings which the divorce experience generates, could actually nurture the development of feminist consciousness.³⁸

In the sections that follow, we explore what we mean by feminist consciousness and outline the general features of feminist consciousness-raising as a method.³⁹ Next, we share what the women told us about their lives and their marriages, for such discussions revealed both the extent to which these women have been oppressed,⁴⁰ and that their consciousness of this condition is not yet feminist. Finally, we draw on these conclusions to argue that the model of a consciousness-raising group is particularly suited for adaptation by a *pro se* divorce clinic.

36. J. Cassell, *A Group Called Women: Sisterhood and Symbolism in the Feminist Movement* 50 (1977).

37. See *supra* Section I.

38. Feminist practitioners have recognized this feminist potential of *pro se* divorce work. See, e.g., Pozefsky & Rosenzweig, *supra* note 3, at 1 ("[T]here is arguably a consciousness-raising effect in the coalescence of a group of people in the same circumstance all meeting for the same purpose.") See also Rosenthal, *supra* note 3, at 1 (Rosenthal asserts that "[p]ro se divorce clinics represent both a concrete service and a consciousness-raising experience that the women's movement can provide for women of a given locality."). However, these authors do not explore such assertions or discuss what a clinic so conceived would be like.

39. The views of feminism herein expressed are those of the authors, gathered over time and from a variety of sources and personal experiences. They are not meant to reflect any single "school" of feminist thought or method, or to imply that any such definitional consensus presently exists among feminists.

40. It is not our intention here to provide objectively the "fact" of women's oppression, nor that these particular women are oppressed; rather, it is for us the starting assumption. In our view, the evidence of women's oppression permeates our society, through such objective indicia as violence against women (battering, rape, pornography), and enforced economic subordination (low-paying, sex-segregated job options, high rate of female unemployment, the swelling ranks of female poor. See *supra* note 6). Moreover, we start with the corollary assumption that ours is a patriarchal society subtly structured in ways that maintain the second-class citizenship of women. By patriarchy we mean "a sexual system of power in which the male possesses superior power and economic privilege . . . the male hierarchical ordering of society." Z. Eisenstein, *Developing a Theory of Capitalist Feminism*, in *Capitalist Patriarchy: The Case for Socialist Feminism* 17 (Z. Eisenstein ed. 1979).

Our focus in this article is the *consciousness* of women's oppression, see *infra* section III.4., and whether and how *pro se* divorce clinics can facilitate the growth of this consciousness.

A.

The experience of women in our culture is marked by victimization: women are victimized by economic and physical means, and by social values and norms which assume women's subordinate worth and restrict female behavior.⁴¹ Many women are further victimized by racial oppression and by heterosexism. Nevertheless, the reality of this victimization is often obscured in our patriarchal culture by the powerful illusion that women, like men, enjoy individual freedom.⁴² Feminist consciousness pierces this illusion, and unmasks the oppressive nature of seemingly neutral phenomena: the compliment, the psychologist's well-intentioned advice, the news item, the joke, the cosmetic advertisement. Feminist consciousness thus fosters the awareness that "social reality . . . exhibits . . . an aspect of malevolent ambiguity,"⁴³ and creates a sensitivity to the world that is much like paranoia.⁴⁴ Feminist consciousness, at its root, is a critical awareness of this victimization.⁴⁵

Despite the inevitably unsettling quality of this realization, we posit that feminist consciousness is far more positive and constructive than the consciousness it supercedes, for it enables women to accept and express anger about their social condition, to resist it, and to channel their energy into *transforming* themselves and society.

We begin to understand why it is that our images of ourselves are so depreciated and why so many of us are lacking any genuine conviction of personal worth. Understanding, even beginning to understand this, makes it possible to *change*.⁴⁶

That is, the belief in the possibility of change and in the potential for personal and group power constitutes the exhilarating side of feminist consciousness.

41. See *supra* note 39.

42. See, e.g., Polin, *Toward a Theory of Law & Patriarchy*, in *The Politics of Law: A Progressive Critique*, *supra* note 2. Women's oppression therefore is often difficult to prove to those who believe that women *do* control their lives. Nevertheless,

[w]omen's acceptance of their condition does not contradict its fundamental unacceptability if women have little choice but to *become* persons who freely choose women's roles. For this reason, the reality of women's oppression is, finally, neither demonstrable nor refutable empirically.

(emphasis in original). K. MacKinnon, *Feminism, Marxism, Method and the State: An Agenda for Theory*, 7 *Signs* 515, 542 (1982).

43. Bartky, *supra* note 35, at 437.

44. *Id.* at 434. The ubiquitousness and subtlety of sexism create, in Bartky's words, a state of "double ontological shock;" that is, "first, the realization that what is really happening is quite different from what appears to be happening and second, the frequent inability to tell what is really happening at all." *Id.* at 433-34.

45. *Id.* at 430.

46. *Id.* at 438. (emphasis in original).

One of the major transformations brought about by the growth of feminist consciousness concerns women's views of, and relationships with, other women. Women's isolation and powerlessness under male supremacy produce both self-hatred,⁴⁷ and competition and hostility among women. Relationships between women, whether experienced directly or portrayed in literature, mythology or media, tend to be characterized by superficiality, rivalry, and betrayal.⁴⁸ Through consciousness-raising women develop an appreciation, excitement, respect and affection for other women.⁴⁹ Women are no longer primarily boring or threatening, but rather interesting, challenging, and supportive. So central and positive is this phenomenon to feminist consciousness that one feminist sociologist asserts: "teaching women to *bond* is the single most important function" of a consciousness-raising group.⁵⁰ Just as a woman's alienation from other women reflects low regard for herself, so the development of affection and respect for other women coincides with a more positive self-image. As one consciousness-raising group member reflected: "I acquired a new feeling of self-worth. . . . I had discovered women and, incidentally, myself too."⁵¹

Consciousness-raising (CR), is the principal mode by which this transformation is achieved, and, as practiced by small groups of women, it consists in sharing and examining women's personal experiences, and

47. P. Allen, *Free Space: A Perspective on the Small Group in Women's Liberation* 61 (1970).

48. Friendships between women are regularly suspended or abandoned altogether when new affairs with men are begun, Cassel, *supra* note 36, at 49, and women relate to each other in other ways which reflect their primary attachment to men. One woman wrote of her experience in a consciousness-raising group as follows:

It was my first intimate contact with women in twenty-seven years. Before this, I had known women as colleagues, rivals, wives-of-husband's-friends, co-workers and cleaning women. I had had the occasional drink with a girlfriend on a Thursday night or gone out for an afternoon's lunch and shopping. I never had had a real woman friend. I had always got along better with men.

A. Bose, *Consciousness-Raising*, in *Mother Was Not A Person* 176 (M. Anderson ed. 1972).

Many feminists recall "getting along better with men." This preference was probably not random, but a logical consequence of being taught that men are smarter, more stimulating and powerful than women. We disliked other women because they reminded us of our own diminished value in society.

49. Joan Cassel, who studied the experience of one CR group, observed:

The fact that relationships with women were given as much importance in discussion as those with men . . . was in itself a learning experience for these women, who had previously assumed that female friendship was less meaningful, serving as a time-filler for life spaces between men.

Cassel, *supra* note 36, at 50.

50. *Id.*

51. Bose, *supra* note 48, at 177.

then exploring the ways in which experiences are affected by the social institutions which structure women's lives.⁵² As such, it has been termed the "quintessential expression"⁵³ of feminist method,⁵⁴ for "[i]n consciousness-raising, often in groups, the impact of male dominance is concretely uncovered and analyzed through the collective speaking of women's experiences, from the perspective of that experience."⁵⁵ While there are no prescribed formulas or rules for structuring a successful feminist consciousness-raising group, what follows are those general patterns and characteristics which we feel are essential to the CR method.⁵⁶

52. L. Hartsock, *Fundamental Feminism: Process and Perspective*, 2 Quest, No. 2, Fall, 1975, at 67, 71. We recognize, however, that group consciousness-raising is not exclusive to, nor did it originate with, feminists. Rather, it has been widely utilized as the tool of grass roots political growth and transformation. See, e.g., discussion of small group CR in Fanshen (discussing small group CR during the Chinese revolution), and Pedagogy of the Oppressed, *supra* note 7 (exploring small group CR in third world revolutionary contexts).

53. MacKinnon, *supra* note 42, at 535.

54. We use feminist method to mean a mode of analysis whereby the world and social reality are understood through examination of personal experience and everyday activity. It is the concept which underlies the insight of the women's liberation movement that "the personal is political."

[This expression] means that women's distinctive experience as women occurs within that sphere that has been socially lived as the personal—private, emotional, interiorized, particular, individuated, intimate—so that what it is to *know* the *politics* of woman's situation is to know women's *personal* lives.

(emphasis in original) MacKinnon, *supra* note 42, at 535. Feminist method thus begins with woman's personal life, because that is the repository and the primary verifier of the existence of male power.

Working "from the ground up," Allen, *supra* note 47, at 71, feminist method facilitates an analysis of patriarchy that is firmly rooted in everyday experience. This contrasts sharply with what many feminists see as the political method employed by the "Left," which focuses on "reading and studying a few sacred texts which are frequently recited but seldom connected with reality." Hartsock, *supra* note 52, at 68-69. The Left is therefore criticized by feminists as unable to understand the fundamental unity between theory and practice. MacKinnon, *supra* note 42, at 518.

MacKinnon argues that the reason feminists cannot tolerate a distinction between mind and body as a way of understanding the world is that women have been objectified as sexual beings, while stigmatized as ruled by subjective passions. . . . Disaffected from objectivity, having been its prey, but excluded from its world through relegation to subjective inwardness, women's interest lies in overthrowing the distinction itself. . . . As its own kind of social analysis, within yet outside the male paradigm in the same way women's lives are, [feminist method] has a distinctive theory of the *relation* between method and truth.

Id. at 535-36 (emphasis in original).

55. MacKinnon, *supra* note 42, 519-20.

56. In summarizing the components of the feminist consciousness-raising model, see

The decision to join a CR group is often precipitated by a strong feeling of discontent or the experience of an acute life crisis.⁵⁷ This state of turmoil or transition can help a woman open up, even to complete strangers in the group, in the way genuine CR demands. The group need not be a specific size; however, it should be small enough to facilitate sharing and discussion, and should be exclusively made up of women.⁵⁸ CR groups generally meet once a week and stay together anywhere from a few months to several years, although it probably takes two to three months to develop the trust and commitment needed for meaningful consciousness-raising to occur. For these reasons, stability of membership is crucial.

During CR sessions, which are run without discussion leaders and are non-hierarchical, women speak specifically about themselves, their lives and feelings. Any topic or theme may be used as the focal point of discussion, as long as it strikes a chord in the women's actual experiences: relationships with men and other women are particularly fruitful to explore. Women give personal testimony, to which other participants react or contribute. But a CR session involves more than superficial confessions or general, abstract discussions of "how society treats women." Rather, it is a process of "intense sharing of doubts, fears, discreditable incidents and sentiments. . . ." ⁵⁹ "[I]t explores the terrain that is most damaged, most contaminated, yet therefore most women's own, most intimately known, most open to reclamation."⁶⁰

B.

A *pro se* divorce clinic could provide a setting in which women are encouraged to share and examine the personal experiences surrounding

infra text accompanying notes 52-60, the authors drew generally from the following sources: Allen, *supra* note 47; Bose, *supra* note 48; Cassel, *supra* note 36; Hartsock, *supra* note 52; MacKinnon, *supra* note 42.

57. Cassell, *supra* note 36, at 35.

58. Our emphasis in this article is on *feminist* consciousness-raising, see *supra* note 52, and for our purposes, it is necessary that all participants in the CR group be women: "In a male supremacist society, men can and do act as the agents of our oppression. . . . Even the most well-intentioned man exists in a world which presumes his superiority. . . ." Allen, *supra* note 47, at 40. This does not mean that women and men should never come together to discuss sexism, nor does this preclude men from forming their own small groups to explore such issues as how they affect and are affected by women's oppression.

59. Cassell, *supra* note 36, at 38.

60. MacKinnon, *supra* note 42, at 536. One early CR group isolated four processes through which its members felt consciousness-raising does or should evolve: "opening up," "sharing," "analyzing," and "abstracting." Allen, *supra* note 47. These four processes also illustrate the connection between CR and feminist method: they begin with the personal (opening up), and move to the collective (sharing), the theoretical (analyzing) and the political (abstracting). We find this general framework helpful in describing consciousness-raising as a process and in relating CR to our definition of empowerment.

their divorce and, from that, to develop both an understanding of women's oppression and a desire to combat it. Two aspects of our interviews convince us that this is so. First, most of the women stated clearly that they wished there had been more talking among the women in their groups. In the right atmosphere, and given a little encouragement, they might very well have responded positively to more explicit efforts to generate such discussion. Second, the women opened up to us during the interviews with incredible frankness about their personal lives, histories, dreams, prejudices, strengths, fears, and insights. It was clear from the similarity and intensity of the women's experiences that a CR emphasis in the divorce clinic might not only be possible, but welcome.

The women we interviewed were eloquent about the ways in which they felt damaged, victimized, isolated, and devalued as women, especially within and as a result of their marriages. And yet their consciousness of their condition was almost always isolated and personalized ("I was stupid, that's all"), and precluded any possibility of change ("I guess all men are alike"). Common themes emerged as each woman told us about her marriage and her life. Each had experienced feelings of dependency and manipulation, low self-esteem, violence, unequal emotional maturity and commitment, lack of communication, and lack of control over life decisions.

We frequently heard about the degree to which the women felt both isolated from the world and overly dependent on their husbands while they were married. One woman told us that during her marriage she stayed home alone with her sons for five to six days at a time while her husband went out "with the boys." He took her out on the seventh night, her "night off." She accepted her role meekly, doing all the housework and "keeping my mouth shut." She now says that she was "suffocated" by this isolation and dependency, and that she had no self-confidence or sense of self-worth at all. When she finally determined to separate from her husband, and asked him to leave their home, she did so not because his treatment denigrated *her* as a person, but because she feared its bad effects on her children. Since her separation, this woman has earned her high school equivalency degree, has trained as a nurse, and now supports herself and her two sons.

Another woman experienced an even more extreme dependency on her husband. She married at fifteen, primarily because her father threw her out of the family home when he discovered that she was pregnant. She had a very difficult pregnancy and was bedridden for several months. Thus, she was literally dependent on her husband for daily care. In the beginning he was "nice" to her, attending to her care and to the upkeep of the house. But he soon changed: he began going out a lot, frequently stayed away all night, and regularly neglected to bring her any food for hours or days at a time. Not until she was so ill that she required

hospitalization did she turn to her own family for aid and support, believing that it was her wifely duty to endure her husband's neglect.

Yet another woman who stayed home during the early days of her marriage remained a quiet, shy, passive person for years. Her husband, always more confident and outgoing than she, went out frequently without her and cultivated his own social life; he apparently felt no compunction about excluding her in this way. One woman summed up the general sentiment of most women in this regard by simply stating: "I was a good wife and stayed home all the time, and it was all for nothing."

Despite, or perhaps because of, such feelings of helplessness and isolation, some of these women had a hard time facing their anger. One woman in particular, who said she felt her husband manipulated her throughout their marriage, had always wanted the American dream—a house of her own. During her marriage she believed her husband was putting away a sizeable portion of his paycheck for this purpose, according to their agreed plan. Just before he left her, she learned that he had gambled away or otherwise spent over \$5,000, their total savings. Yet she says she is not "super bitter" towards her husband, because it was her own "stupidity" that let him get away with it. Another woman believes her foreign-born husband married her solely to gain legal status in the United States. She is clearly very bitter, but feels more ashamed of *herself* for being blind to his true motivation, than outraged at him or the situation in general.

Violence in the home also emerged as a frequent theme. Five of the ten women interviewed had been battered by their husbands at some point in their marriages. One woman had known her husband for a year prior to their marriage, and he had spent many pleasant hours, and shared many meals, in her home. She had liked him especially because he was good to her and gentle with her baby. He had neither struck her, nor evidenced any untoward temper or violence toward her during this period. Yet within *weeks* after their wedding he seemed to undergo a complete transformation: he started flying into rages if his dinner was late or burnt, frequently broke furniture and screamed at her and the baby, and battered her regularly until she demanded that he leave their home.

Another husband began beating his wife when she was pregnant with their second child. Like all too many women in her predicament she thought she "deserved it," and for years she made excuses for him rather than getting herself and her children to safety. Another woman's marriage deteriorated and became violent after the couple lost a child. Her husband, apparently unable to share or communicate his grief, began drinking, gambling, and abusing her, thus channeling his unresolved sorrow and anger.

Another common thread in the interviews was a lack of meaningful choice or control in the women's lives, and was particularly apparent in their "decisions" to marry and have children.⁶¹ Three of the ten women interviewed had already had children before they got married, and none of them believed she had made an affirmative choice to get pregnant. Two married because they were pregnant and at odds with family members at the time. A sixth woman thought she was pregnant and, when she learned she was not, felt she could not back down from a marriage which she already knew was a mistake. Three women were so young when they married—barely fifteen—that it is doubtful their decisions to do so were autonomous. One woman found herself saying "yes" when her boyfriend proposed, even though he was in prison at the time and she knew she did not want to get married yet.

Another woman met her husband when she was seventeen, never dated anyone else, and told us that they "fell into" their marriage. First they made jokes about it, then they started buying the traditional matrimonial baggage such as a hope chest and furniture sets. Eventually they just set a date. At no time did they actually discuss seriously and openly the decision to marry. One woman "assumed" that the father of her two-year-old child was ready for marriage simply because he proposed, and so she agreed; she realizes now that it did not occur to her to consider whether she was ready for that step as well.

Although many women felt "my husband was the boss," most also felt that they were the ones who had to do all the emotional work to maintain the marriages, that they had to "put up with everything" while their husbands "didn't try at all."⁶² Many saw their husbands, and men in general, as inconsiderate, immature, and unable to give. Men, one woman said, are "big babies, momma's boys, selfish." They "make women feel like idiots." One woman said flatly that men are "rotten" and the source of women's problems. Another thought "most men are bums." One woman, a dental assistant, noted her preference for female bosses, because men "think they own you."

One woman said she doubted that a relationship between a man and a woman could, or should, ever be equal. Another had always believed that between men and women, the man should be "dominant." During her marriage, she realized gradually that her husband did not really "take care" of her, but only cared for himself. Such realization, however, only indicated to her that human nature is variable, and that her husband was

61. This lack of real autonomy in such decisions regarding marriage or parenthood is arguably as much a function of oppression based on class as upon sex. See, e.g., Rubin, *supra* note 7, chs. 4 & 5.

62. In addition, like most women, those interviewed felt overburdened in general: most women worked outside the home and took care of all domestic chores, as well.

of the weak and selfish variety. She never questioned her underlying belief in the validity of male dominance. She, like most of the women, gave the impression that their only real option was to endure the man's weaknesses and suffer his abuses, or to end the relationship.

In short, while the women claimed to have loved individual men, the cumulative effect of their interactions with men were far from positive.⁶³ So strong were the women's statements about male insensitivity and immaturity that it sometimes seemed these insights were borne of a feminist consciousness or had otherwise emerged from a sense of the illegitimacy of male power. However, for the most part the women accepted these traits in men as unfortunate, but natural. "Basically, all men are alike." Moreover, despite their feeling that men often did not really deserve it, the women seemed to accept a man's right to deference, service and pleasure from women.

As noted in the previous section, women's perceptions of, and ways of relating to, other women is an especially fruitful area for feminist CR to explore and transform. Not surprisingly, the women we interviewed characteristically feared, suspected, competed with and disdained other women. In fact, they were more often intimidated than reassured by their presence. Undoubtedly, these feelings stemmed from the fact that, for them, other women figured most often as rivals for their husbands' attention. Several of the men had girlfriends, and some had fathered children with them, either before or immediately after separating from their wives. In at least two cases, the women were harassed and even assaulted by this "other woman," and as a consequence they felt isolated and humiliated. One woman stated that she found women to be basically boring, gossipy, and interested only in "shopping, selling Avon, and throwing baby showers." For this reason, she was surprised at how interesting it was to discuss her life experiences with us during the interview.

Yet there was almost uniform agreement among the women we spoke to that "women can do more than men think." Some had discovered by necessity that they could fix, design, and build things around the house. One woman said she did not want "to be considered a weakling." Nevertheless, such recognition of women's capabilities were usually prefaced by a familiar disclaimer—"I'm not a women's libber, but . . ."—as if dire consequences would follow any overt declaration of women's equality. Thus, the women's perceptions of themselves and other women were fraught with conflict and inconsistency.

A black woman in her mid-thirties typified this ambivalent attitude. Having grown up in a predominantly female household which was close

63. One woman was a clear exception. Her more positive views towards men and women are discussed *infra* at note 64 and accompanying text.

and communicative, she recognized the need and ability of women to relate to each other, and she knew women that could resist being bound by social constraints and sexist double standards. Yet she maintained that there was a right and a wrong way to effect such resistance, and that men should be "maneuvered around" when they stood in a woman's way, rather than confronted directly. For instance, when she and her women friends wanted to confront their husbands' view that it was all right for men to "go out with the boys" but wrong for women to enjoy a similar freedom, they deliberately chose not to do so directly. Instead, they used humor and flattery to allay the men's underlying fears of their wives' infidelity, and accomplished their goal with this sidelong approach.

She understood from experience that men are often deeply threatened by competent, strong-willed women, and that such women are more likely to be abused by the men in their lives. She told us that women should not "flaunt their talents," stressing that they could go back to school and further themselves if they wanted, but should always "baby up" their men first and protect male egos, which she acknowledged were easily wounded when wives attain more success than their husbands. She asserted that women should be able to be doctors, lawyers, and be paid equal wages for equal work. But she also argued that they should not be construction workers, use heavy equipment, or wear workclothes; that would be "unfeminine" and would make them undesirable to men.⁶⁴

She did say that if she really wanted to do something and could not sufficiently cajole a man into accepting it, she would go ahead and do it anyway. Her self-confidence, strong will, and positive relationships with other women, along with the fact that she was emotionally distanced from her failed marriage because her husband had left her many years earlier, allowed her to view men more objectively than the rest of the women with whom we spoke. She dated frequently, assumed she would marry again, and seemed genuinely to like men. Nonetheless, she maintained that women should act to protect male primacy, rather than insisting that men change to accommodate women's full humanity.

C.

Thus, it became increasingly clear to us that the *pro se* divorce clinic might play a more active role in encouraging these women to feel better about themselves, to sense their unity with other women, and to believe in

64. Both white and black women echo this fear of being perceived as less than a "real woman." But the speaker, a black woman, might have felt it even more strongly, since black women as a group have been particularly devalued in our society, and are subtly characterized as less feminine, less "virtuous," than white women. See B. Hooks, *Ain't I A Woman: Black Women and Feminism* (1981).

the possibility of changing women's condition in society. On their own, without such support, these women had learned, among other things, that "women are smarter than men think," that they do not "deserve" to be battered, and that they can raise their own children to see women as equals. As we listened, we realized that in a clinic which emphasized consciousness-raising, these isolated insights might lead to a more profound and far-reaching empowerment.

Moreover, the clinic format lends itself naturally to the adoption of the CR model. Like a CR group, a *pro se* divorce group consists of a small number of women, many of whom are in the midst of a profound, often painful, life transition.⁶⁵ Their need for support at such a time in their lives could serve as the catalyst for opening up to strangers, while an analysis of their shared circumstances as women could be the starting point for personal and political change. A small group formed at a clinic could meet together on a regular basis, for a period of up to several months. To break the ice, and to engage women in the practical tasks of obtaining their divorces, the early sessions could be devoted to spreading information and encouraging reflection about divorce laws and procedures. The work during this period would be especially suited to fostering growth in the first two levels of empowerment, as women help each other fill out forms, file and serve papers, and deal with the expected bureaucratic hassles and roadblocks.

At the same time, clinic meetings could be structured to encourage women to open up about their lives and the personal circumstances which led them to divorce, thus relieving the inevitable emotional strains produced by the process. In this way the foundation for consciousness-raising could be laid. Eventually, the group would have to decide to continue meeting alone, without the presence of the legal workers who first got them together. The clinic staff could present the CR model, explain its goals, its method and its rich potential, and provide the women with practical suggestions about future meetings. But in order for trust, intimacy, and real sharing to occur, the group would have to become self-directed. Sufficient group cohesion and dedication requires the absence of hierarchy.

Certainly there are troublesome aspects to such a plan. Using the divorce process to encourage consciousness-raising is subject to the charge that professionals are merely manipulating low-income women, each of whom is going through an extremely vulnerable time in her life.

65. While all of the women in the clinic are seeking a divorce, some may have been separated from their husbands for so long that much of the trauma will have already passed, and the divorce will be nothing more than a legal formality. Nevertheless, these women will have had experiences similar to the rest of the group, and may be able to lend particular support to the women who are in the middle of crisis.

However, we believe that such criticism may underestimate the energy and desire for feminist liberation—even if not articulated in those terms—which these same women seem to possess on their own. We did not, and could not, become feminists by ourselves, in a vacuum; only by exposure to strong feminist catalysts—personalities, books, experiences—were our own questions conceived and our transformations set in motion. If a group of women in a *pro se* clinic responded to the CR model as presented and on their own chose to continue meeting and sharing, this would attest to the genuineness of the participants' interest in the CR process, independent of any ideological bias on the part of the clinic staff. Moreover, those *pro se* clients who expressed disinterest in, or resistance to, forming CR groups could be steered together to complete the process without the CR element.

We also realize the anomaly in implying that legal workers—even feminist legal workers—are appropriate or competent facilitators of consciousness-raising. Few lawyers and paralegals will be willing or able to spend a large portion of their time utilizing such “non-legal” skills. Furthermore, formal legal training emphasizes all the values that run counter to the feminist CR model: strict hierarchy, formulaic logic as superior to subjective experience, separation of legal reasoning and outcomes from socio-political ideas or events. We therefore suggest that *pro se* clinics be run primarily by non-law-trained women, preferably women who have already been through the *pro se* divorce process themselves. The legal staff could then limit its role to the early stages, to provide technical assistance, to encourage the development of the participants' legal skills, and to engage in discourse that works to demystify the legal system.

Finally, we recognize that serious barriers need to be addressed for CR groups to form and grow out of the *pro se* divorce clinic experience. Women had a difficult time regularly attending two or three brief “how to” sessions under the clinic's present format;⁶⁶ it would be even more difficult for the women to make the sort of extended commitment that we suggest here. On the other hand, if women make a conscious choice to become part of a small support group, practical obstacles could be overcome. For instance, rather than being left to haphazard and individual arrangement, such problems as transportation, childcare, and frequency and time of meetings could be decided formally and consensually by the group early on, with attention paid to those whose circumstances require special accommodation.⁶⁷ Aside from these

66. See *supra* notes 10 & 13.

67. The women we interviewed who did have a coherent group experience in their clinic, see *supra* note 13, told us that such solidarity was not accidental. The clinic was important enough to these women that they were willing to rearrange their schedules in order to attend the clinic regularly.

practical problems, however, there are very real social barriers such as racism which may make women unwilling to share their experiences with honesty and trust. There is of course no shortcut to circumventing or eliminating such issues. They should be confronted openly where possible, and every effort should be made to encourage clinic participants to reach out to each other and to recognize both their commonalities as women and the social forces which separate them.⁶⁸

IV.

We posit that those who seek to empower others, such as we hope to do in our legal work with women, *must* reflect upon and define the goals or values they seek to realize. As we have stressed, empowerment is not achieved spontaneously.⁶⁹ Therefore, articulating what empowerment means in a particular context makes it more likely that programs will be designed and implemented to be empowering in fact, not merely in theory. Taking responsibility in this way for one's terminology, methods, goals and actual results, leads to evaluation and further refinement of the empowerment model chosen. It also forces one to confront the questions, dilemmas, and problems which inevitably will arise, but which remain obscured when one assumes that certain activities are inherently empowering.

As the clinic at Legal Services Institute was structured at the time of our study,⁷⁰ participants were empowered in the "level one" sense described in Section II—namely, they handled the divorce process themselves, and saw a net gain in confidence as a result. While most people who run *pro se* and other community legal education projects tend to assume that their work also encourages critique and demystification of the legal system in a larger sense, we discovered that this process is not automatic. During the interviews the women did have insights into the

68. Not only do white women and women of color have very different experiences as women in this culture, but women of color themselves have distinct experiences from each other as well, depending on their class, their particular ethnic or national background or identity.

69. Change does not happen automatically, even *within* feminist consciousness-raising groups. As one woman wrote:

[Our] assumption [was] . . . that if we all felt the same alienation, the same burden of being female, then the simple act of getting together would alleviate our pain. It did not. Recognizing the pain in another as one's own does not free one of pain. To know that you are not alone is a freeing experience because it can give you hope. But this knowledge in no way changes objective reality. Society still functions the same way and on the whole, so do we.

70. The women we interviewed in the spring of 1982 had participated in *pro se* divorce clinics during the period from 1980 to 1982.

role of law and lawyers in society, but the clinic would have to be structured more deliberately to explore and develop such insights in order to encourage significant "level two" empowerment.

Such conscious planning is even more crucial if participants are to be empowered in a feminist sense, what we define in levels three and four. Significant consciousness-raising did not occur at the Legal Services Institute clinic, not because the clinic staff rejected CR as a valuable activity or ultimate goal, but because consciousness-raising does not occur simply by bringing women together to go through a common process. Without a commitment on the part of the staff and the participants to take time in the clinic to discuss, share, and examine the women's feelings and experiences, and without a structure to facilitate such work, feminist consciousness is unlikely to emerge by itself.⁷¹ Rather, any growth in confidence or consciousness will occur, if at all, on an *ad hoc* basis, depending more on the individual woman's personality and prior experience than on the clinic's format.

Based on our research and interviews, and despite the legitimate concerns we have raised, we believe that *pro se* divorce clinics can and should be structured more explicitly to allow talking, sharing, and consciousness-raising. Women would thereby be empowered not only in terms of personal confidence and competence in dealing with legal and other technical systems, but also in terms of developing bonds with other women, and gaining a feminist outlook and identity.

71. "If . . . growth is attempted alone or in superficial situations, it is usually only growth in the areas where we are already the strongest." See *supra* note 69, at 17.

The authors wish to acknowledge the gentle guidance and enthusiastic support of Karl Klare, Professor of Law, Northeastern Law School, as well as that of the faculty and staff of the Legal Services Institute. Most especially, however, we thank the women who participated in our study; they helped us define empowerment and envision its achievement.

Appendix A
PRO SE (DO IT YOURSELF) DIVORCE CLINIC*

The Legal Services Institute has begun a new service for community residents seeking divorces called the Pro Se Divorce Clinic.

The Clinic is designed for women who have uncontested divorces. That is, the spouse will not fight the divorce. Usually, the husband either agrees to the divorce or you (the wife) do not know where he is.

The Pro Se Clinic involves three meetings at the Legal Services Institute. Before the first meeting, each participant will be sent a packet which has some basic information on divorce in Massachusetts, copies of papers with examples of how to fill them out, and blank divorce papers. Each participant will be asked to read over the packet and make a first try at filling out the papers on her own. During the first meeting, the divorce process will be explained more fully, and participants are assisted in deciding which grounds to pursue. We will also go over the papers participants worked on at home, and help finish those. Final copies of the papers will be filled out at home.

The second meeting is designed to answer any questions concerning the papers, and to explain the service of papers on the spouse. That day, the participants go as a group to the Court to file their papers.

The third meeting is held after service on the spouse is completed. This meeting is designed to prepare the group for their hearings before a Judge. Women are given a chance to practice their testimony with role-plays of a Judge asking questions. Each woman in the group is given a chance to practice until she feels comfortable testifying. We are hoping to develop a videotape of an actual hearing for viewing by the group, as well. Women in the group attend their hearings individually, although many times they agree to accompany each other to Court.

Since the majority of our requests for divorce assistance has been from women, the Clinic is primarily designed for women. LSI will run separate group Clinics for men as the demand is shown.

The Legal Services Institute believes that many divorces can be handled with minimal advice from lawyers or other legal staff. For women, the process of doing one's own divorce, of successfully dealing with and understanding the legal system generally, and the divorce laws in particular, can be a large step toward personal empowerment.

If you would like further information on the Clinic, please call Vikki Read at 522-3003.

* The Legal Services Institute, Instituto de Servicios Legales, 3529 Washington Street, Jamaica Plain, Massachusetts 02130, 617-522-3003.

Appendix B

INTERVIEW QUESTIONNAIRE

I. *Goals of Interviewing*

1. There has been no follow up on any participants in the Pro Se Divorce Clinic.
2. In addition, we want to explore ways in which the Clinic could be made better.

II. *Clinic*

1. How did you hear about the clinic?
2. When did you attend the clinic?
3. How many sessions did you attend? If you missed any, why? Did you make them up? How? Was there a reason why you didn't come back?
4. How many women were at each session? Were they the same women each time?
5. Who ran the sessions?
6. Describe in detail the first session. The second session. The final session. (e.g., overview given? general discussion?)
7. Were you given written materials? When? What were they? If you were given them before the clinic, did you read them? How were you told to use them? How *did* you use them? (e.g., relied, referred or ignored).
8. Were the materials easy—————hard to understand?
9. Describe the process of filling out the forms. Did anyone help (person or group)? Did you understand what each form was and why you had to fill it out?
10. Had you ever filled out legal forms before? If so, what kind? Was the experience any different from filling out the divorce forms?
11. What were the grounds in your complaint? Do you remember what grounds other women in your group chose? Did your grounds really describe your situation? Did the women in your group have any discussion about the alternatives you had to choose from?
12. Describe the process of filing the forms in court. Did anyone help? What kind of contact did you have with the Probate Court personnel? Any snags? How did you feel before you went to file the papers?
13. How did you serve (give) the papers on your husband? Were there any complications?
14. Before you made service, had you been in contact with your husband about getting a divorce? What was his response? If and when you made service on him, what was his response? Did your attitude about going through with things change at all because of this part of the process?
15. Have you had your hearing yet? When? Try to recall the time just before the hearing. Did anything happen at the clinic to help you prepare for the hearing? Did you talk about the hearing with friends? Family?

What else, if anything, did you do to prepare? What did you do the day before the hearing? The morning of the hearing? Did you feel nervous? What kind of nervous?

16. Did anyone go with you to the hearing? Who? Did your husband show up? Describe the hearing.

17. What kind of contact did you have with court personnel? What did you say at the hearing? What did the judge say and do? Did the judge listen to you?

18. Had you imagined what the hearing would be like? How? How did the reality compare?

19. While in court, did you observe any other divorces, either *pro se* or represented? Did you think it would have made a difference to have a lawyer there for you? Why?

20. What did you do after the hearing?

III. *Background/Reflective*

1. How old are you?

2. Where did you grow up? Describe your family.

3. What level of schooling did you finish? Why did you stop?

4. What jobs have you had?

5. Were you brought up in a certain religion? How active was your family? How active was your participation? Are you still active?

6. As a young girl, do you recall what you wanted to do or be when you grew up? Did you expect you'd get married?

7. When you were growing up, did you have an idea of what it would be like to be married? What was that idea? Where did it come from?

8. What did you parents' marriage look like?

9. How old were you when you met your husband? How did you meet him? How old were you when you married? How old was he?

10. What made you decide you wanted to marry him? What attracted you most about him?

11. When did you have child(ren)? How many?

12. Was that a decision you made? If not, explain.

13. Did your husband work outside the home? Did you work outside the home while married? Was that a decision you made? How?

14. Who did work around the house?

15. How were the decisions made in your marriage generally?

16. Who had veto power over decisions?

17. Earlier you described your parents' marriage as -----
In what ways was yours similar? Different? Why?

18. As you were growing up, did you know people who got divorced? Did you know kids whose parents got divorced? Do you remember what you thought about divorce as a kid?

19. After you were married, when did you first think about getting a

divorce? Why? Did you discuss the possibility with your husband? Why or why not?

20. Is this when you first came to L.S.I. about a divorce? If not, what made you change your mind/delay?

21. What made you finally decide to go through with a divorce?

22. Did you make this decision alone? Did you discuss it with your husband? Your family? Your friends?

23. How did others react to your decision to get a divorce?

24. What made you decide to do your divorce *pro se*?

25. At that point, what did you know about the procedures for getting a divorce?

26. Did you discuss your decision to do it *pro se* with anyone? What reactions did you get?

27. During or after you went through the clinic, did you tell anyone that you were doing your divorce yourself? What were the reactions? Did you discuss the clinic with anyone?

28. Of all the pieces that went into getting a divorce, what were the easiest parts? Why? What were the hardest parts? Why?

29. What were the best/worst parts about doing the divorce yourself? Do you think it would have been different if you'd been represented? How?

30. As problems came up (technical problems, emotional jitters, etc.) did they get resolved at the clinic? If not, why not? if yes, how?

31. What would you say you had in common with the women in your clinic? What were the major differences between you?

32. Did you have any contact with the women outside the clinic? If so, what? If not, was there a reason? Do you think more outside contact between you would have been helpful? Why or why not?

33. Did women at the clinic discuss other problems besides their divorces? If so, what? If not, how would you have reacted if they had?

34. Are you still in touch with anyone from the clinic in any way?

35. Did you attend each other's hearings? Would you have wanted to?

IV. *Miscellaneous*

1. What was your exposure to laws or the legal system before your divorce? Did your experience doing your own divorce change any of your attitudes about the way the legal system works?

2. How would you change the legal procedure required for getting a divorce?

3. What legal experience, if any, have you had since you began working on your divorce *pro se*?

4. Has doing your own divorce made you more or less willing to tackle other legal problems?

5. Would you help a friend get her own divorce? How would you do it?
6. Think about yourself before your marriage, during your marriage, and now. Do you think you've changed at all because of your decision to get a divorce? Do you think you've changed at all because of your *decision* to do your own divorce? Because of the *experience* of doing your own divorce? If so, how? If not, are you sure? Why not?
7. What are your suggestions for making the clinic better?

