



Enactors or reactors? Work-life border management for women in law in Nigeria

Journal:	<i>Community, Work & Family</i>
Manuscript ID	CCWF-2020-0076.R3
Manuscript Type:	Regular Articles
Keywords:	Border theory, Gender, Work-family, Work-life balance, Women in Law, Polygamy

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Abstract

Work-family border theory casts individuals as protagonists who are enactive rather than reactive in shaping borders between work and personal life domains. To what extent is this the case in strongly patriarchal contexts that constrain women's personal agency? This qualitative study conducted with 32 female lawyers, magistrates and justices in Nigeria shows how participants engage in new border management tactics in response to context-specific institutional and social factors. Faced with public harassment and physical assault in a country where violence against women is normalised, female legal professionals restructure family borders to extend no further than their homes and retain police attachés as border-keepers. When their families are reconfigured via nonconsensual polygamous marriages, women's work borders are strengthened by co-wives performing domestic labour and family borders are strengthened by co-wives' assistance with job tasks, thereby reducing participants' work-family conflict. Rather than strategically enacting work-life borders within known situational constraints, Nigerian female legal professionals react to involuntary events that limit their agency to negotiate desired work and personal lives.

Keywords: work-family, work-life balance, border theory, gender, patriarchy, Nigeria, women in law, polygamy

Introduction

Work-life balance (WLB) can be described as an individual experience of, or aspiration to, satisfaction with role performance in work and nonwork domains (Clark, 2000; Lewis and Beauregard, 2018). Work-family border theory casts workers as protagonists who are enactive rather than reactive in constructing preferred borders between work and personal life domains and thereby attaining a satisfactory balance (Clark, 2000); individuals adopt tactics to manage work and nonwork roles according to their preferences for segmentation, where work and family activities and locations are kept separate, and for integration, where work and family overlap (see Basile and Beauregard, 2021a for a review). However, critical scholars submit that positioning WLB as a matter of individual choice minimises the role of structural and cultural constraints on individuals' – and especially women's – agency (Sørensen, 2017).

While a great deal of recent work-life literature focuses on the outcomes of how personal preferences align with organisational orientations toward segmentation and integration (e.g., Basile and Beauregard, 2021b; Gadeyne et al., 2018), this perspective offers a limited view of the lived experiences of many employed women outside the default Western setting of much of the work-life scholarship, where occupational and sociocultural constraints may render individual preferences irrelevant. By exploring how Nigerian women in law navigate work and nonwork domains in the context of a strongly patriarchal society, we extend current understanding of border theory in contexts featuring strong sociocultural constraints on women's agency, suggesting limits to the cross-cultural applicability of some of border theory's tenets.

Our study's contributions to the literature are fourfold. First, we demonstrate that border theory's conceptualisation of individuals as proactive or enactive in the shaping and maintenance of borders between work and nonwork domains (Clark, 2000) does not apply to the participants in our study, for whom polygamy and the public harassment of legal

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3 professionals eroded personal agency and diminished capabilities for maintaining work-
4 nonwork borders. Second, while research has established that the personal life border is more
5 flexible and permeable than the work border, we show that this border can become so
6 permeable as to disappear, thus challenging the very notion of border establishment and
7 maintenance. Third, we challenge theoretical understanding of the link between border
8 permeability and work-life enrichment, showing that contrary to expectations (Bulger et al.,
9 2007), the extreme permeability of our participants' personal life border did not enable transfer
10 of resources between domains. Finally, we identify the 'patriarchy paradox', wherein the
11 traditional and strongly gendered family configuration of polygamy functions as a career-
12 building resource rather than an obstacle for the women in our study by decreasing their share
13 of unpaid domestic labour. The sections below present the framework of border theory and link
14 this first to extant literature on women in law and WLB and then to implications for female
15 legal professionals in the specific context of Nigeria.

33 **Work-life balance and borders**

34
35 Clark's (2000) border theory conceptualises work and family, or more broadly personal
36 life, as separate but interdependent domains. These domains are separated by borders,
37 imaginary lines of demarcation that define where and when domain-relevant behaviour takes
38 place; for example, job tasks may be performed in the office but not at the gym; family activities
39 may take place on weekends but not in the middle of a weekday. The agentic nature of border-
40 crossers is a key element of border theory, with individuals seen as active protagonists who
41 strategically establish and make changes to borders within known situational, organisational or
42 family constraints. Clark (2000) describes individuals as enactive rather than reactive in
43 creating a satisfactory WLB via border management tactics, and research has evidenced ways
44 in which professionals strategically establish or shift borders to meet both work and nonwork
45 demands (Moen et al., 2013). Members of a domain who help to negotiate what constitutes a
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3 domain and where its border lies are “border-keepers”; for example, supervisors at work and
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5 family members at home.
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8 Borders are characterised in part by how permeable they are, i.e., the extent to which
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10 elements from other domains can enter. Greater border permeability usually results in more
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12 work-life conflict arising from negative interruptions from one domain to another but can also
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14 facilitate work-life enrichment when positive attributes associated with one domain are
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16 transferred to another (Bulger et al., 2007). Due to the continued emphasis on women as
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18 primary family caregivers despite their increasing presence in the labour force (Wall and
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20 Arnold, 2007), women’s borders are generally acknowledged as being more permeable than
21
22 men’s, and the greater involvement of employed women in unpaid household work compared
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24 to men (Blair-Loy et al., 2015; Yavorsky et al., 2015) contributes to difficulties in achieving a
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26 satisfactory balance (Fahlén, 2014). This is particularly the case for women in occupations
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28 requiring long hours and high work effort, such as law.
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32 33 **Border management in the legal profession**

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35 Law is known as a demanding profession with regard to both work time and work effort.
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37 An average working day throughout the profession is 10-12 hours and attending client
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39 functions and social activities after hours is often expected (Bolton and Muzio, 2007). In the
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41 context of border theory, the border around legal professionals’ work must be strong to
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43 withstand any interruptions from the personal life domain, while the border around personal
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45 life must be permeable enough to accommodate work activities that take place during what
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47 would normally be considered leisure or family time and in venues not typically associated
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49 with work. Although legal professionals often enjoy a considerable degree of schedule control
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51 and decision making latitude over their work, these resources may actually increase border
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53 permeability as workers respond to heavy job demands by working or thinking about work
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55 during nonwork time (Schieman et al., 2009).
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3 High expectations for professionals' work time and effort are based on a historical
4 "ideal worker" who has no caregiving responsibilities for home or family, and despite gender
5 parity in overall numbers (Law Society, 2018) the occupational culture of law is characterized
6 by masculine rituals and symbols as well as misogyny, harassment of and discrimination
7 toward women (Dinovitzer and Hagan, 2014; Kay and Gorman, 2008; Pringle et al., 2017).
8 While employers interpret fatherhood as a sign of stability and career commitment for male
9 lawyers (Kay and Gorman, 2008), motherhood serves as a cue for superiors to negatively
10 evaluate female lawyers' competence, commitment and marketability to clients (Briscoe and
11 Kellogg, 2011). In this context, women's options for creating effective borders between work
12 and personal life are limited.
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26 **Women in law: The Nigerian context**

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28 As elsewhere, the legal sector in Nigeria is characterised by patterns of vertical and
29 horizontal gender segregation. The ratio of women to men in Nigeria entering the legal
30 profession is about 60:40, but these high numbers are not reflected at senior levels of the
31 profession; long work hours and a highly competitive work culture in private practice have
32 contributed to feminisation of the judiciary and corporate legal sector, while the top echelons
33 of private practice remain male-dominated (Adekoya, 2009). For example, women account for
34 86.3% of judges in the Lagos State High Court, but only for 30% of partners in Nigeria's ten
35 leading law firms (Oluyede, 2015).
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47 While many of the demands arising from the combination of women's professional and
48 personal lives are similar for lawyers in the West and in Nigeria, the embedded nature of
49 patriarchy in all Nigerian systems and institutions (Adisa et al., 2021) means that many
50 pressures differ in nature or in scope. Gendered expectations for domestic work and childcare
51 are exacerbated in Nigeria by religious value systems in which women's roles of wife and
52 mother are viewed as "God-given" (Mordi et al., 2010) and generate widespread attitudes that
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3 women should be confined to the home domain (Makama, 2013). Women's caring obligations
4 often extend beyond the immediate family to an extended kin network (Mordi et al., 2010;
5 Staveren and Ode bode, 2007); given limited social welfare and healthcare provision for the
6 elderly and disabled in Nigeria, these responsibilities can be onerous, particularly for women
7 working long hours outside the home.
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15 These norms place Nigerian female legal professionals in a difficult position when it
16 comes to establishing and maintaining borders between work and home. Tactics such as
17 delaying or foregoing motherhood are socially unacceptable in a country where 43% of girls
18 are married by the age of 18 years, the median age for birth of a first child is 20.4 years and
19 women have an average of 5.3 children (National Population Commission, 2019; United
20 Nations Population Fund, 2021). Women's autonomy is often constrained by the need to
21 procure the permission of husbands or fathers for any meaningful decision making (Adisa et
22 al., 2019). Men's desires are privileged over women's and a prevalent view is that women are
23 "tools to be used by men" (Arisi and Oromareghake, 2011: 370). Fully 31% of married
24 Nigerian women agree that wife beating is justified in instances where women argue with their
25 husbands, leave the house without telling him, burn his food or refuse sexual intercourse with
26 him (National Population Commission, 2019).
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43 Nigerian women in law do have access to resources not typically available to their
44 Western counterparts. White collar, urban workers in Nigeria often rely upon full-time
45 domestic workers (drivers and "house helps") and extended family members such as in-laws
46 and relatives from more economically deprived, rural areas to perform childcare and household
47 work and thereby protect the work border from family-related interruptions (Adisa et al., 2016).
48 High socioeconomic status and the access to resources this entails thereby render female legal
49 professionals in Nigeria privileged compared to many of their compatriots. However, the
50 demanding occupational culture of law combined with strong gender norms pose considerable
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3 challenges for the effective management of borders to achieve a satisfactory balance between
4 domains. While border theory accounts for situational, organizational or family constraints
5 within which individuals negotiate and make changes to borders, to what extent can individuals
6 be enactive in border management in the context of Nigeria's strongly patriarchal culture? To
7 answer this question, the present study explores the WLB experiences of female lawyers,
8 justices and magistrates in Nigeria.
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17 **Methodology**

19 Given the context-specific nature of the research question, which is concerned with the
20 subjective experiences of women in a particular profession in a particular geographical location,
21 a qualitative methodology was deemed appropriate for the study. An interpretivist approach
22 was employed to understand female Nigerian legal professionals' experiences of border
23 management by examining their interpretations of those experiences. This approach facilitates
24 understanding of the participants' motives, emotions, actions and experiences from their own
25 perspectives rather than from those of the researchers.
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35 *Sample*

37 Participants were recruited in five Nigerian cities (Abuja, Ibadan, Ilorin, Kaduna and
38 Lagos) using both purposive and snowball sampling. These techniques have benefits and
39 disadvantages. Purposive sampling permits researchers to select participants who are well
40 suited to achieve the research objectives of a small-scale study and this method is both cost-
41 and time-effective. Snowball sampling enables researchers to access members of populations
42 that may be difficult to reach otherwise. Both types of sampling are, however, vulnerable to
43 sampling bias. When researchers select the initial participants and these participants go on to
44 nominate individuals of their own acquaintance for involvement in the study, the possibility
45 arises that the sample will share characteristics to a greater degree than would be the case in a
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3 random sample of the target population. This sample cannot therefore be considered either
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5 representative or generalisable.
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8 The final sample consisted of 32 women: six magistrates, two justices and 24 lawyers.
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10 As shown in Table 1, respondents varied in terms of age, marital status, family composition
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12 and hours worked weekly. The purpose and procedures of the study were clearly explained to
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14 the participants and anonymity for themselves and their employers was assured.
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20 INSERT TABLE 1 ABOUT HERE
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25 *Data collection*

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28 Semi-structured interviews were conducted by the second author at a time and setting
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30 chosen by the participants. The interview guide consisted of four (multi-part) core questions,
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32 from which follow-up questions and/or probes were employed depending on participants'
33
34 responses. This approach left space for participants to voice issues that were important in their
35
36 day to day lived experience, free of researcher assumptions. The core questions (available in
37
38 the Appendix) were guided by constructs from the literature on border theory and boundary
39
40 management and focused broadly on facilitators of and constraints on participants' ability to
41
42 manage demands from work and home domains, as well as participants' "border crossing"
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44 experiences.
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48 As recommended by Myers (2008), the researchers remained open to new themes
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50 during the entire process of data collection and refined the interview guide in light of emergent
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52 themes. For example, the influence of polygamy on WLB became salient and so the researchers
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54 adapted their approach to accommodate this unanticipated topic. Although the sample was
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56 heterogeneous in terms of demographics, there were few variations in the participants'
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58 experiences of managing work and home demands. This enabled the achievement of saturation.
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3 Interviews were conducted in English and were of one hour's duration on average. Twenty-
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5 four interviews were recorded and transcribed verbatim with the permission of the interviewees,
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7 and detailed notes were taken in the case of the eight interviewees who preferred not to be
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9 recorded.
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12 One of the researchers is of Nigerian heritage, and we acknowledge it is possible this
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14 same connection might shape our assumptions and latently influence our understanding of the
15
16 phenomena that we studied. However, this heritage was helpful to the research team in
17
18 understanding the cultural context of the study and some of the issues raised by the participants.
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20 For example, the issue of polygamy resonates with the Nigerian researcher as he is also a
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22 product of a polygamous family. Despite being resident in the United Kingdom, the Nigerian
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24 researcher was clearly considered by participants as an 'insider' who understands the culture, and
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26 this helped to establish a rapport and engender a climate of trust. This insider status was also useful in
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28 helping the team to recruit participants to the study.
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32 33 *Data analysis*

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35 Thematic analysis was conducted (Braun and Clarke, 2006). As the researchers read
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37 and re-read the transcripts and notes, they engaged in a form of pattern recognition in which
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39 recurring themes were identified and used as categories for analysis (Fereday and Muir-
40
41 Cochrane, 2006). When reading transcripts, the researchers first coded inductively to
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43 summarise the surface meaning of the data (e.g., 'verbal abuse from public'). This first stage
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45 was performed independently and the researchers then engaged in a process of triangulation in
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47 which they discussed their interpretations of the data and reconciled and refined the codes (e.g.,
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49 amalgamating verbal and physical assaults from the public; differentiating types of help
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51 provided by secondary wives). Codes were subsequently grouped into categories (organising
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53 themes), the identification of which was informed but not restricted to concepts from the
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55 literature on border theory (e.g., border keepers, border crossing, border management). Finally,
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3 the organising themes were sorted into two overarching themes (permeability of family border
4 and imposed polygamy) and reviewed to make sure that data within themes fit together and
5 that there were meaningful distinctions between themes (Patton, 1990). Table 2 (supplemental
6 material) summarises this hierarchy of themes.
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12 **Insert Table 2 About Here**
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14 **Findings**

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16 Participants' experiences of managing work and home demands took place in a context
17 described by participants as characterised by excessive work hours, negative assumptions
18 among clients and employers about women's professional competence, and strong societal and
19 family pressure to fulfil domestic duties regardless of paid work commitments. While these
20 challenges echo research on female legal professionals in a Western context (see Kay and
21 Gorman, 2008 for a review), this manuscript will focus on two key themes not heretofore
22 reported in the work-life literature. In the following sections, we first introduce the findings on
23 how societal attitudes toward legal professionals in Nigeria rendered the study participants
24 vulnerable to *family border permeability* in the form of verbal and physical assault from
25 members of the public during nonwork time. We then report on how *imposed polygamy*
26 generated new border-keepers in the form of co-wives, who protected participants' family
27 borders from work interruptions. Throughout, we seek to demonstrate how participants'
28 individual-level experiences of border management are shaped by social and cultural systems
29 underpinned by patriarchy.
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48 *Personal life border permeability*

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51 The majority of women in this study encountered negative attitudes from members of
52 the public regarding legal professionals' role in trying offenders. Specifically, the widespread
53 belief that legal professionals are personally responsible for the outcomes of trials or hearings
54 resulted in aggressive behaviours that had a considerable and harmful impact on participants'
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3 physical and psychological well-being. Participants reported being confronted, harassed, and
4 assaulted by friends and family members of convicted offenders when they engaged in family,
5 social or recreational activities outside of work hours. This represents a breaching of the
6 personal life border by work-related forces.
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12 *Three women attacked me in church after the church service ...they said I prosecuted*
13 *their brother and he was jailed. By the time people intervened, I had sustained bruises to*
14 *my face. Exactly the same thing happened about four months ago at my cousin's wedding.*
15 *(Lawyer, 43, three children, works 68 hours per week).*
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18 The accounts of some study participants indicated that male colleagues have
19 encountered similar attitudes and were also subject to verbal abuse and physical intimidation.
20 Women, however, are at particular risk of involuntary personal life border permeability.
21 Women's agency in this regard is impacted by the subordinate status they occupy in a strongly
22 patriarchal society. When women's professional competence is often called into question by
23 employers and clients (Adisa et al., 2021), this leaves the door open for those in receipt of
24 unfavourable legal outcomes to denigrate women in law and seek retribution for what is
25 perceived as substandard performance. There is some suggestion in the Western law literature
26 that women lawyers are more vulnerable to violence from clients due to chauvinistic attitudes
27 that paint women as poorly suited to complex intellectual labour and cast doubt on the quality
28 of their work (Brown and MacAlister, 2006).
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43 Being cast as the "weaker sex" also influences the permeability of women's personal
44 life border by rendering women more vulnerable to physical assault. This is not altogether
45 unique to Nigeria; for example, Brown's (2011) study of Canadian lawyers found that more
46 women than men reported being victimised, and male participants theorised that they
47 themselves were less at risk because their gender and body size disincentivised aggression from
48 aggrieved clients or related parties. However, there is a high (and increasing) prevalence of
49 violence against women in Nigeria, with the percentage of women who have experienced
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3 physical violence since age 15 growing from 28% in 2008 to 31% in 2018 (National Population
4 Commission, 2019). This normalises the practice of not respecting women's boundaries.
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8 Participants made frequent mention of Nigeria's shortfall in police numbers (New
9 Telegraph, 2018), describing the absence of police protection in public places as putting them
10 in danger. The judiciary in Nigeria has police personnel attached to its members for protection
11 in public spaces, effectively rendering police attachés 'border-keepers' tasked with
12 safeguarding justices' private lives from work-related intrusions. This measure is not always
13 effective, however. Police are therefore tacitly acknowledged as key border-keepers for women
14 in law, but their role was most frequently referenced in the context of absence or failure, thus
15 reinforcing women's vulnerability to involuntary and often violent border permeability.
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26 *I attended a family friend's daughter's wedding in the rural part of the state. This is a*
27 *place where there is no police presence. About an hour after I arrived at the wedding,*
28 *some hoodlums stormed the party and insisted on taking me away. I sentenced one of*
29 *them to life in jail about a year before and they want revenge for him. My [police] attaché*
30 *was seriously wounded and it took the plea of the community head before I was allowed*
31 *to leave but not without bruises to my body. (Justice, 51, one child, works 50 hours per*
32 *week)*
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36 These violations of the border around personal life resulted in participants feeling
37 unsafe and perceiving that public appearances put their family members and themselves in
38 danger. To reduce the risk of further attacks, participants study gradually withdrew from non-
39 work activities that took place outside the home.
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45 *One day, I was jogging down the road; two hefty guys stopped me and rained down all*
46 *sorts of abuse on me for sentencing them a few years back. I had to stop [jogging] when*
47 *similar incidents happened in succession a few months later. This resulted in my going*
48 *to the gym where I thought would be more secure, but the same thing kept repeating itself*
49 *and even sometimes at social gatherings... (Magistrate, 47, two children, works 50 hours*
50 *per week)*
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53 *I cannot go to public places as I like because I am susceptible to harassment from people*
54 *who I may have stood against in court, which obviously affects my work-life balance*
55 *greatly ... As you may know that there is a shortage of police in Nigeria, I fear that*
56 *someone would have done something terrible to me before the arrival of the police. So,*
57 *personal safety, for me, is an issue. (Lawyer, 37, two children, works 45 hours per week)*
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3 The pervasive public belief that legal professionals are not simply instruments of the
4 law but can be held personally responsible for judicial outcomes did not always manifest itself
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6 in verbal and physical abuse. In some instances, participants were approached by members of
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8 the public and found themselves the recipients of expressions of gratitude.
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12 *Another attitude that often puts me off is when people keep thanking me everywhere I go*
13 *for acquitting or granting an accused person bail. I always tell them it's not me but the*
14 *provisions of law. A couple of my colleagues also experience similar issues. ... I now*
15 *avoid going to public places like taking a walk in the morning or evening, going to the*
16 *gym or restaurants, attending social functions, and even going to church. (Lawyer, 40,*
17 *two children, works 72 hours per week)*
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20 While undoubtedly less distressing than physical attacks or recriminations, these
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22 “positive” encounters still represented violations of the border around legal professionals’
23 personal lives and ultimately had the same effect as the more negative confrontations; the
24 women felt progressively more vulnerable in public places and increasingly retreated from
25 leisure activities and involvement in community events. Withdrawing from public spaces
26 rendered these women safer on the one hand and increasingly isolated on the other, reinforcing
27 patriarchal values for women to occupy the domestic rather than public sphere.
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36 *Imposed polygamy*

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39 Polygamy, the custom of having more than one spouse, continues to be practised in
40 almost all parts of Nigeria in the form of polygyny, in which men have multiple wives but
41 women have only one husband (Alewo and Olong, 2012). Approximately 31% of married
42 women in Nigeria have one or more co-wives with this figure rising to 50% in the
43 predominantly Muslim state of Katsina (National Population Commission, 2019). While
44 polygamy may be more common among Muslim Nigerians, many Christian churches in Africa
45 have recognized polygamous relationships in their congregations (Baloyi, 2013).
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54 Polygamy is therefore not an unusual household configuration in Nigeria. Among our
55 study sample of urban, professional women, just under 22% reported being in polygamous
56 marriages. This family reconfiguration was entirely outside of their control; none of the women
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3 had chosen to be in a polygamous relationship, and each had undergone a painful period of
4 adjustment after her husband made a unilateral decision to take a supplementary wife or wives.
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6 However, all seven women identified polygamy as having become a factor that unexpectedly
7 enhanced their perceptions of balance between work and personal life. These women all
8 worked long hours and continued to struggle to fulfil both work and domestic responsibilities
9 but found that the contribution of their co-wives to household work left them with more time
10 and energy for both work and non-work activities than they had previously experienced as
11 members of monogamous partnerships.
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22 *Combining my work and primary responsibilities of housekeeping and childcare is*
23 *difficult. But I now have a breather with my husband marrying a second wife...she with*
24 *the help of our housemaid does 70% of the domestic chores. It helps me focus more at*
25 *work. (Lawyer, 36, four children, works 72 hours per week)*
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27
28 *[T]he second and third wives are very useful to me. They do almost all of the domestic*
29 *chores and even look after my children. I now have time to attend to a few non-work*
30 *activities, which was impossible for me when it was just me and my husband. (Lawyer,*
31 *33, four children, works 72 hours per week)*
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Secondary wives in this context took on the role of border-keepers, strengthening the work border by protecting the time and energy that participants required for paid work from being impinged upon by domestic labour. While all the study participants in polygamous marriages reported that their co-wives lessened the domestic burden by taking on household tasks and childcare, two women also reported that secondary wives provided assistance with paid work tasks as well. This strengthened participants' personal life border by reducing their workload and its tendency to spill over into nonwork time.

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60 *The second wife is a lawyer too, a junior colleague. She not only help at home with*
domestic chores, she also help me with work assignments a lot. My work-life balance is
a lot better now. (Lawyer, 39, two children, works 72 hours per week)

As much as I detest polygamy, it later turned out to be a blessing in disguise for me. The
supplementary wife - that is what I call my husband's new wife - is educated. Aside from
the domestic chores which I hardly do nowadays, she sometimes help me with
administrative work when I am really busy at work... I wish he gets another wife so that

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3 *I can have more helpers - just joking! (Magistrate, 39, two children, works 50 hours per*
4 *week)*
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7 In the absence of any meaningful ability to exercise agency in this reconfiguration of
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9 their family, women framed polygamy's beneficial effects upon WLB as the 'silver lining' of
10
11 an otherwise unwelcome and irreversible scenario. None of the study participants in a
12
13 polygamous relationship saw themselves as having the power to change this situation.
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15 Although the Nigerian constitution specifies equal rights for women and men, cultural norms
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17 emphasise the supremacy of men over women (Arisi and Oromareghake, 2011) and women in
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19 Nigeria are often treated as subordinate to men in legal proceedings (Mordi et al., 2010).
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21 Patriarchal norms surrounding marriage, divorce, child custody, and inheritance prioritise the
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23 rights of men, fathers and sons over those of women, mothers and daughters and thus the
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25 Nigerian family institution contributes to an unequal balance of power between men and
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27 women (Staveren and Ode bode, 2007).
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32 *Initially, I intended to sue him, but I was quickly reminded by my friends and family that*
33 *I dare not...a man is allowed to do that in Nigeria...you know, in Africa, a man is the*
34 *head of the family, he shares no equal right with his wife or wives, and whatever decision*
35 *he takes stands. (Lawyer, 33, four children, works 72 hours per week)*
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38 Irrespective of the 'silver lining' or "blessing in disguise" rhetoric, polygamy was not
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40 presented as a desirable circumstance by any of the study's participants. The emotional distress
41
42 and marital conflict generated by the imposition of this family reconfiguration was evident in
43
44 participants' accounts even as they acknowledged the benefits of a reduced domestic workload
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46 and more personal time.
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49 *I dislike his action of marrying a second wife with a strong passion. I can't stand living*
50 *under the same roof with his second wife, she lives a bit far away in the town. But the*
51 *good thing is that he now spends more time with her in her house which means that I*
52 *don't have to care about cooking for him, doing his laundries, and other things to make*
53 *him comfortable, leaving me to enjoy my non-work time. (Magistrate, 45, five children,*
54 *works 45 hours per week)*
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58 *She [the second wife] always help, in fact I cannot remember the last time I cook or do*
59 *any domestic work, she does everything. But I am still struggling with the emotional*
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3 *disappointment that my husband married a second wife. My doctor recommended*
4 *counselling sessions to me and I have attended three so far. (Lawyer, 35, three children,*
5 *works 72 hours per week)*
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8 Polygamy is considered a symbol of higher social status in Nigeria as it signals to others
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10 that a man is wealthy enough to support more than one spouse and also enlarges his kinship
11 network, increasing his social capital (Audu et al., 2008). Moreover, research among Muslim
12 and Christian men and women has found that both groups often attribute engaging in polygamy
13 to the desire to fulfil religious obligations (Saddiq et al., 2010). The institution of religion here
14 reinforces the system of patriarchy and its values of male supremacy and female subordination.
15 Given strong cultural and religious drivers for polygamy, it becomes very difficult for women
16 to successfully “opt out” of this institution.
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28 **Discussion**

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31 This study examines border theory and challenges the concept of border management
32 in the context of Nigeria’s patriarchal relations of power. We make a unique contribution by
33 highlighting two phenomena experienced by women in law in Nigeria that extend current
34 understanding of border theory in contexts where women’s agency is constrained by social and
35 cultural systems underpinned by patriarchy and where institutions such as religion serve to
36 maintain patriarchal domination. Faced with the public harassment of legal professionals and
37 the imposition of polygamous marriage, the women participating in this study employed new
38 border management tactics to limit negative intrusions from one domain to another. Personal
39 life borders were reconstructed to extend no further than women’s homes and additional
40 border-keepers were recruited (or imposed). Police attachés accompanied justices to protect
41 the personal life border in public spaces, while co-wives protected the work border by reducing
42 the extent to which household responsibilities negatively impacted the completion of work
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3 activities. In some cases, co-wives also protected the personal life border by completing paid
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5 work tasks that might otherwise have infringed upon family or leisure time.
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8 While our participants engaged in border management tactics, they did so in reaction
9
10 to involuntary events rather than enacting preferred strategies within known situational
11
12 constraints. Clark's (2000) articulation of border theory emphasises how individuals are active
13
14 protagonists in the shaping and maintenance of borders and she describes individuals in this
15
16 respect as being proactive or enactive. The women participating in this study experienced very
17
18 little agency in establishing and maintaining borders, however. They were reactive, responding
19
20 to transgressions from members of the public by removing themselves from public spaces and
21
22 accommodating the imposition of polygamy by using the unpaid labour of co-wives to
23
24 strengthen work and personal life borders. This key principle of border theory may therefore
25
26 need to be revised depending on cultural context, which influences demands faced and
27
28 resources available in work and family domains. Human capital in the form of advanced
29
30 educational qualifications and high socioeconomic status can be translated into agency and
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32 capabilities for enacting a satisfactory WLB, but institutional and societal factors can take
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34 agency away from individuals (Chatrakul Na Ayudhya et al., 2019). For the highly qualified
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36 and comparatively privileged women in the present study, the legitimised imposition of
37
38 polygamy and public harassment of legal professionals facilitated by patriarchal power
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40 relations eroded their agency and diminished their capabilities for maintaining chosen borders
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42 between work and personal life domains.
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48 49 *Rethinking border permeability*

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51 Being held personally responsible for legal outcomes placed the study participants at
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53 risk of verbal and physical attacks in public from friends and family members of convicted
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55 individuals, eliminating the physical, temporal and psychological borders separating women's
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57 work-related decision making from their personal lives. The implications of this finding for
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3 border theory are twofold. First, while research has long found that the border erected around
4 personal life is more flexible and permeable than that which protects work from family
5 intrusions (Moen et al., 2013), this study's findings indicate that the border can become so
6 permeable as to cease to exist altogether. This challenges the very notion of borders, as well as
7 the possibility of drawing effective lines of demarcation between different life domains.
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15 Second, the "borderless" situation identified in this research setting calls into question
16 current theoretical understanding of the interplay between border permeability and work-life
17 enrichment. Enrichment is assumed to take place when positive attributes associated with one
18 domain – such as emotions, skills or material resources – can be transferred to another domain
19 (Greenhaus and Powell, 2006). A highly permeable border would be expected to increase
20 enrichment as more resources can be transferred with more transitions (Bulger et al., 2007).
21 For the women in this study, however, the extreme permeability of the border surrounding
22 personal life did not facilitate enrichment. When members of the public approached legal
23 professionals outside of work hours to express gratitude for work-related decisions, these
24 interruptions were experienced as negative rather than positive encounters, generating
25 perceptions of work-life conflict. Taken together with the issue of border establishment and
26 maintenance in a context where attributions of personal responsibility for legal outcomes are
27 rife, this suggests limits to the cross-cultural applicability of some of the tenets of border theory.
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44 *The patriarchy paradox*

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47 The finding that study participants with co-wives identified these as aids to WLB is
48 unique in the extant work-life literature, which is situated predominantly in a Western context.
49 While this finding was unanticipated by the researchers, it is not so surprising in retrospect that
50 it emerged as a salient theme in the context of WLB. Research has consistently demonstrated
51 that household composition and its subsequent impact on domestic responsibilities plays an
52 important role in predicting conflict between work and nonwork domains; for instance, parents
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3 of young children routinely experience greater conflict than workers without dependent
4 children, while individuals who report few disagreements with their partners about the division
5 of household labour express greater satisfaction with WLB (Abendroth and den Dulk, 2011).
6
7 In this context, co-wives who take responsibility for household tasks and childcare function as
8 border-keepers for study participants, strengthening the work border such that legal
9 professionals are less likely to have domestic responsibilities encroach upon the time and
10 energy they spend on paid work and affording them “free” time in the process.
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13
14 The impact of polygamy on WLB presents something of a paradox; participation in a
15 traditional, patriarchal arrangement that subordinates women enables the legal professionals in
16 this study to build their careers. In the West, the literature on women in law details the existence
17 of a “maternal wall” to career advancement, with a number of studies demonstrating that female
18 lawyers engage in “postponed parenting” or forego having children altogether in response to
19 concerns that motherhood and career progress are incompatible goals (Kay and Gorman, 2008).
20 Family is often positioned as a constraint on career success for women across all industries,
21 and evidence-based models of women’s career development suggest that stagnation occurs
22 mid-career when women have children (O’Neil and Bilimoria, 2005). For a subset of this
23 study’s sample, however, a traditional and highly gendered family arrangement – polygamy –
24 serves as a resource rather than an obstacle for career building by reducing the competing
25 burden of unpaid domestic labour.
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46 This finding calls to mind Bell and Nkomo’s (2001) argument that for women of colour,
47 family ties may serve more as a support system contributing to upward mobility than as a
48 system of oppression. This is true only for the comparatively privileged first wives in this study,
49 however. It cannot be argued from an ethical perspective that a polygamous household
50 composition is an emancipatory factor with regard to WLB for women in Nigeria, or elsewhere
51 in sub-Saharan Africa where polygamy is practiced. The practice of polygamy embodies
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3 asymmetrical power relations between men and women by reducing women's autonomy and
4 increasing men's dominance (Saddiq et al., 2010). Polygamy also creates inequality between
5 women in polygamous relationships (Munro et al., 2010). In order for polygamy to improve
6 the WLB of high-status first wives, one or more lower-status, secondary wives must contribute
7 additional unpaid labour to the household. This exacerbates the subordination of secondary
8 wives to first wives and decreases the opportunities of secondary wives to engage in paid work
9 activities and thereby raise their own status.

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Researchers in gender and labour studies have noted that the opportunity for professional women to advance their careers is often contingent upon the employment of lower-status women to perform household work and childcare (He and Wu, 2019; Holvino, 2010). Polygamy adds an extra dimension to this phenomenon, placing the study participants at the nexus of both inequality (with regard to gender) and privilege (with regard to class). As women in a strongly patriarchal society, they are subordinated by men and subjected to non-consensual polygamous relationships. As professionals and first wives, however, they are able to use their social status to exploit secondary wives as unpaid household helpers and, in two cases, as work assistants who facilitate their WLB. As scholars adopting an intersectional approach to research posit, the experiences of an individual cannot be understood in the context of single demographic categories such as gender or social class; instead, the interdependent functions of these categories must be examined (McBride et al., 2015).

Conclusions and future research

Work-life balance does not occur in a vacuum; through their impact on border-keeping and power structures, patriarchal social norms influence the experience of managing both work and nonwork commitments. As in the case with their counterparts in other countries, Nigerian women in law struggle to meet the demands of their multiple roles as professionals, wives, mothers, caregivers, housekeepers and community members. According to border theory, if it

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3 is neither possible nor desirable for an organisation's culture to facilitate WLB, then borders
4 around each life domain should be kept strong so that employees can maintain balance (Clark,
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6 2000). In light of societal attitudes in Nigeria toward legal professionals and women's
7
8 subordination to men, however, it becomes very difficult for organisations or individual women
9
10 to enact and maintain strong borders separating work from personal life. Border-keeping
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12 mechanisms employed by the women in this study included withdrawing from family, social
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14 and leisure activities outside the home and exploiting unpaid labour provided by polygamous
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16 marriages, both of which were experienced as a steep price to pay for reducing interruptions
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18 between domains.
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24 The emergence of polygamy as an unexpected facilitator of WLB highlights the
25
26 importance of taking an intersectional approach in order to recognize how gender hierarchies
27
28 and structures of privilege differ depending on cultural context (Purkayastha, 2012). This
29
30 finding points the way to future research on the work-life interface in sub-Saharan Africa,
31
32 particularly in polygamous households. How is the allocation of domestic and paid work
33
34 negotiated among household members and how do these negotiations compare to those in
35
36 couple households? Cross-over effects of work-life conflict have been studied in couple
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38 households (e.g., Lu et al., 2016) and extending this research to polygamous households may
39
40 yield new insights regarding the role played by power differentials within family units. Finally,
41
42 secondary wives represent a new population of study for the work-life literature and an
43
44 opportunity to extend the focus of analysis beyond the couple (Özbilgin et al., 2011). Their role
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46 in facilitating the WLB of first wives warrants further investigation, as does the impact of
47
48 polygamy on the economic activity and aspirations of employed secondary wives.
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Table 1: Participants

Respondent	Profession	Age	Marital status	Years of professional experience	Number of children	Hours worked/week
R1	Lawyer	38	Married	9	3	72
R2	Lawyer	42	Married	12	3	68
R3	Lawyer	34	Married	8	2	68
R4	Lawyer	29	Married	5	1	45
R5	Lawyer	28	Single	3	2	68
R6	Lawyer	46	Married	12	4	45
R7	Lawyer	33	Married	7	4	72
R8	Lawyer	35	Married	8	3	72
R9	Magistrate	47	Divorced	10	3	50
R10	Magistrate	39	Married	13	2	50
R11	Magistrate	44	Married	8	4	45
R12	Magistrate	45	Married	9	5	45
R13	Magistrate	44	Divorced	8	3	50
R14	Magistrate	47	Married	6	2	50
R15	Justice	51	Divorced	6	1	50
R16	Justice	49	Married	4	1	50
R17	Lawyer	32	Single	4	3	70
R18	Lawyer	36	Married	5	4	72
R19	Lawyer	34	Divorced	5	2	45
R20	Lawyer	39	Married	7	2	45
R21	Lawyer	40	Married	10	2	72
R22	Lawyer	39	Married	8	1	72
R23	Lawyer	43	Divorced	12	3	68
R24	Lawyer	45	Married	14	4	72
R25	Lawyer	42	Married	11	4	72
R26	Lawyer	39	Divorced	8	3	68
R27	Lawyer	37	Married	5	2	45
R28	Lawyer	39	Divorced	9	4	68
R29	Lawyer	38	Married	9	2	45
R30	Lawyer	33	Married	8	3	72
R31	Lawyer	34	Married	7	2	45
R32	Lawyer	39	Married	11	2	72

Table 2: Basic, Organizing, and Global Themes

Illustrative data extracts	Basic Themes (Codes)	Organising themes	Global themes
<i>Three women attacked me in church after the church service ...they said I prosecuted their brother and he was jailed. By the time people intervened, I had sustained bruises to my face.</i>	Physical and verbal assault	Intrusions by members of public (involuntary border crossing)	Personal life border permeability
<i>Another attitude that often puts me off is when people keep thanking me everywhere I go for acquitting or granting an accused person bail.</i>	Expressions of gratitude		
<i>I fear that someone would have done something terrible to me before the arrival of the police. So, personal safety, for me, is an issue.</i>	Personal safety concerns		
<i>[A] friend was harassed at the market by a woman whose son got a jail term as result of my friend's painstaking advocacy against her son in the court. There was no police presence in the market and she was really molested.</i>	Border-keeping role of police	Border management tactics	
<i>I had to stop [jogging] when similar incidents happened in succession a few months later.</i>	Cessation of non-work activities		
<i>I now avoid going to public places</i>	Avoidance of public places		
<i>I now have a breather with my husband marrying a second wife...she with the help of our housemaid does 70% of the domestic chores. It helps me focus more at work.</i>	Help with domestic work strengthening work border	Border-keeping role of secondary wives	Imposition of polygamy
<i>The second wife is a lawyer too, a junior colleague. She not only help at home with domestic chores, she also help me with work assignments a lot.</i>	Help with paid work strengthening family border		
<i>I am still struggling with the emotional disappointment that my husband married a second wife.</i>	Emotional distress	Lack of agency	
<i>Initially, I intended to sue him, but ... a man is the head of the family, he shares no equal right with his wife or wives, and whatever decision he takes stands. As time goes on, however, I realise the second and third wives are very useful to me.</i>	Improved WLB as 'silver lining'		

Appendix: Interview Guide

1. Let's talk about how you manage work and non-work demands. What forces in your life facilitate your ability to meet both sets of demands? What forces hinder you from doing so?
2. To what extent do your family life, and your family responsibilities, impact your work-life balance?
3. To what extent do your work responsibilities impact your work-life balance?
4. How flexible are you able / willing to be in terms of attending to work-related duties while you're at home? How flexible are you able / willing to be in terms of attending to family or community-related duties when you're at work?

For Peer Review Only